

transportation did not ply due to declaration of curfew or any other reason, seven days, excluding the time required for journey, after the date of resumption of such route or means of public transportation,

- (d) In the case of expiration of the time-limit or date for appearance because of that the person required to appear within the time-limit or at the date for appearance was abducted or taken hostage by any one, ten days, excluding the time required for journey, after the date of being released from abduction or hostage-taking,
- (e) In the case of expiration of the time-limit or date for appearance because of the occurrence of a disaster such as earthquake and volcano eruption, ten days, excluding the time required for journey, after the date of occurrence of such calamity.
- (f) If the person, because of being unconscious or unable to make movement because of any accident or being unable to make movement due to suffering from any severe disease all of a sudden, had to undergo treatment in a hospital, fifteen days, excluding the time required for journey, after the date of such cause.

(2) A petition to be made for the extension of the expired time-limit or date for appearance pursuant to sub-section (1) shall be accompanied by such evidence as may be necessary to prove the occurrence of the circumstance referred to in that sub-section.

226. To take over case: If, during the pendency of proceeding of a case in a court, prior to judgment in the case, the time-limit or date for appearance appointed by the court expires because of the death of any party to the case or being unsound mind even until the period referred to in clause (f) of sub-section (1) of Section 225 or his or her disappearance, his or her guardian or nearest successor, in absence of the guardian, may make a petition to the court for the extension of the time-limit or date for appearance and taking over the case, within twenty-one days, excluding the time required for journey, after the date of his or her death, unsoundness or disappearance.

(2) If, in examining the petition made pursuant to sub-section (1), its contents appear to be reasonable, the court may allow such a case to be continued and extend the expired time-limit or date for appearance.

227. Computation of time required for journey: (1) The court shall, in computing the time required for journey compute the time required for journey according to the actual days required to make journey by bus or rail in the case of a place where regular transport service is available and at the rate of one day for every fifteen kilometers in the case of a place where such bus or rail service is not available.

(2) In computing the time required for journey pursuant to sub-section (1), the time-limit of one day shall be set for a distance of less than fifteen kilometers.

Provided that no time required for journey shall be given for a distance of less than fifteen kilometers.

228. Not to adjudicate until the extendable period: Even though a party to the case fails to appear within the time-limit or on the date for appearance appointed by the court and expires such time-limit or date, the court shall not hear and adjudicate the case pending the termination of the period allowed to be extended pursuant to Section 223 or 225.

Ministry of Law, Justice and Parliamentary Affairs

Chapter-22

Provisions Relating to Execution of Judgments

229. Records to be prepared: (1) If the court makes a judgment ordering the enforcement, registration and de-registration of the matter, transmission, pre-emption, partition, realization of claimed amount, recovery of fine or realization of court fee, the concerned employee shall, as soon as possible, prepare a record thereof and send it to the bailiff section (*Tahasil Sakha*) within three days of the preparation of the judgment.

Explanation: For the purposes of this Chapter, the term "claimed amount" means any amount whatsoever including compensation awarded by a judgment.

(2) Upon receipt of the record pursuant to sub-section (1), the concerned employee shall create a separate case-file, attaching therewith a copy of the judgment, for the execution of the judgment.

(3) If the record referred to in sub-section (2) has been prepared by the appeal hearing court, the concerned employee shall forward such a case-file, accompanied by the record, to the concerned district court within three days of the preparation of the judgment.

230. Execution of judgment or order by concerned district court: (1) The district court where the plaint or complaint was filed shall execute the judgment made in such a case irrespective of the level of the court making judgment in the case.

(2) The concerned district court shall execute the judgment in a case originally proceeded and adjudicated by the appeal hearing court.

(3) Notwithstanding anything contained elsewhere in this Section, if the district court to execute the judgment or order cannot be ascertained because of the subject matter of the case, the district court designated by the appeal hearing court shall execute the judgment or order in that case.

(4) Notwithstanding anything contained elsewhere in this Section, the concerned body shall execute any judgment or order made by any body other than the regular court.

(5) Notwithstanding anything contained in sub-section (4), the court shall execute a judgment in accordance with this Act except as otherwise provided by law for the execution of judgment or order.

(6) If the court makes a judgment or order for reinstating or removing any one in or from any office, the court shall, except as otherwise provided in this Act or the laws in force, send a precept to the concerned body or office for the execution of such a judgment or order within three days of the making of such a judgment or order.

(7) Upon receipt of a precept pursuant to sub-section (6), the concerned body or office shall execute it accordingly and give information thereof to the concerned court. If such information is not given, the court may order also to take departmental action against the person who acts as the chief of the concerned body or office.

231. Stay of execution of judgment: Notwithstanding anything contained in Section 230, the court shall stay the execution of a judgment in the following circumstance:

- (a) If the judgment is appealable, until the expiration of the time-limit for making appeal,
- (b) If an appeal is made in a case which is appealable under law, until the final adjudication of the case at the appellate level,
- (c) If an order is made to review a case pursuant to Section 219, until the adjudication thereof,
- (d) If an order is made to revise a case pursuant to Section 220, until the final adjudication thereof.

232. Not to bar execution of judgment or deed of compromise: Notwithstanding anything contained elsewhere in this Chapter, nothing shall bar the execution of a judgment or deed of compromise in the following circumstance:

- (a) If a petition made by a party for the review or revision of a judgment made in any case is *sub judice* in a court, to execute the judgment made in such a case, except as otherwise ordered by the court, merely by the reason that such a petition has been made,
- (b) Even though a case for the withhold of a judgment or deed of compromise is filed by any one, to execute the judgment or deed of compromise made in that case, except as otherwise ordered by the court,

- (c) If appears that the property which is the subject matter of a case will get disordered if the judgment in the case is not executed immediately or if the winning party of a case involving payment of compensation makes a written commitment to bear compensation for any loss caused to the other party if the winning party subsequently loses the case at the appellate level, to execute such a judgment by the court prior to the expiration of the time-limit for making appeal or prior to making of appellate judgment in such a case,
- (d) If the parties to a case *sub judice* in the court agree on any matter of the case and the matter so agreed can be separated and executed accordingly, and the court makes an order to that effect.

233. Attorney may be appointed: If any party to the case is not able to appear in person in the course of the execution of judgment, the party may appoint and assign an attorney for that purpose.

234. Opportunity to be given for compromise or mediation: (1) Notwithstanding anything contained elsewhere in this Chapter, if the parties wish to execute the judgment by way of compromise or mediation, they may make a joint petition, setting out that matter, to the court.

Provided that no petition may be made for compromise or mediation in the matter of recovery of a government claimed amount.

(2) If a petition is received from the parties for compromise or mediation pursuant to sub-section (1), the court shall provide the parties with opportunity to execute the judgment by way of compromise or mediation within such reasonable period as specified by it.

(3) If the parties agree to execute the judgment by way of compromise or mediation within the period specified pursuant to sub-section (2), the concerned court or the officer assuming the responsibility of the court's bailiff shall execute a deed of compromise between the parties in accordance with law.

(4) If the parties do not agree to execute the judgment by way of compromise or mediation within the period specified pursuant to sub-section (2), the court shall execute the judgment in pursuance of the procedures referred to in this Chapter.

235. Parties to remain on recognizance: (1) If the court of first instance delivering a judgment in a case makes it ordering the enforcement, registration or de-registration of the matter, transmission, preemption, partition, and realization of claimed amount, among others, and the parties to the case are present in the court, the court shall so appoint the date for the parties to appear for the purpose of executing the judgment that the date for appearance falls after the period of expiration of the time-limit for making an appeal in such a case.

(2) If an appeal is made in such a case within the date appointed pursuant to sub-section (1), the court shall so discontinue the recognizance of the parties and abate the case-file of such a case as the matter will be dealt with in accordance with judgment by the High Court.

(3) If the parties to the case are present in the court as set forth in sub-section (1) after the final judgment made also by the appeal hearing court, the court shall appoint the date for the parties to appear for the purpose of executing the judgment and send the parties to appear in, and forward the case file to, the concerned court of first instance, and send it to such a court, stating the matter, if the parties are not present.

(4) If the parties to the case appear in the court of first instance pursuant to sub-section (3), the court shall hold the parties who are present on recognizance for the purpose of executing the judgment.

(5) If an intimation is received from the appeal hearing court that the parties are not on recognizance pursuant to sub-section (3), parties do not appear on the appointed date for appearance or the case becomes final upon the judgment of the court of first instance not being appealed and the parties to any case do not appear in the court, the court of first instance shall issue a process of fifteen days in the format referred to in Schedule-24, ordering the parties to appear in the court for the purpose of executing the judgment.

Provided that if any or both of the parties to the case be not on recognizance, such a process shall be sent to the party who is not on recognizance within three days of the receipt of the case-file.

(6) Notwithstanding anything contained elsewhere in this Section, if it is not necessary to hold any party on recognizance in the course of execution of judgment, the court shall not hold such a party on recognizance.

236. Power to execute judgment upon collecting additional fee: (1) If a party to a case appears for the execution of the judgment after the expiration of the time-limit specified in the process, if any, issued pursuant to this Act and after the expiration of the time-limit by which the case can be taken over or the expired date for appearance can be extended if such time-limit or date has been expired, the court shall execute the judgment by collecting an additional fee of ten percent of the fee chargeable for the execution of judgment if it is within six months of the expiration of the time-limit and of twenty-five percent thereof if it is within one year of such expiration.

(2) If the party does not appear for the execution of a judgment even within the period referred to in sub-section (1), the court shall abate the proceeding on the execution of such judgment, except as otherwise provided in this Chapter.

237. Case may be taken over or expired date for appearance may be extended: (1) If any party to the case dies in the course of execution of the judgment, his or her successor may take over such a case pursuant to this Act.

(2) If any party to the case expires the date for appearance in the course of execution of the judgment, he or she may extend the expired date for appearance pursuant to this Act.

238. Procedures for enforcement: (1) The judgment holder shall, prior to issuing a commission, pay to the court a sum to be set by three percent of the claimed amount of the property to be enforced, if such amount is specified, and a sum of one thousand rupees, if the claimed amount is not specified for the enforcement of the judgment by the court.

(2) If the judgment holder pays the amount to the court pursuant to in sub-section (1), the court shall, on the same day of payment of the amount, appoint the day on which a commission to make enforcement is to be dispatched and give a notice thereof to the parties and appoint the date for them to appear at the place where the enforcement is to be made, and if the judgment debtor is not on recognizance, the court shall also give a notice of that matter to such party.

(3) In appointing the date for appearance or giving a notice pursuant to sub-section (2), if the matter to be enforced consists of a house or land, a notice shall also be given to vacate such a house or land within seven days.

