

**LAHORE HIGH COURT, LAHORE**



***AMENDMENTS IN THE FIRST SCHEDULE OF THE CODE OF CIVIL  
PROCEDURE, 1908***

**PROPOSED BY**

***HO'BNLE RULE COMMITTEE (CPC)***

<b><i>Hon'ble Mr. Justice Amin-ud-Din Khan</i></b>	<b><i>(President)</i></b>
<b><i>Hon,ble Mr. Justice Muhammad Tariq Abbasi</i></b>	<b><i>(Member)</i></b>
<b><i>Hon'ble Mr. Justice Shams Mehmood Mirza</i></b>	<b><i>(Member)</i></b>
<b><i>Hon'ble Mr. Justice Shahid Karim</i></b>	<b><i>(Member)</i></b>
<b><i>Mr. Shakib Imran, Senior Civil Judge, Lahore</i></b>	<b><i>(Member)</i></b>
<b><i>Mr. Shahzad Shaukat, Advocate</i></b>	<b><i>(Member)</i></b>
<b><i>Mr. Zafar Iqbal Kalanauri, Advocate</i></b>	<b><i>(Member)</i></b>
<b><i>Mr. Muhammad Rafique, Addl. Registrar (L &amp; R)</i></b>	<b><i>(Secretary)</i></b>

**MINUTES OF THE MEETING OF RULE COMMITTEE (CPC) HELD ON 02.03. 2018 IN THE CHAMBER OF HON'BLE MR. JUSTICE AMIN-UD-DIN KHAN.**

**MEMBERS OF THE COMMITTEE PRESENT:**

<i>Hon'ble Mr. Justice Amin-ud-Din Khan</i>	<i>President</i>
<i>Hon,ble Mr. Justice Muhammad Tariq Abbasi</i>	<i>Member</i>
<i>Hon'ble Mr. Justice Shams Mehmood Mirza</i>	<i>Member</i>
<i>Hon'ble Mr. Justice Shahid Karim</i>	<i>Member</i>
<i>Mr. Shakib Imran, Senior Civil Judge, Lahore</i>	<i>Member</i>
<i>Mr. Shahzad Shaukat, Advocate</i>	<i>Member</i>
<i>Mr. Zafar Iqbal Kalanauri, Advocate</i>	<i>Member</i>
<i>Mr. Muhammad Rafique, Addl. Registrar (L &amp; R)</i>	<i>Secretary</i>

**SUBJECT: PROPOSALS FOR AMENDMENTS IN FIRST SCHEDULE CODE OF CIVIL PROCEDURE, 1908.**

*It had been realizing with full gravity that the Rules & Orders as contained in the First Schedule of CPC are not catering the need of time as nether they facilitate the litigant public adequately nor deal with modern techniques; further that despite the fact that Section 89-A existed in the body of the Code but there is/was no mechanism/rules to make this section operationalized, which is the main factor for causing delay in disposal of the cases.*

2. *All the Hon'ble Members of Rule Committee (CPC) burnt mid night oil and after thorough deliberations on each and every Order/Rule, with the grace of Almighty Allah, the Committee succeeded in its goal and ultimately it has proposed & approved a final draft of amendments in the First Schedule of the Code ibid.*

3. *It has been decided by the committee that Approved draft will be placed before Hon'ble Chief Justice for seeking his Lordship's kind Orders to refer the same to Hon'ble Administrative Committee.*

4. *After convening a number of meetings, the Committee unanimously approve the following amendments in the First Schedule of Code of Civil procedure, 1908:*

Sr. No.	Proposed Amendments	Existing Provisions
1.	<p><b>Amendments of Order I:</b></p> <p><b>Amended Rule 11</b></p> <ul style="list-style-type: none"> <li>• <i>“Conduct of suit.--The Court shall, at the time of framing of the issues, give the conduct of the suit to such party as it deems proper for ensuring a expeditious adjudication of the suit.”</i></li> </ul>	<p>Order I, Rule 11.</p> <p><i>Conduct of suit.--The Court may give the conduct of the suit to such person as it deems proper.</i></p>
2.	<p><b>Amendments of Order II:</b></p> <p><b>Rule 6-A has been added</b></p> <ul style="list-style-type: none"> <li>• <i>“where two or more suits of the same nature and requiring determination of similar issues are pending in relation to the same subject matter, the Court may, if it considers expedient for avoiding multiplicity of litigation and conflicting judgments, Order their consolidation into one trial, whereupon all such suits shall be decided on the basis of a consolidated trial.”</i></li> </ul>	<p><i>New Rule 6-A has been added by incorporating provisions for consolidation of suit.</i></p>
3.	<p><b>Amendments of Order IV:</b></p> <p><b>Rule 3 (1) &amp; (2) has been added</b></p> <ul style="list-style-type: none"> <li>• <i>“(1) Once the suit is registered in terms of Order IV, Rule 2 CPC, it shall immediately be placed before the Administrative Civil Judge duly notified by the Lahore High Court, who shall, after ensuring that the plaint and its annexures are in order, direct issuances of summons and processes to the other side. The administrative Judge shall be seized of the matter until the appearance of the parties is complete and all the ancillary pre-trial matters have been duly settled.”</i></li> <li>• <i>“(2) During the time while the suit is with the Administrative Civil Judge, The Court shall at the request of the party(s), which it considers reasonable, place the matter before a Civil Judge, for passing of appropriate orders in relation to interim injunctions.”</i></li> </ul>	<p><i>New Rule 3(1) &amp; (2) has been added in Order IV.</i></p>
4.	<p><b>Amendments of Order V:</b></p> <p><b>Amended Rule 2</b></p> <ul style="list-style-type: none"> <li>• <i>“Copy of statement annexed to summons.--(i) Every summons shall</i></li> </ul>	<p>Order V, Rule 2.</p> <p><b>2. Copy of Statement Annexed to summons.-</b> <i>-Every summons shall be accompanied by a</i></p>

<p>be accompanied by a copy of the plaint and all its annexures including the list of reliance under Order VII, Rule 14, CPC”</p> <ul style="list-style-type: none"> <li>• “(ii) The summons shall also specify the date on which the issues are to be framed and shall also direct the defendant(s) to file written statement(s) prior thereto”</li> </ul> <p><b>Rule 2-A &amp; 2-B, may be added as follows:</b></p> <ul style="list-style-type: none"> <li>• “(2-A) In case of failure of the plaintiff to append a copy of the plaint and documents with the summons, his suit shall stand dismissed in terms of Order IX, Rule 2, CPC.”</li> <li>• “(2-B) If the defendant(s) having been properly served, fail(s) to submit their written statement prior to the date specified in the summons, it shall be presumed that the defendant(s) does not wish to defend the suit and accept the contents of the plaint as correct.</li> </ul> <p>Provided, however, nothing shall preclude the Court from granting extensions in time for filing of the written statement, upon a just and sufficient cause having been advanced justifying the delay, through an application in writing supported by an affidavit of the said defendant(s).</p> <p>Provided; further, that no extensions beyond a maximum period of 30 days shall, under any circumstances be granted to the defendants”</p> <p><b>Amended Rule 10-A:</b></p> <ul style="list-style-type: none"> <li>• “Service by post.--(1) Simultaneously with the issuance of summons under Rule 9, there shall be sent, to the defendant(s), by Courier service or Urgent Mail Service of the Pakistan Post