(4) If the property to be enforced is in possession or custody of a person other than a party to the case, the court shall give a notice also to such a person to appear at the place where the commission is dispatched to.

(5) The court shall dispatch a commission on the day appointed pursuant to sub-section (2) and enforce the delivery of possession of such property in pursuance of the judgment.

(6) If the direction or side of any house or land to be enforced in pursuance of the judgment is not set out, the court shall enforce the delivery of possession of such a house or land by lot upon making proportionate division in presence of the parties.

(7) In effecting the enforcement pursuant to this Section, the court shall effect it in presence of the judgment holder and the

judgment debtor or their representatives and in presence of a representative of the Local Level and at least two witnesses.

(8) If the judgment debtor or any other person causes obstruction or hindrance to the enforcement, the court shall effect the enforcement by using force as required.

(9) Notwithstanding anything contained elsewhere in this Section, if the house or shop to be enforced contains any property locked up by any one and the person in possession or custody of the house or shop to be foreclosed is present, the enforcement shall be effected by causing the person to open the house or shop, and if such a person is not present, a notice in the format referred to in schedule-25 shall be affixed on the door of the house or shop subject to enforcement, thereby requiring that person to open the lock of such a house or shop within seven days.

(10) If the concerned person does not open the lock of the house or shop within the time-limit referred to in sub-section (9), the court shall, after the expiration of such time-limit, enforce the delivery of possession of the house or shop by breaking such a lock as soon as possible.

(11) If any property is found within the house or shop in the course of effecting enforcement pursuant to this Section, the court may, at the same time, prepare an inventory of such property and take such property in its control.

(12) A seven-day notice shall be affixed at the place where such house or shop is situated, thereby informing the concerned person to get back the property taken in control pursuant to sub-

section (11) within thirty-five days, and if such a person does not appear to get back such property even within the time-limit so given, the court shall auction such property and immediately hand over the proceeds of auction to the concerned person.

(13) If the concerned person refuses to receive immediately the proceeds of auction made pursuant to sub-section (12), the court shall credit such proceeds into the deposit account.

(14) If the concerned person appears to receive the amount within one year after the crediting of the amount into the deposit account pursuant to sub-section (13), the court shall refund the amount remaining after deduction of ten percent therefrom to such a person.

(15) If the concerned person does not appear to receive such an amount within the period referred to in sub-section (14), the court shall credit such an amount into the government fund.

(16) If any person does not abandon possession of a property once enforced by the court and causes obstruction thereto, the court shall sentence such a person to a fine not exceeding twenty-five thousand rupees or imprisonment for a term not exceeding three months for each instance, and again enforce the delivery of possession of the property previously enforced in accordance with the judgment, and a separate plaint need not be made for that purpose. No additional fee shall be payable for effecting such an enforcement.

(17) If the property subject to enforcement is situated in another territory, the court shall appoint the date for the concerned

parties for effecting enforcement and forward the case-file and parties to the district court of such territory.

(18) If a precept is received to effect the enforcement pursuant to sub-section (17), the concerned court shall effect the enforcement pursuant to law and give information thereof to such a court.

(19) After effecting the enforcement by the court pursuant to this Section, the court shall give a proof thereof to the judgment holder.

(20) The court shall complete the effecting of enforcement within six months after the appearance of the parties in the court.

(21) The concerned party shall bear the actual costs incurred in course of the enforcement.

(22) If the judgment holder demands for enforcement in accordance with the judgment, enforcement shall be effected accordingly.

Provided that if the matter to be enforced consists of a land or physical structure with such area as is not allowed by law for plotting out for partition or enforcement, the court shall enforce the delivery of possession of the land or structure on the basis of the agreed price if both party so agree and the local market price (*Panchakirti* price) or price of auction sale if they do not so agree. If, in effecting such an enforcement, any party wishes to pay it in cash, that party may do so.

(23) If any person is held to have built or made a physical structure by encroaching of other's land and enforcement is to be effected in relation thereto, such a structure shall be demolished, and

the person who has built or made the structure by making such encroachment shall bear the costs incurred therein.

(24) The judgment holder shall be awarded with the amount of compensation if the parties agree thereto without demolishing the structure referred to in sub-section (23), and with an amount consisting of the local market *Panchakirti* price and additional sum of twenty-five percent of such price if the parties do not agree on the amount of compensation in spite of their agreement not to demolish it.

239. Procedures for effecting registration and de-registration of

matter and transmission: (1) If, in the course of making registration and de-registration of the matter and transmission, in pursuance of a judgment, the judgment holder is on recognizance pursuant to Section 235, the court shall, for the purpose of executing the judgment, send a precept, accompanied with its statement, to the office making registration and de-registration of the matter and transmission, and also ask the party to appear in that office within twenty-one days.

(2) If a percept is received from the court pursuant to sub-section (1) and the concerned party appears in it, the office shall effect the registration and de-registration of the matter and transmission in pursuance of the judgment within three days.

(3) If any party appears in the concerned office for registration and de-registration of the matter and transmission after the expiration of the time-limit referred to in sub-section (1), the office shall effect the registration and de-registration of the matter and transmission in pursuance of the judgment, by collecting a fee of five hundred rupees for each year.

240. Procedures relating to preemption: (1) If, in the course of executing preemption in pursuance of a judgment, any party is on recognizance pursuant to Section 235, the court shall appoint the date for such a party to appear to obtain preemption of the property subject to preemption or receive the deposited amount and send the party to the office holding the deposited amount.

(2) If both parties to effect preemption appear in the office pursuant to sub-section (1), the office shall hand over the deposited amount to the preemptee within seven days and deliver up the document of such property and receipt thereof to the preemptor.

(3) If only the preemptee appears in the office pursuant to sub-section (1), the office shall hand over the amount to him or her pursuant to sub-section (2) and deliver up the documents including the receipt of payment of the amount to the preemptor as and when he or she appears.

(4) If only the preemptor appears in the office pursuant to sub-section (1), the office shall effect preemption in pursuance of the judgment and deliver up the documents including the receipt of payment of amount to him or her.

(5) If preemption is effected by the office pursuant to this Section, the preemptee shall receive the deposited amount within thirty-five days of the date of preemption.

(6) If the preemptee appears to receive the deposited amount after the expiration of the time-limit referred to in sub-section (5), the office shall return to such a person the deposited amount remaining after deduction of additional three percent of the

deposited amount if it is within one year and addition five percent thereof if it is within three years.

(7) If the preemptee does not appear to receive the deposited amount even within the time-limit referred to in sub-section (6), the office shall credit such deposited amount into the government fund.

241. Procedures for effecting partition: (1) If, in the course of effecting partition in pursuance of a judgment, the parties are on recognizance pursuant to Section 235, the court shall effect partition by setting aside partition shares within six months.

(2) If a judgment is made to set aside partition shares for more than one coparceners if and, any coparcener is absent, the court shall serve a fifteen-day process in the form referred to in Schedule-26 on the coparcener who is absent.

(3) If the concerned coparcener appears within the time-limit referred to in sub-section (2), the court shall set aside partition shares in presence of all coparceners.

(4) If all coparceners entitled to partition do not appear within the time-limit referred to in sub-section (2), the court shall set aside partition shares of the coparceners who are absent and effect partition shares of the coparceners who are present.

(5) If partition is effected pursuant to sub-section (4), the person failing to appear within the time-limit shall not be entitled to make a suit on the matter of effecting partition or of higher or lower grade or value of the partition.

(6) If it is necessary to send a commission to effect partition, the court shall send the commission to an employee to effect partition.

(7) In the course of setting aside partition shares pursuant to this Section, the coparceners bound to give partition in pursuance of the judgment or the coparceners who take custody of the property set forth in the inventory, their representatives or other major persons living in the joint family shall show such property set forth in the inventory as to be partitioned.

(8) If the person giving partition or taking custody of the property is not found or any major person living in the joint family cannot show all properties as set forth in the inventory, the court shall serve a process in the format referred to in Schedule-27 on the person giving, and taking custody of, the partition share, thereby ordering them to appear in the court within fifteen days, excluding the time required for journey.

(9) If the person giving partition or taking custody of the property fails to appear within the time-limit referred to in sub-section (8) or does not show the property subject to partition despite making appearance, the court shall effect partition according to the inventory by opening the closed property, if any, in presence of a member or representative of the Local Level and at least two persons as witness.

(10) If the parties fail to appear within the time-limit referred to in sub-section (2) or (8), the court shall commence proceeding to effect partition by setting aside partition shares in pursuance of the judgment within three days after the expiration of such time-limit.

(11) If any party appear in the court after the time-limit given pursuant to sub-section (8) and if, the execution of partition is not completed by that time, the court shall effect partition in pursuance of the judgment in presence of him or her also.

(12) If, in the course of making partition, all properties set forth in the inventory are not in order, the claimed amount of the shortfall property shall be ascertained, and reimbursed from the partition share of the partition giver or the person taking custody of the property. If the partition share is not recovered even from such reimbursement, recovery shall be made from any other property owned and possessed by such a person to the person receiving partition, in consideration for such shortfall portion.

(13) If, in the course of effecting partition, the person receiving partition or a major person living in the joint family refuses to receive his or her partition share and any perishable property is subject to partition, the court shall auction such property. If the concerned person does not appear to receive the proceeds of such auction subsequently, the court shall return the amount remaining after deducting ten percent thereof to him or her.

(14) If, in effecting partition, the property subject to partition cannot be so partitioned as to be enjoyable by all coparceners equally or the form of such property consisted of any house, land or in-kind property is changed upon partition and becomes unusable, partition shall be so effected that any coparcener may take such property at the price, if any, set by agreement of all coparceners, and at the local market (*Panchakirti*) price, if there is no such an agreement.

(15) If more than one coparceners wish to take the property at the price set pursuant to sub-section (14), partition shall be effected so that the coparcener set by lot may take it.

(16) If partition cannot be effected pursuant to sub-section (14) or (15), the property shall be auctioned in participation of the parties to the case and other persons as well, and the proceeds of auction shall be partitioned among the coparceners in pursuance of the judgment.

(17) If the coparceners do not agree as to the property subject to partition, the court shall divide such property on proportionate of higher or lower value or grade and effect partition by lot.

(18) If any person does not show or produce the property in his or her custody as set forth in the inventory, the court shall sentence such a person to a fine of five percent of the claimed amount of the property that was not so shown or produced.

(19) If in a case in which final judgment is made holding the plaintiff to be entitled to partition, the other defendant coparceners also make a petition for setting aside and receiving their respective partition shares, the court shall set aside such partition shares from the property as held by judgment and cause the same to be provided to them, by collecting the court fee chargeable by law.

(20) If the property subject to partition is situated also in another district, the court shall also send a precept to the concerned court to effect partition of such property.

(21) If a precept is received pursuant to sub-section (20), the concerned court shall effect partition pursuant to this Section and give information thereof to such a court.

(22) If any one transfers a property subject to partition or a new coparcener is added or the number of coparceners decreases during the pendency of the case in the court or prior to the execution of the judgment made in such a case, a plaint need not be made again for that purpose, and in such a circumstance, partition shall be effected upon examining the truth of the petition, if any, made to the court.

(23) In effecting partition pursuant to this Section, a fee shall be charged by two point five percent of the property so partitioned.

242. Procedures for recovering claimed amount: (1) If, in the course of recovering the claimed amount in pursuance of a judgment, the judgment holder is on recognizance pursuant to Section 235, the court shall cause a document to be executed by such a party as to whether he or she wishes to recover the claimed amount.

(2) If, in executing a document pursuant to sub-section (1), the judgment holder does not wish to recover the claimed amount, the court shall remind him or her of the consequence that may arise from such failure to recover the claimed amount, terminate the judgment execution proceeding and cross off the records of the claimed amount, on the same day.

(3) If, in executing a deed pursuant to sub-section (1), the judgment holder wishes to recover the claimed amount and the judgment debtor is on recognizance, the court shall give a time of a

maximum of thirty-five days to the judgment debtor to pay the claimed amount ought to be paid in pursuance of the judgment.

(4) The judgment debtor shall pay an amount equal to the claimed amount to the court in cash or by a good for payment cheque or any other instrument within the time given pursuant to sub-section (3).

(5) Notwithstanding anything contained in sub-section (4), the judgment debtor may make a request to the court to recover the claimed amount from any property of him or her.

(6) If the judgment debtor is not present in the court, or despite being present, does not pay the amount in consideration of the claimed amount or fails to show a property pursuant to sub-section (5) or the judgment holder does not agree because it is not possible to recover the claimed amount from the property so shown, the judgment holder may, showing the property of the judgment debtor, make a petition to the court for the recovery of the claimed amount from such property.

(7) If, in recovering the claimed amount pursuant to this Section, any property has to be freezed, the court shall freeze such property as required and effect the recovery of the claimed amount by auctioning such property also as required.

(8) If the proceeds of auction of the property made pursuant to sub-section (7) exceed the claimed amount, the court shall immediately return such excess amount to the judgment debtor if he or she is present.

(9) If the concerned party refuses to receive the amount pursuant to sub-section (8), the court shall credit that amount into the deposit account.

(10) If the concerned person does not appear to receive the amount within one year after the date on which such amount was credited into the deposit account, such an amount shall be paid to the government fund.

(11) If a property from which the claimed amount is to be recovered is situated in another district, the court shall send a precept to the concerned court to recovery the claimed amount.

(12) If a precept is received pursuant to sub-section (11), the concerned court shall effect recovery of the claimed amount pursuant to this Section and give information thereof to such a court.

(13) Notwithstanding anything contained elsewhere in this Section, if the judgment holder discovers the concealment or hiding of any property by the judgment debtor and makes a petition showing the same while the judgment debtor is alive, the court shall auction the property and effect the recovery to the extent of the claimed amount to which he or she is entitled.

(14) The court shall, in consideration for effecting the recovery of the claimed amount pursuant to this Section, collect a fee of three percent of such a claimed amount from the judgment holder.

(15) If the judgment debtor, in the matter of the recovery of the claimed amount of any person pursuant to this Section, makes a petition, accompanied by a bank guarantee issued by any commercial bank, to the court for a facility of payment of the whole or shortfall

of the claimed amount in installments and if the judgment holder so agrees, the court may cause such claimed amount to be paid over in installments.

243. Property subject to attachment: (1) In making attachment of property in consideration for the claimed amount pursuant to Section 242, the partition shares of those, above twelve years of age, who have not separated bread and board and are living together and enjoying or using such property or of those who, despite having obtained their respective partition share or separated bread and board, live together while enjoying or using that property shall also be subject to attachment.

(2) In making attachment pursuant to sub-section (1), the property that remains upon setting aside the following property shall be attached:

- (a) If any property subject to attachment is a personal property of a person other than the attachment, such property,
- (b) Up to three pairs of clothes and up to three pairs of shoes being or to be put on by the person whose property is being attached and his or her joint family,
- (c) Such bare cooking and dining utensils, pots and bare quilt and mattress and a reasonable number of furniture as required for the person whose property is being attached and his or her joint family,
- (d) Such books as required for the joint family of the person whose property is being attached to impart education,

- (e) Medicines and medical equipment already purchased for the person whose property is being attached and his or her joint family prior to the commencement of the attachment proceeding,
- (f) Such food as required for the person whose property is being attached and his or her joint family to maintain livelihood for a maximum of three months,
- (g) Bare inputs or tools related with the occupation or employment of the person whose property is being attached and his or her joint family.

(3) Notwithstanding anything contained in sub-section (2), in setting aside property pursuant to clauses (b), (c), (d), (e), (f) and (g) of that sub-section, no property valued at more than one hundred thousand rupees shall be so set aside.

(4) If the claimed amount cannot be recovered in full even upon making attachment pursuant to sub-section (2), no other family members shall be attached.

244. Imprisonment for claimed amount or fine: (1) If the claimed amount is not recoverable in full even from the auction sale made pursuant to sub-section (7) of Section 242, a property is not shown or the property cannot be auctioned, and the judgment holder, wishing to subject the judgment debtor to imprisonment, makes a petition for the same within fifteen days on which the property was auctioned or the circumstance referred to in this sub-section occurred, the court shall execute a memorandum thereof and imprison the judgment debtor in accordance with law.

(2) In imprisoning the judgment debtor pursuant to sub-section (1), the court shall convert the remaining claimed amount into imprisonment at the rate of four hundred rupees a day, and imprison him or her equal thereto.

(3) In subjecting to imprisonment pursuant to sub-section (1), the term of such imprisonment may not exceed four years in the case of a claimed amount of the Government of Nepal or a public body under full or majority ownership or control of the Government of Nepal and two years in the case of a claimed amount of an individual or other body.

(4) If, in subjecting to imprisonment pursuant to sub-section (1), the claimed amount is or remains less than four hundred rupees, the concerned person shall be imprisoned for one day for such amount.

(5) In subjecting to imprisonment pursuant to sub-section (1), the person wishing to effect such imprisonment shall bear such ration expenses as chargeable under law.

(6) In subjecting to imprisonment in lieu of a fine, one shall be so imprisoned at the rate of two hundred rupees a day as not to exceed four years.

(7) Prior to subjecting to imprisonment pursuant to this Section, the concerned person shall be given a reasonable time to present his or her statements.

(8) Notwithstanding anything contained elsewhere in this Chapter, if the judgment debtor in default of payment of the remaining claimed amount is imprisoned by order of the court at the

party's request for the unrecovered remaining claimed amount, no claim may be made again in relation to that claimed amount.

245. Matter to be done when the judgment debtor dies: (1) If the judgment debtor dies prior to the recovery of such claimed amount, the claimed amount shall be recovered from the property in which he or she has right.

(2) If the claimed amount cannot be recovered from the property in which he or she has right, the shortfall claimed amount shall be recovered from the person who succeeds to his or her property.

(3) Notwithstanding anything contained in sub-section (2), in recovering the claimed amount from the successor, no amount in excess of that succeeded to by him or her shall be recovered.

246. Concession in fine: If a person sentenced to a fine pursuant to a judgment pays the fine immediately or within sixty days of the date of the judgment, the person shall enjoy twenty percent concession in the fine imposed on him or her.

247. Execution of deed of compromise: (1) If any deed of compromise is so executed that any act has to be done, or caused to be done, by any government body, the court shall send a precept to the concerned office to do the act referred to in the deed of compromise, within three days of the execution of such a deed.

(2) Even though, in a case involving more than one plaintiff or defendant, all parties are not present for the execution of the deed of compromise, the deed of compromise shall be executed after the expiration of the time-limit referred to in sub-section (1). In so

executing the deed of compromise, the court shall also protect the interest of the person who does not appear for such execution.

248. Period for refund of court fee, deposit and cost: (1) Except as otherwise provided for in this Act, in order to get refund of such amount of court fee and deposit as held to be refunded pursuant to a judgment, the concerned person shall make a petition praying demand for such refund, along with evidence, to the court within one year after the date of knowledge of the final judgment.

(2) If the amount demanded pursuant to sub-section (1) is refundable, the amount of court fee shall be returned within three months and deposit, within seven days of the date of receipt of the petition.

(3) Except as otherwise provided for in this Act, the person entitled to receive or refund of the proceeds of auction shall receive such amount within six months after the date of auction.

(4) If the concerned person fails to receive the court fee, deposit or amount within the time-limit referred to in sub-section (1) or (3), such fee, deposit or amount shall then become non-refundable, and be credited to the government account.

249. Fee chargeable for the execution of judgment: (1) Except as otherwise provided for in this Chapter, the court shall collect the fee at the rate of five percent from the recipient of any amount the payment of which has been effected by the court pursuant to a judgment.

(2) Notwithstanding anything contained in sub-section (1), no fee shall be charged for such specification of repayment date,

delivery of any document or division of borrowers between creditors as effected by the court.

250. Complaint may be made: (1) A concerned person who is not satisfied with any act done or action taken by the concerned employee in the course of execution of a judgment may make a complaint to the judge of the same court within fifteen days.

(2) A person who is not satisfied with a decision taken on the complaint made pursuant to sub-section (1) may make a petition to the appeal hearing court.

(3) A complaint made pursuant to sub-section (1) and petition made pursuant to sub-section (2) shall be disposed of within one month and two months, respectively.

(4) A party who remains absent on the date for appearance despite receiving the notice for appearance for the execution of judgment shall not make a complaint or petition referred to in this Section.

251. Proceeding not to be void merely by the reason of absence of representative: (1) If any proceeding has to be conducted in presence of, or bear signature and thumb impression of, a member or representative of the Local Level pursuant to this Chapter, such proceeding may be conducted, or caused to be conducted, even though such a member or representative does not appear despite giving a written notice for the presence of such a member or representative.

(2) Any proceeding otherwise duly conducted shall not be invalid merely by the reason that a member or representative of the

Local Level did not appear or refused to affix his or her signature and thumb impression pursuant to sub-section (1).

252. Power to institute action or impose punishment on contempt: (1)

It shall be the duty of the parties to a case to assist in the execution of judgment pursuant to this Chapter.

(2) The court may, in accordance with law, institute action on contempt against, or impose a sentence of a fine not exceeding one thousand rupees or imprisonment for a term not exceeding three months or both on, a person who hinders the execution of judgment.

253. Employee entitled to incentive: (1) If a government employee who is deputed for the recovery of the imposed fine, penalty or claimed government amount in pursuance of a judgment does not wish to receive the amount for daily and travel allowance, the employee shall be entitled to the incentive allowance of twenty-five percent of the amount recovered.

(2) The bailiff (*Tahashildar*) shall be entitled to an incentive of five percent of the amount recovered pursuant to sub-section (1).

(3) The allowance or amount referred to in sub-sections (1) and (2) shall be chargeable on the amount of fine or government claimed amount recovered.

(4) If any person, other than a government employee, has recovered the government claimed amount or fine pursuant to this Section, an amount equal to the amount referred to in sub-section (2) may be provided to that person as if he or she were a government employee.

Chapter-23

Provisions Relating to Civil Cases Involving Government as Plaintiff or Party

254. Inquiry into and filing of civil case in which Government is

plaintiff: (1) A person who intends to institute a case referred to in Schedule-28 and a case which is so specified by the law in force as a case to which the Government of Nepal, Provincial Government or Local Level is a plaintiff shall make a written report or verbal notice, setting out the evidence on the matter of such a case whatever he or she has or knows to the best of his or her knowledge and information, to such an authority as specified by the Government of Nepal by a notification in the Nepal Gazette or to the land revenue officer of the concerned district failing such specification.

(2) If a verbal notice is made pursuant to sub-section (1), the concerned authority shall write down the matter of such a person in the format of a report and take his or her signature and thumb impression thereon.

(3) If a report is received pursuant to sub-section (1), the concerned authority shall, as required, make survey and measurement of the house or land related to the case or inquire into other necessary matter, and send the original case-file and a copy thereof, along with the evidence collected and his or her opinion, as well, to the government attorney of the concerned district at least fifteen days in advance of the expiry of the statute of limitation under the relevant law, having regard to the time required for making

decision of whether or not to institute the case and the time required for preparing a plaint and filing it if decision is made to institute the case.

(4) Even though any report is not made by any one pursuant to sub-section (1), the concerned authority shall, on his or her own motion, collect necessary evidence, complete the procedures referred to in sub-section (3) and send the documents, along with the case-file, to the government attorney of the concerned district if he or she has a reason to institute the case referred to in sub-section (1).

(5) If a case-file is received pursuant to sub-section (3) or (4), the government attorney shall, upon studying the case-file, decide whether or not to institute the case on that matter.

(6) If decision is made to institute the case pursuant to sub-section (5), the government attorney shall prepare a plaint and file the case, along with the evidence, in the concerned court.

(7) If decision is made not to institute the case pursuant to sub-section (5), the government attorney shall return the case-file so received and evidence to the concerned authority.

255. Case to be instituted with Government being plaintiff: A case filed pursuant to Section 254 shall be instituted as one in which the Government is plaintiff.

Provided that Section 91 shall govern the matter in which a plaint has to be made.

256. To give notice if case appears to be instituted by person: (1) If, in studying the case-file pursuant to sub-section (5) of Section 254, it

appears that such a case should not be instituted upon the Government being plaintiff but should be instituted by the aggrieved person in accordance with law, the government attorney shall make decision accordingly and notify the case-file sending authority to give a notice thereof to the concerned person.

(2) The statute of limitation specified by law shall be computed from the date of receipt of the notice referred to in subsection (1), in the case of the concerned person.

257. To maintain concerned person as party: (1) If, in the course of proceeding, any case filed with the Government of Nepal, Provincial Government or Local Level being a plaintiff pursuant to Section 254 does not appear to be a case in which the Government of Nepal, Provincial Government or Local Level is a plaintiff, the court shall make order accordingly and summon the appearance of the concerned person. If the concerned person appears in pursuance of the court order and takes over the case, he or she shall be maintained as the plaintiff party and the case shall be proceeded, heard and adjudicated from the case-file of that case.

258. Provisions relating to institution of other civil cases: (1) The authority specified by the concerned law for the purpose of instituting civil cases other than those filed pursuant to Section 254 or collecting evidence or the chief of the concerned office if such an authority is not specified shall collect evidence and send the case-file, along with evidence and his or her opinion, to the concerned government attorney for a decision to or not to institute the case in such a manner as not to expire the statute of limitation.

(2) If the case-file is received pursuant to sub-section (1), the government attorney shall study the case-file and decide to or not to institute the case, and return the received case-file to the concerned authority in such a manner as not to expire the statute of limitation for filing the case, along with a description of the matter on which and the person against whom the case should be instituted, if decision to institute the case is made.

(3) If a decision to institute the case is made by the government attorney pursuant to sub-section (2), the concerned authority shall prepare, affix his or her signature and thumb impression on, a plaint and file the case in the concerned court within the statute of limitation.

(4) After a case is filed pursuant to sub-section (3), the concerned authority shall provide a copy of the case-file related to such a case to the government attorney.

259. Provision relating to statute of limitation: (1) If a suit is to be made on a civil matter in the name of any person by the Government of Nepal, Provincial Government or Local Level, such a suit shall be made within the statute of limitation, if any, specified by this Act and other law for that purpose, and if such statute of limitation is not specified, within two years after the date on which the Government of Nepal, Provincial Government or Local Level knew the accrual of the cause of action.

Provided that if this Act and other law provide for non-applicability of a statute of limitation to a suit or there is no any

statute of limitation or provides that suit can be made any time, a suit may be made any time.

(2) For the purposes of sub-section (1), if the concerned authority of the Government of Nepal, Provincial Government or Local Level office knows the accrual of the cause of action, the Government of Nepal, Provincial Government or Local Level shall be deemed to know it.

260. Provision relating to deposition of witness or submission of evidence: (1) If a case is filed pursuant to Section 254, the person who submits a information report or notice on that matter shall be deemed to be a witness of the plaintiff party.

(2) The concerned authority shall be responsible for producing or providing, through the government attorney, the witness or evidence of a case filed pursuant to Section 254 and other civil case with the Government of Nepal or Provincial Government being defendant on the day appointed by the court to that end.

(3) The government attorney shall make deposition of a witness or submit evidence in a case filed pursuant to Section 254 and any other civil case in which Government of Nepal or Provincial Government is a plaintiff.

(4) If it is essential to examine any witness in a case filed pursuant to Section 254, the witness may be summoned and examined as if he or she were a witness to be essentially examined in a criminal case.

261. Government attorney to make pleading and defense: (1) The government attorney shall plead and defend a case filed pursuant to Section 254.

(2) Except as provided for in sub-section (1), the government attorney may, if so requested by the concerned body, plead and defend a civil case instituted by the Government of Nepal as plaintiff or against the Government of Nepal, Provincial Government or Local Level, as the opponent party.

262. To give time-limit: (1) The court shall give a time-limit of seventy days to tender an appeal in a case filed pursuant to Section 254.

(2) If the time-limit given pursuant to sub-section (1) expires and the concerned party makes a petition, showing a reasonable ground, to the court, the court may extend the time-limit of up to thirty days, in addition to the time-limit extendable under Chapter-8.

263. Authority responsible for making appeal, petition for review or revision of case: (1) The concerned government attorney shall be responsible for tendering an appeal in, or petition for the review or revision of, a civil case filed pursuant to Section 254.

(2) Except as provided for in sub-section (1), the concerned authority or chief of office himself or herself may tender an appeal in, or petition for the review or revision of, a civil case instituted by or against the Government of Nepal, Provincial Government or Local Level.

Provided that the government attorney may, if so requested by the concerned authority or chief of office, tender an appeal in, or petition for the review or revision of, such a case.

264. Procedure for making suit against Government of Nepal: (1) If it is necessary to make a law-suit in a civil case against the Government of Nepal, Provincial Government or Local Level, the concerned person shall give a notice thereof to the office against which the law-suit has to be made or the chief of such an office.

(2) If a notice is received pursuant to sub-section (1), the concerned office or chief of that office shall consult with, or obtain a sanction from, any other office or body if such consultation or sanction is necessary.

(3) If, upon necessary inquiry into the matter of the notice received pursuant to sub-section (1), there is any reason for not filing a law-suit, the concerned office or chief of that office shall give information thereof, along with the clear reason therefor, to the concerned person within thirty days of the date of receipt of such a notice.

(4) If the concerned office or chief of that office does not give any information about that matter within the period referred to in sub-section (3) or even though information has been so given as not to file a suit, the reason therefor does not appear reasonable, the concerned person may file a law-suit within thirty-five days of the date of expiration of the period or receipt of such information.

265. Other matters to be governed by Act and law: The matters contained herein as to the civil cases with the Government of Nepal, Provincial Government or Local Level being a plaintiff or party shall be governed by this Chapter and other matters not set forth in this Chapter shall be governed by the other Chapters of this Act and law.

Ministry of Law, Justice and Parliamentary Affairs

Chapter-24

Miscellaneous

266. Compensation to be determined: (1) If the concerned person claims for compensation in a case in which compensation may be awarded by law, the court shall, in deciding the case, determine compensation.

(2) Except as otherwise provided for in law, in determining compensation pursuant to sub-section (1) the following matters shall be considered :

- (a) Actual loss caused from the damage,
- (b) Loss in income caused by the reason of damage,
- (c) Additional loss suffered by the reason of damage.

(3) In determining compensation pursuant to sub-section (1), the actual loss by the reason of the violation of right or interest of any one or actual loss resulted or likely to be resulted from such violation shall be ascertained and compensation shall be determined merely on the basis thereof; and compensation cannot be determined on a remote matter.

267. Case may be filed on behalf of minor, infirm and disappeared person: (1) Minor who has not attained the age of majority under the law or in spite of attaining the legal age of majority, a person who is infirm due to old age, with visual or speech impairment, of unsound mind or is disappeared person, on his or her own, or where he or she is not able to do so on his or her own, his or her guardian or curator

may, on his or her behalf, make or submit a plaint, statement of defense, memorandum of appeal or petition.

Explanation: For the purposes of this Section, the term "disappeared person" means a person who has left the house without notice for three consecutive years or who has gone abroad but it is uncertain whether he or she will return.

(2) A guardian or curator shall make a separate petition to the court for a leave for making or submitting a plaint, statement of defense, memorandum of appeal or petition on behalf of such persons pursuant to sub-section (1).

(3) If a petition is received pursuant to sub-section (2), the court shall first examine evidence as to whether or not the person referred to in the petition is a minor or in spite of attaining the legal age of majority, is infirm due to old age, with visual or speech impairment, of unsound mind or disappeared person, and if the petitioner's statement appears reasonable upon making such an examination, it may grant a leave for making or submitting a plaint, statement of defense, memorandum of appeal or petition on behalf of that person in spite of a power of attorney or authorization.

(4) The court shall decide a petition for a leave pursuant to sub-section (3) within seven days of the making of such petition.

(5) Notwithstanding anything contained in sub-section (4), the court shall decide a petition for a leave for making or submitting a plaint, statement of defense, memorandum of appeal or petition on

behalf of a disappeared person within fifteen days of the making of such petition for the leave.

268. Cases to be heard in open bench: (1) The court shall hear cases in open bench.

(2) Notwithstanding anything contained in sub-section (1), if any party to the case makes a petition, setting out the reason for conducting in camera the hearing of a case related to family relation, establishment of relation, marriage or divorce, and the statement of petition appears reasonable or if the court, on its own motion, deems it reasonable to conduct the hearing of a case in camera, the court shall order such a case to be heard in camera.

(3) If an order is made to conduct hearing in camera pursuant to sub-section (2), the access of any person other than the parties to that case or their attorneys, law practitioners appointed by the parties and such other persons or employees as ordered by the judge shall be prohibited.

(4) Notwithstanding anything contained elsewhere in this Section, if the court considers it reasonable to prevent any person from entering into the bench for reason of public security, the court may prohibit the entry of such a person into the bench.

269. Proceeding to be made in presence of parties: In conducting the hearing of a case or deciding the issue to be adjudged, such proceeding shall be conducted in presence of the parties.

Provided that even if any party is not present on the date appointed for the hearing of a case, nothing shall be deemed to bar from deciding and adjudging the case.

270. Priority order for trying cases: (1) The court shall proceed, hear and adjudicate cases in the following order of priority:

- (a) A case in which a person with disability or minor is a party,
- (b) A case in which a person with physical disability or over seventy-five years of age is a party,
- (c) A case relating to the matter of name-giving or settlement of relationship,
- (d) A case relating to alimony,
- (e) A case relating to divorce,
- (f) A case registered earlier according to the order of registration of cases.

(2) Notwithstanding anything contained in sub-section (1), if there are cases of more than one nature in the same order, the case registered earlier shall be proceeded, heard and adjudicated.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the court may, in view of the gravity and propriety of any case, proceed, hear and adjudicate such a case by according priority to it.

271. Not to try case involving conflict of interest: (1) No judge shall proceed, hear and adjudicate any of the following cases:

- (a) A case involving right, interest or concern of him or her or of his or her close relative,

Explanation: For the purposes of this Section, the term “close relative” means a person who is in the order of priority to succeed to his or her property in accordance with law when succession is open, maternal uncle, maternal aunt, mother's elder sister, mother's younger sister, father's elder brother, father's younger brother, mother-in-law, father-in-law on the side of husband or wife, father's sister, father's sister's husband, elder brother-in-law, younger brother-in-law, sister-in-law, elder sister, younger sister, elder sister's husband, sister's husband, son-in-law, nephew, niece, niece's husband, niece's daughter-in-law or any person having such relation in the family.

- (b) A case in which he or she has become an attorney, law practitioner or witness on any occasion,
- (c) A case which he or she, in capacity of the judge, has decided or made a final order, in any court,
- (d) A case in which he or she has given opinion as to whether or not to institute it on any occasion,
- (e) A case involving, for any reason, a substantial conflict of interest of him or her or a family

member jointly living with him or her or of any person referred to in clause (a).

(2) If there appears any circumstance referred to in sub-section (1), the case trying judge shall make an order to that effect, setting out the reason to refrain from trying it.

(3) If any judge proceeds to try, hear or adjudicate any case in a manner contrary to sub-section (1), any party may make a petition, accompanied by necessary evidence, for not so proceeding, hearing or adjudicating the case.

(4) If a petition referred to in sub-section (3) is received, the case trying judge shall, before proceeding, hearing or adjudicating the case, ascertain whether the request or claim of such a petition is reasonable or not, and make an order to that effect if the judge should not try the case.

(5) If an order is made pursuant to sub-section (2) or (4), another judge in the same court shall proceed, hear and adjudicate the case, and failing such a judge, the case-file, specifying by the reason therefor, shall be sent to the nearest court of the same level to proceed, hear and adjudicate the case, and the date shall also be appointed for the parties to appear in that court.

(6) If a case-file is received pursuant to sub-section (5), such a court shall proceed, hear and adjudicate such a case despite that it is not within its jurisdiction.

272. Acts to be performed by judge himself or herself: (1) The judge himself or herself shall perform the following acts, out of the acts to be performed by the court pursuant to this Act:

- (a) Taking statement of a party,
- (b) Taking an oath of a witness,
- (c) Taking deposition of a witness,
- (d) Making an interim or interlocutory order,
- (e) Executing an order sheet of matters to be decided in a case,
- (f) Issuing order for the examination of evidence,
- (g) Conducting preliminary hearing and pre-trial discussion of a case,
- (h) Conducting hearing,
- (i) Effecting a deed of compromise,
- (j) Passing a judgment or issuing any kind of final order.

(2) Notwithstanding anything contained in sub-section (1), the judge may, for the purpose of taking or recording a statement or deposition, take assistance of an employee whose rank is at least non-gazette first class in the court, if available, and of an employee whose rank is at least non-gazette second class, failing such a first class employee.

273. Document to be translated: (1) If any document written in any language other than the Nepali language is submitted to the court in the form of evidence, and it appears necessary to translate such a document in the Nepali language, the court may order the party who has submitted such a document to submit a translation of the document in the Nepali language.

(2) If an order is made pursuant to sub-section (1), the concerned party shall get the document translated in the Nepali language and submit a certified copy thereof to the court.

274. Assistance of interpreter may be taken: (1) The court may take assistance of an interpreter of the concerned language for taking statement or deposition of any party or witness who is unable to understand the Nepali language, or for any other purpose.

(2) The concerned party shall bear the expenses incurred in taking assistance of the interpreter for taking statement or deposition pursuant to sub-section (1).

275. Power to ask parties to case at any time: (1) The judge may, prior to passing judgment in a case, order and ask any matter to its parties at any time.

(2) The responses given by the concerned party to the case pursuant to sub-section (1) shall be recorded and enclosed in the case-file.

276. Identity of party or witness may be kept secret: (1) Notwithstanding anything contained elsewhere in this Act, if it appears that the disclosure of the identity of any party or witness

may be prejudicial to the social prestige or honor of such a party or a witness or may result in undue fear, terror or fright by any party or be prejudicial to the security of his or her body or life, the concerned party may request the court that the name, surname, address of such party or a witness or the name of his or her father or any other description which may disclose his or her identity be kept secret.

(2) If a request is made pursuant to sub-section (1), the court may make order that the name, surname and address of such a party or witness and his or her father's, mother's name or his or her identity be kept secret.

(3) In disclosing the name, surname, address of the person or his or her father's, mother's name or his or her identity kept secret pursuant to sub-section (1) at the time of hearing of the concerned case or publishing the details pertaining thereto, such disclosure shall be made under nick name, surname, address or description in pursuance of the order of the court.

277. Duty to assist in witnessing and affixing signature and thumb impression: (1) Any person bound to witness an act or action or affix his or her signature or thumb impression on a document prepared by the court in the course of any proceeding pursuant to this Act shall assist the court by so witnessing the act or action or affixing signature or thumb impression on the document.

(2) If any person refuses to witness or affix signature or thumb impression on a document pursuant to sub-section (1) and continues to refuse to so witness or affix signature or thumb

impression on such a document in spite of making him or her understand the consequence thereof, the employee executing that act or document shall execute such a document which shall be signed by any other two persons present and by himself or herself, setting out that matter and remarks, along with the reason for the failure of such a person to witness or affix signature or thumb impression on the concerned document.

(3) Any document executed pursuant to sub-section (2) shall be deemed to have been executed in fulfillment of the legal requirements.

(4) The court may sentence a person who makes obstruction to or does not render assistance in the action of the court pursuant to this Section to a fine not exceeding five thousand rupees.

278. Saving of act done in good faith: No judge or other employee may be subject to any action in relation to any act done or action taken in good faith in accordance with this Act or the rules framed under this Act.

279. Not to be invalid by reason of printing or mathematical error:

(1) If there is any minor error or omission in respect of the procedures referred to in this Act while proceeding, hearing and adjudicating a case, or mathematical or any other minor error or omission in writing or printing while preparing any document, all acts and proceedings relating thereto shall not be deemed to be invalid merely by that reason.

(2) If there is any mathematical or other minor error or omission in writing or printing while proceeding, hearing and adjudicating a case or while preparing any document pursuant to sub-section (1), the judge may, by executing a separate memorandum, so correct such error or omission as not to affect the decree.

280. Receipt to be taken or given: (1) In returning any original document submitted in the court to any person or handing over any original document by the court to any person, a receipt or proof to the effect that such a document has been so returned or handed over shall be executed or taken and enclosed in the case-file.

(2) The court shall, while receiving any document submitted by any person to it, give a receipt thereof to that person.

281. Petition fee: Except as otherwise provided for in this Act, any petition to be submitted to the court shall be charged with a fee of ten rupees.

282. Publication of process or notice: In publishing any process or notice by the court in a national daily newspaper pursuant to this Act, it shall be published in a national daily newspaper to be published by a body owned by the Government of Nepal on the day fixed by the Supreme Court.

283. To order for departmental action: (1) Except as otherwise provided for in this Act, if any employee bound to discharge any act referred to in this Act does not discharge such an act within the period specified by this Act, the aggrieved party may make a

complaint to the judge of the concerned court against such an employee.

(2) If a complaint referred to in sub-section (1) is made and examination of such employee shows that he or she has not discharged the act in time for no reasonable reason, the judge may order to take departmental action against him or her.

284. Index of documents: There shall be maintained an index of documents in each case in the format referred to in Schedule-29, and such an index shall record the serial number and details of the documents, in order of the date of registration.

285. Disposal of documents: (1) After five years of the final decision of a case, the court shall dispose the documents, except the following documents enclosed in the case-file of the said case:

- (a) Complaint,
- (b) Statement,
- (c) Statement of defense or counterclaim,
- (d) Process issued in the name of a party,
- (e) Map or design related with the case,
- (f) Originals of documentary evidence,
- (g) Deed of compromise,
- (h) Memorandum of appeal,
- (i) Petition made for review or revision of the case,
- (j) Judgment, decision, final order made by the court,

(k) Such other document as considered necessary to be preserved in accordance with law.

(2) The *Shrestedar* (registrar of the court) shall, prior to the disposal of documents pursuant to sub-section (1), prepare an inventory of the documents to be disposed, and affix his or her signature or thumb impression on the inventory.

286. Power to alter in Schedule: The Government of Nepal may, by a notification in the Nepal Gazette, make necessary alteration, or change in the Schedules.

287. Power to remove difficulty: If there arises any difficulty in relation to the court procedures in the course of implementation of this Act, the Full Court of the Supreme Court may make necessary provision in order to remove such difficulty.

288. Power to frame rules: The Supreme Court may frame necessary rules on matters of court procedures, for the implementation of this Act.

289. Power to frame guidelines: The Supreme Court may, subject to this Act and the rules framed hereunder, frame necessary guidelines for the implementation of this Act.

Schedule-1

(Relating to Section 95)

Form of Complaint

To be filled in by court/office

Registration No:.....

Date of registration:.....

Complaint

Filed in.....court/office

Civil diary number..... of year.....

....., son/daughter/husband/wife of....., age of.....,
a resident of..... -Plaintiff

(in the case of more than one plaintiff, to specify the details hereof in
relation to each plaintiff)

Against

....., son/daughter/husband/wife of....., age of.....,
a resident of..... -Defendant

(in the case of more than one defendant, to specify the details hereof
in relation to each defendant)

Case:.....

1. I/we, the plaintiff submit this complaint as follows:

(To specify the grounds for claiming the subject matter of the
complaint, and the complaint claim)

(a)

- (b)
- (c)
2. This case falls within the jurisdiction of this court/office pursuant to Section.... of.....Act.
3. This plaint is within the statute of limitation specified bylaw.
4. I/we have not made any plaint on this matter elsewhere.
5. I/we pray that provision be made for the service of process on the defendant on my/our own/ through law practitioner/court.
6. Details of law practitioner, if any, appointed:
- (a) Name:..... Certificate number:.....
- (b) Name:..... Certificate number:.....
- (c) Name:..... Certificate number:.....
7. I/we have tendered the following fee along herewith:
- (a) Rs..... for.....
- (b) Rs..... for.....
- (c) Rs..... for.....
8. Evidence substantiating the plaint claim:
- I/we have attached herewith the copies of the following documentary evidences in this matter:
- (a)
- (b)
- (c)
9. Witness:

(a)

(b)

(c).... (To specify full name, age and address of each witness)

10. The matters contained herein are true and correct, if proved false,
I/we shall be liable to the consequences arising according to law.

.....

Plaintiff's signature, and seal of the body corporate, if any

Done on.....day,.....of the month of..... of the year.....

Note: In making a plaint on behalf of a body corporate, the name and address of such a body, and the name, surname and post of the person authorized to submit the plaint on behalf of such a body shall be mentioned.

Schedule-2

(Relating to sub-section (1) of Section 98)

Form of Register

.....court/office

Register of civil cases in the year...(from Shrawan of 20.....to last day of
Ashad of 20...)

SN		
Case No.		
Date of registration		
Plaintiff's signature		
Plaintiff's name, surname and address		
Defendant's name, surname and address		
Case		
Name and signature of chief of section		
Claimed amount		
Fee		
Date of submission of statement of defense or expiration of time-limit		
Date of judgment and name of judge making judgment		
Type of judgment		
Signature of employee receiving records		
Remarks		

Schedule-3

**Related to Sub-section (1) of Section 98, Sub-section (1) of Section 122,
Sub-section (2) of Section 209**

Format of Receipt

..... court/office

Whereas, a plaint / statement of defense / memorandum of appeal by
..... has been received by this court / office and has been registered
in a register book numbered dated

Therefore, this receipt has been given.

Employee registering the plaint/statement of defense/memorandum of
appeal:

Seal of the Court/Office

Signature:

Name:

Post:

Date:

Schedule-4

(Relating to sub-section (3) of Section 99)

Form of receipt to be given by plaintiff or his or her law practitioner upon receiving a process

.....court/office

Whereas, a plaint was filed in.....court/office against....., a resident of....., on (date)....., and I, the plaintiff,..... on my own/law practitioner of the plaintiff have received a required number of the process, certified copies of the plaint and evidence from this court for the purpose of serving them on the defendant in the case;

Now, therefore, I have given this receipt.

Process received by:

Signature:

Name of plaintiff/law practitioner:

Certificate number of law practitioner, if applicable:

Date:

Schedule-5

(Relating to sub-section (6) of Section 99)

Form of receipt to be given by defendant or his or her law practitioner upon receiving a process

.....court/office

Whereas, a plaint was registered by....., a resident of....., in.....court/office against me, on (date)....., and the plaintiff/law practitioner tendered on.....(date) the process, accompanied by a copy of the plaint and evidence, for their delivery to me for the purpose of submitting a note of defense;

Now, therefore, I have given this receipt upon receiving the same.

Process received by:

Signature:

Name:

Date:

Time:

Schedule-6

(Relating to sub-section (1) of Section 103)

Form of process/subpoena issued by.....court/office in the name of the defendant

Whereas,made a plaint of the case of..... to this court/office on..... (date), against you...., age of...years, a resident ofvillage/street, Ward No....., Village Body/Municipalitydistrict, son/daughter/husband/wife of.....;

Now, therefore, this process, accompanied by a copy of the plaint as well, is also hereby forwarded to you. You are hereby notified to appear in person or send your attorney or law practitioner in accordance with law, along with a note of defense and your documentary evidence in accordance with law, within twenty-one days, excluding the time required for journey, of the date on which this process/subpoena was received by you or posted in accordance with law.

Take notice that in default of your appearance in person or through your attorney or law practitioner, along with a note of defense, within the time-limit, the case will be adjudged in accordance with law. No complaint by you on that matter will be entertained in the future.

Process/subpoena issuing authority:

Signature:

Name:

Designation:

Date:

Date of service:

- (a) In the case of process/subpoena is received by the person bound to receive**

I,, hereby sign stating that I myself have received a copy of the process/subpoena issued in my name on the matter of....., and a copy of the plaint as well, in presence of the witnesses mentioned below.

- (b) In the case of process/subpoena is received by a joint family member of the person bound to receive**

Iage of...., years, having relation of, and living jointly with the person under process/subpoena,, hereby sign stating that I have received a copy of the process/subpoena issued in his/her name in the matter of....., and a copy of the plaint as well, in presence of the witnesses mentioned below since the person under process/subpoena has refused to receive the process/subpoena or has not been found.

- (c) In the case of process/subpoena is posted on the house door of the person bound to receive**

We, the below-mentioned persons, hereby sign, stating that it is correct that the process/subpoena issued in the name of, in the matter of....., accompanied by a copy of the plaint as well, has been posted on the house and door of the person under process/subpoena conspicuously to all in presence of the witnesses mentioned below since the person under process/subpoena,, and any of his or her joint family members having attained majority have not been found in the house/have refused to receive the

process/subpoena, and a copy of the process has been sent to the office of Ward No..... ofVillage Body/Municipality.

(d) In the case of service of process/subpoena when the person bound to receive is not found

We, the following persons, hereby sign, stating that a copy of the process/subpoena in the matter of..... issued in the name of the person..... has been served at the place of the concerned Ward or public place of the street(mention place) since the person bound to receive the process/subpoena mentioned herein or his/her home address could not be found despite searching the same and that a copy of plaint and the served process/subpoena have been returned thereto.

Witnesses

We hereby sign stating that it is true and correct that the process/subpoena has been served in our presence as mentioned in clause (...) above:

1. Mr./Ms., age of.....years, a resident of Village/Street, Ward No.....,Village Body/Municipality,.....District.
2. Mr./Ms., age of.....years, a resident of Village/Street, Ward No.....,Village Body/Municipality,.....District.
3. Mr./Ms., age of.....years, a resident of Village/Street, Ward No.....,Village Body/Municipality,.....District.

In presence of:

Mr./Ms.....Member/Secretary of.....Village
Body/Municipality,District.

**In the case of process/subpoena posted on house and
door/village, city or street not found**

I have received a copy of the process/subpoena mentioned herein for
posting it on the notice board of the office of this Village
Body/ Municipality.

Signature:

Name of employee or office-bearer:

Date:

(Staff or office-bearer)

Service conducted by:

Signature:

Process server's name:

Date:

Schedule-7

(Relating to sub-section (2) of Section 103

Form of process/subpoena issued in the name of a person other than defendant

Process/subpoena issued by..... court/office

Whereas, it is to inquire you,, age of....years, a resident ofvillage/street, Ward No....., Village Body/Municipalitydistrict, son/daughter/husband/wife of....., into some matter in relation to the case in which.....is plaintiff and is defendant;

Now, therefore, you are hereby notified to appear in this court/office in person or appoint and send your attorney or law practitioner in accordance with law, within seven days, excluding the time required for journey, of the date on which this process/subpoena was received by you or posted in accordance with law.

Take notice that in default of your appearance in person or through your attorney or law practitioner within the time-limit, the case will be adjudged in accordance with law; and no complaint by you on that matter will be entertained in the future.

Process/subpoena issuing authority:

Signature:

Name:

Designation:

Date:

Time:

Date of service:

(a) In the case of process/subpoena is received by the person bound to receive

I,, hereby sign stating that I myself have received a copy of the process/subpoena issued in my name on the matter of....., and a copy of the plaint/note of defense as well, in presence of the witnesses mentioned below.

(b) In the case of process/subpoena is received by a joint family member of the person bound to receive

Iage of....., years, having relation of, and living jointly with the person under process/subpoena,, hereby sign stating that I have received a copy of the process/subpoena issued in his/her name in the matter of....., and a copy of as well, in presence of the witnesses mentioned below since the person under process/subpoena has refused to receive the process/subpoena or has not been found.

(c) In the case of process/subpoena is posted on the house and door of the person bound to receive

We, the below-mentioned persons, hereby sign, stating that it is correct that the process/subpoena issued in the name of, in the matter of....., accompanied by a copy of as well, has been posted on the house and door of the person under process/subpoena conspicuously to all in presence of the witnesses mentioned below since the person under process/subpoena,, and any of

his or her joint family members having attained majority have not been found in the house/have refused to receive the process/subpoena, and a copy of the process has been sent to the office of Ward No..... ofVillage Body/Municipality.

(d) In the case of service of process/subpoena when the person bound to receive is not found

We, the following persons, hereby sign, stating that a copy of the process/subpoena in the matter of..... issued in the name of the person..... has been served at the place of the concerned Ward or public place of the street(mention place) since the person bound to receive the process/subpoena mentioned herein or his/her home address could not be found despite searching the same and that a copy of and the served process/subpoena have been returned thereto.

Witnesses

We hereby sign stating that it is true and correct that the process/subpoena has been served in our presence as mentioned in clause (...) above:

1. Mr./Ms., age of.....years, a resident of Village/Street, Ward No.....,Village Body/Municipality,.....District.
2. Mr./Ms., age of.....years, a resident of Village/Street, Ward No.....,Village Body/Municipality,.....District.

3. Mr./Ms., age of....years, a resident of
Village/Street, Ward No.....,Village
Body/Municipality,.....District.

In presence of:

Mr./Ms.....Member/Secretary of.....Village
Body/Municipality,District.

**In the case of process/subpoena is posted on house door/Village,
City or Street not found**

I have received a copy of the process/subpoena mentioned herein for
posing it on the notice board of the office of thisVillage
Body/Municipality.

Signature:

Name of employee or office-bearer:

Date: (Staff or office-bearer)

Service conducted by:

Signature:

Process server's name:

Date:

Schedule-8

(Relating to sub-section (2) of Section 113)

Form of receipt to be given by attorney or law practitioner upon receiving a process

Whereas, I have received the process issued by the court/office in the name of for delivering it to the defendant to submit a note of defense in the case....., number... of the year....., filed on.....(date) in..... court/office, withbeing the plaintiff anddefendant;

Now, therefore, I have given this receipt.

Process received by attorney/law practitioner:

Signature:

Name:

Certificate number:

Address:

Date:

Time:

Schedule-9

(Relating to Section 120)

To be filled in by court/office

Registration No:.....

Date of registration:.....

Note of Defense

Submitted to.....court/office

Civil diary number..... of year.....

....., son/daughter/husband/wife of....., age of.....,
a resident of..... -Defendant

(in the case of more than one defendant, to specify the details hereof
in relation to each defendant)

....., son/daughter/husband/wife of....., age of.....,
a resident of..... -Plaintiff

(in the case of more than one plaintiff, to specify the details hereof in
relation to each plaintiff)

Case:.....

Whereas, the process issued in my/our name from this court in the
case involving the said opposite party was received from the plaintiff/law
practitioner/court on..... (date);

Now, therefore, I/we have appeared along with the note of defense in
relation to the plaint claim.

1. I/we have set out in the following clauses my/our actual details in relation to the matters claimed by the plaintiff.
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
2. I/we admit the plaintiff's claim in whole or in part, or do not admit the same at all.

(If the plaintiff's claim is admitted fully or in part, mention the reason and ground for the admission).
3. To specify counterclaim, if any:
 - (a)
 - (b)
 - (c)
4. If a plea is taken that the plaintiff has no *locus standi* to register the plaint, that the statute of limitation for submitting suit has expired or that the court has no jurisdiction, the ground and reason for the same.
5. Whether or not decision has to be made according to the plaint claim:
6. Details of law practitioner, if any, appointed:
 - (a) Name:..... Certificate number:.....
 - (b) Name:..... Certificate number:.....

(c) Name:..... Certificate number:.....

7. I/we have tendered the following fee along herewith:

(a) Rs..... for.....

(b) Rs..... for.....

8. Evidence: I/we have enclosed herewith the copies of the following documentary evidences in this matter:

(a)

(b)

(c)

9. Witness:

(a)

(b)

(c).... (to mention full name, age and address of each witness)

10. The matters contained herein are true and correct, if proved false, I/we shall be liable for the consequences arising according to law.

.....

Note of defense maker's signature, and seal of body corporate,
if any

Done on day, of the month of of the year

Note: In submitting a note of defense on behalf of a body corporate, the name and address of such a body, and the name, surname and post of the person authorized to make the note of defense on behalf of such a body shall be mentioned.

Schedule-10

(Relating to sub-section (4) of Section 137)

Form of Book of Date for Appearance

Book of Date for Appearance maintained byCourt/Office

Year.....

Month, date, day	SN	Case	Name of the appellant/plaintiff, defendant/ petitioner	Name of respondent/ defendant/ plaintiff	Purpose for which the date for appearance is appointed	Remarks

Signature:

Schedule-11

(Relating to sub-section (4) of Section 137)

Form of Memorandum of Date for Appearance

Memorandum of Date for Appearance

issued by.....court/office

in the name of.....

.....VS.....

Case.....year..... civil diary No.....

Whereas, the date of has been appointed as the date for appearance for the purpose of

Now, therefore, this memorandum of date for appearance is hereby given to you to make appearance at.....o'clock on the said day.

Signature of the employee appointing the date for appearance:

Name:

Date:

Schedule-12

(Relating to sub-section (4) of Section 138)

Form of Acknowledgment of Date for Appearance

Form of Acknowledgment of Date for Appearance maintained by the
.....court/office

Plaintiff

Defendant

Case:

On.....(Date)

Whereas, the case will be enlisted in the cause list for final hearing/
.....proceeding will be conducted on.....(date);

Now, therefore, I hereby sign binding myself to appear in this
court/office at.....o'clock on..... (date).

Plaintiff.....

Defendant....

Schedule-13

(Relating to sub-section (1) of Section 146)

Form of Power of Attorney

I have appointed Mr./Ms....., age ofyears, holding citizenship number.....(year and district of issue of citizenship), a resident of....., as my attorney to carry out the act of..... (mention the purpose) on my behalf, in the case of..... with....., and executed this power of attorney to that effect. The said attorney is qualified to become an attorney pursuant to law. There is no penalty, fine, court fee, government claimed amount or other fee imposed by the court under law due to and payable by me. The above-mentioned contents are true, if proved false, I agree that this power of attorney be invalid and the matter be dealt with in accordance with law.

Date:

Thumb impressions

Signature:

Right Left

Seal in the case of body corporate

Full name:.....

Full address:.....

I hereby consent to act as an attorney of Mr./Ms....., age ofyears, holding citizenship number.....(year and district of issue of citizenship; in the case of a body corporate, the name and address of such a body) a resident of....., as mentioned above. I will perform the said act with honesty. There is no penalty, fine, court fee, government claimed amount

or other fee imposed by the court under law due to and payable by me. I am qualified for being an attorney in accordance with law.

Date:

Thumb impressions

Signature:

Right Left

Full name:.....

Full address:.....

Witnesses:

It is true and correct that this power of attorney has been drawn up and executed in our presence.

- (1) Mr./Ms....., age ofyears, holding citizenship/passport number.....(year and district of issue) or other description equivalent thereto.
- (2) Mr./Ms....., age ofyears, holding citizenship/passport number.....(year and district of issue) or other description equivalent thereto.
- (3) Drafted and prepared by Mr./Ms....., age ofyears, holding citizenship/passport number.....(year and district of issue) or other description equivalent thereto (specify certificate, if any)

This power of attorney has been executed in.....

Date:

Schedule-14

(Relating to sub-section (3) of Section 180)

Form of process issued in the name of a witness

A process issued by..... court/office in the name of.....a resident of.....

Whereas, it is required to examine you and take deposition on the matter of the case of.....in whichis plaintiff andis defendant;

Now, therefore, you are hereby required to appear in this Court at.....o'clock in the morning on the-----day of the month of.....the year..... If you fail to appear, it will be in accordance with the law.

Process issuing authority's:

Signature:

Name:

Designation:

Date:

Seal of the Court/Office

Schedule-15

(Relating to sub-section (5) of Section 182)

Form of deed of record of the examination of witness through video-conference

We, the undersigned, hereby covenant that it is true and correct that, in the case of.....in whichis the plaintiff andis the defendant, being, the witness of the plaintiff/defendant, unable to appear in the court, the said witness has been examined in our presence through video-conference by the order (date).

Name, surname of the witness:

Signature of the employee deputed by the court:

Name, surname and designation of the employee deputed by the court:

Signature of the plaintiff, defendant or his or her attorney or law practitioner:

Name, surname of the plaintiff, defendant or his or her attorney or law practitioner:

Signature of the Local Level member or representative:

Name, surname and designation of the Local Level member or representative:

Place:

Date:

Schedule-16

(Relating to Section 184)

Form of oath to be taken by a witness

I.....hereby take an oath in the name of the God/swear with truth and honesty that in the case of.....vs....., I shall give true statement of whatever I have seen, known and heard; that I shall not conceal or lie any matter; and that I shall give true answers to all questions asked by the court/office and by or on behalf of the parties to the case, to the extent of whatever I have seen, known and heard. I agree that if proved false, the matter be dealt with in accordance with law.

It is true and correct that the witness has taken an oath in my presence.

Signature of the oath taking person:

Date:

Signature of the judge:

Date:

Schedule-17

(Relating to sub-section (4) of Section 187)

Form of taking deposition of a witness

Case.....

Number.....of the year.....

Deposition ofwitness of the plaintiff/defendant in the case of.....in whichis plaintiff andis defendant.

Questions and answers to the questions

1. Question: What is your and your father's, mother's name?

Answer:

What is your age? What is your occupation? Where do you live? (to be asked by the court)

Answer:

2. Questions to be asked by the concerned party/his or her law practitioner:

(a) Answer:

(b) Answer:

(c) Answer:

(d) Answer:

(Note: If the concerned party or law practitioner does not ask any question, the court shall ask necessary questions).

3. Description of cross-examination, if any, made by the opposite party/law practitioner:

(a) Question: Answer:

(b) Question: Answer:

(c) Question: Answer:

(d) Question: Answer:

4. Description of re-examination, if any, made by the concerned party/law practitioner:

(a) Question: Answer:

(b) Question: Answer:

(c) Question: Answer:

(d) Question: Answer:

5. Description of questions, if any, asked by the court:

(a) Question: Answer:

(b) Question: Answer:

Signature of the party:

Signature of the person making deposition:

Signature of the judge taking deposition:

Date:

Schedule-18

(Relating to sub-section (2) of Section 189)

Form of Commission with Interrogatories

A commission with interrogatories sent by.....court/office

Case No.....of the year.....

Case.....

Plaintiff.....

vs.

Defendant.....

Deposition of witness on commission with interrogatories.....

1. Question: What is your and your father's, mother's name?

Answer:

What is your age? What is your occupation? Where do you live?

Answer:

2. Questions to be asked by the Court:

(a) Question: Answer:

(b) Question: Answer:

(c) Question: Answer:

(d) Question: Answer:

3. Description of cross-examination, if any, made by the opposite party/law practitioner:

(a) Question: Answer:

(b) Question: Answer:

(c) Question: Answer:

4. It is true and correct that this deposition taken on commission with interrogatories contains whatever stated by me. If proved false, I agree that the matter be dealt with in accordance with law.

Signature of parties:

Signature of the person making deposition on commission:

Signature of the person or judge taking deposition on commission:

Schedule-19

(Relating to sub-section (1) of Section 198)

Form of Judgment

Judgment

Made by

Bench

.....district Court/office

Civil registration number.....of the year.....

Case:.....

Name, surname and address of plaintiff	Name, surname and address of defendant
.....
(If more than one plaintiff, to specify the details accordingly in relation to each plaintiff)	(If more than one defendant, to specify the details accordingly in relation to each defendant)

Plaintiff's witness:

Defendant's witness:

Evidence:

Evidence:

Examined by the Court:

Witness:.....

Evidence:.....

Description of the case, with facts in brief:

Plaintiff's claim:

Defendant's pleas and defense:

Evidence submitted by the plaintiff and the defendant:

The issue to be decreed upon agreement or disagreement of parties thereto:

Pleadings by the party or his or her law practitioner, and main points of the pleading note, if any, submitted:

Decree made by the court and basis thereof:

Relevant law applied for making decree:

Matter of decree to be executed:

Whether the judgment is appealable or not:

Particulars

(The judgment making judge is to mention, according to the name of the case, the matters as to the execution of the judgment, the court to which appeal can be made if it is appealable, whether the court fee is to be recovered or not, if recovered, the manner of recover, and any other matters as required)

Name of employee assisting in the preparation of the judgment:

Full name and signature of the judge:

Done on.....the day of the month of.....the year.....

Seal of court/office

Date:

Signature of the judge:

Schedule-20

(Relating to sub-section (3) of Section 200)

Form of process with time limit for appeal with a notice of judgment/notice of judgment

Form of process with time-limit for appeal with notice of judgment/notice of judgment issued bycourt/office to, a resident of

Whereas, judgment has been passed by this court/office in the aforesaid case in whichis plaintiff andis defendant on.....(date), maintaining/not maintaining/dismissing the plaint claim;

Now, therefore, you are hereby notified to make appeal incourt withindays after the date on which you received this process or it was posted on your house and door if you are not satisfied with the judgment. Take notice that if you expire the time-limit without making appeal within the time-limit, the case will be dealt with in accordance with law, and any suit made by you subsequent thereto will not be entertained.

Authority issuing the time-limit for appeal/ the notice of judgment:

Signature:

Name:

Designation:

Date:

Schedule-21

(Relating to sub-section (1) of Section 208)

Form of Memorandum of Appeal

To be filled by the court/office:

Registration No.:

Registration date:

Memorandum of appeal submitted in

....., age ofyears, a resident of

Appellant/Plaintiff/Defendant

(in the case of more than one appellant, to specify the details hereof
in relation to each appellant)

vs.

....., age ofyears, a resident of

Respondent/Plaintiff/Defendant

(in the case of more than one respondent, to specify the details hereof
in relation to each respondent)

Case:.....

Judgment making judge and court/office:

Date of the judgment:

Case-file number of the judgment:

Whereas, the judgment was made by the above-mentioned judge and court/office in the above-mentioned case in which I/we am/are parties, holding the following, and I/we received the notice of the judgment on(to specify date);

Now, therefore, being unsatisfied with the judgment, I/we hereby make appeal as follows.

1. Short description of the case:
2. Short description of the judgment:
3. Grounds on which the judgment is based:
4. Reasons for making appeal and rebuttal of the grounds on which the judgment is based:
 - (a)
 - (b)
 - (c)
5. Appeal pleas and legal grounds substantiating the same:
6. Court fee and other fee chargeable for making appeal:
7. Other necessary matters, if any:
 - (a)
 - (b)
 - (c)
8. Documents to be attached with the appeal:
 - (a) A copy of the judgment:
 - (b) Court fee and other fee:
 - (c) A copy of the evidence, if any:

9. The matters contained herein are true and correct, if proved false, I/we shall be liable to the consequences arising according to law.

The appellant's signature:

In the case of a body corporate:

Seal:

Date:

Note: In submitting a memorandum of appeal on behalf of a body corporate, the name and address of such a body, and the name, surname and post of the person authorized to make the memorandum of appeal on behalf of such a body shall be mentioned.

Schedule-22

(Relating to sub-section (1) of Section 214)

Form of notice for summoning the presence of the respondent

..... court/office

Case number..... of the year....

.....Appellant/Plaintiff/Defendant

vs.

.....Respondent/Plaintiff/Defendant

A notice issued in the name of, age of....years, a resident of Ward No....., Village Body/Municipality,district, son/daughter/husband /wife of.....

Whereas, this court made an order (mention short description of the order) on(date);

Now, therefore, this notice, accompanied by a copy of the order, is forwarded to you for your information. You are hereby notified to appear in this court/office in person or appoint and send your attorney or law practitioner in accordance with law, along with your evidence and proof in the said case. Otherwise, the matter will be dealt with as per law.

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

(Seal of the court):

As ordered,

Signature:

Schedule-23

(Relating to sub-section (4) of Section 215)

Form of Appellate Judgment

.....court

Single/Division Bench

Appellate Judgment made by Honorable Judge Mr./Ms.....

Civil appeal number.....of the year.....

.....(full name, surname and address of the appellant)

-Appellant/Plaintiff/Defendant

(in the case of more than one appellant, to specify the details hereof
in relation to each appellant)

Vs.

.....(full name, surname and address of the respondent)

-Respondent/Plaintiff/Defendant

(in the case of more than one respondent, to specify the details hereof
in relation to each respondent)

1. Facts of the case in short: (to specify the facts of the case in short and
matters of appeal made)

2. To mention short description of the order made by the High Court to
summon the presence of the respondent.

3. To mention short description of the evidence, if any, examined.
4. Appeal claim and matter to be decided by the High Court (mention point-wise).

(a)

(b)

5. Decision and decree made by the court with grounds and reasons.

1. Decree to be executed.
2. Matter relating to the time-limit for appeal.
3. Matter relating to the court fee.
4. Other necessary matters.

(Note: The judge who has made the judgment shall, according to the nature of the case, to mention the matters relating to the execution of the judgment, whether the judgment is appealable, and the court where appeal may be made if it is appealable, whether the court fee has to be recovered, and the manner of recovery if it has to be recovered and other necessary matter, if any.)

Name of the employee who has assisted in the preparation of the judgment:

Full signature of the judge:

Done on thisday of

Schedule-24

(Relating to sub-section (5) of Section 235)

Form of process for summoning the appearance of a party for the purpose of executing judgment

A twenty-one-day process issued byDistrict Court in the name of, age of....years, a resident of Ward No....., Village Body/Municipality,district, son/daughter/husband/wife of.....

Whereas, this Court made the final judgment (to mention short description of the decree of the judgment) in the case in whichis plaintiff andis defendant, on(date);

Now, therefore, this process is hereby issued for you to appear for the purpose of executing the judgment. You are hereby notified to appear in this court in person or appoint and send your attorney or law practitioner in accordance with law, within twenty-one days, excluding the time required for journey, after the date on which you received this process or it was posted in accordance with the procedure specified by law. The matter will be dealt with as per law if fail to appear in the Court within the time-limit specified herein.

Concerned employee's:

Signature:

Name:

Designation:

Done on thisday of

Schedule-25

(Relating to sub-section (9) of Section 238)

Form of process issued for opening the lock of the house/shop of which ownership is to be enforced

A seven days process issued byDistrict Court in the name of, age of....years, a resident of Ward No....., Village Body/Municipality,district, son/daughter/husband/wife of.....

Whereas, this Court has made the final judgment for the enforcement of ownership..... in the case in whichis plaintiff andis defendant, on(date), and a commission was issued to enforce the ownership of the house/shop built in land, plot number....., situated in Ward No.....,Village Body/Municipality, District, and the commission found the house/shop locked, and you, the owner of the house/shop, did not appear to open the lock;

Now, therefore, this seven days process is hereby posted on the house/shop of which possession is to be enforced for you to open the lock of the house/shop. You are hereby notified to open the lock of the house/shop within fifteen days after the date on which this process was posted. If you do not open the lock within the said time-limit, the court shall issue a commission to open the lock and enforce the possession of the house/shop. No complaint by you on this matter subsequently shall be entertained.

Concerned employee's Signature:

Name:

Post:

Done on thisday of

Schedule-26

(Relating to sub-section (2) of Section 241)

Form of process to be issued in the name of a co-owner who does not appear for partition

A fifteen days process issued byDistrict Court in the name of, age of....years, a resident of Ward No....., Village Body/Municipality,district, son/daughter/husband/wife of.....

Whereas, this court has made the final judgment for the execution of partition in the case in whichis plaintiff andis defendant, on(date), and the other co-owners have appeared in this court for setting aside the partition shares in pursuance of the judgment but you have remained absent;

Now, therefore, this process is hereby issued for you to appear in order to receive your partition share upon executing partition in accordance with law. You are hereby notified to appear in this court in person or appoint and send your attorney or law practitioner within fifteen days, excluding the time required for journey. If you appear, the partition shall be executed at the same time in presence of all co-owners including yourself. If you fail to appear, you cannot make any kind of complaint subsequently claiming that the partition was executed in your absence and the partition share was lower in terms of value or quality.

Concerned employee's signature:

Name:

Designation:

Done on thisday of

Schedule-27

(Relating to sub-section (8) of Section 241)

Form of process to be issued in the name of a person who is to provide partition share or who has custody of property to be partitioned

A fifteen days process issued byDistrict Court in the name of, age of....years, a resident of Ward No....., Village Body/Municipality,district, son/daughter/husband/wife of.....

Whereas, this Court has made the final judgment for the execution of partition in the case in whichis plaintiff andis defendant, on(date), and the commission sent by the Court visited the site but you did not appear and even any member of your joint family having attained the age of majority did not produce all properties specified in the inventory;

Now, therefore, this process is hereby posted on your house and door. You are hereby notified to appear in this Court in person or appoint and send your attorney or law practitioner within fifteen days, excluding the time required for journey, and show, set aside and effect partition of all properties specified in the inventory liable to be partitioned. If you fail to appear in person or send your attorney or law practitioner, the matter shall be dealt with in accordance with law.

Concerned employee's:

Signature:

Name:

Designation:

Done on thisday of

Schedule-28

(Relating to sub-section (1) of Section 254)

Civil cases in which Government is a plaintiff

1. A case involving right, interest or concern of the Government of Nepal or any of its offices, court, constitutional body,
2. A case relating to concealment of a government land,
3. A case relating to concealment of land revenue,
4. A case under Sections 432 and 433 of the National Civil (Code) Act, 2017,
5. A case relating to concealment of government amount or establishment of any matter of government entitlement,
6. Any other civil case as specified from time to time by the Government of Nepal to be a case in which Government is plaintiff, by a notification in the Nepal Gazette.

Schedule-29

(Relating to Section 284)

Form of index of documents

.....VS.....

Case:

Case file number.....of year.....

Serial number of documents	Short description of documents		Name of party submitting documents	Date of submission of documents	Signature of the employee
	Never to be disposed	To be disposed after 5 years			

Signature of preparer:

Signature of certifying officer: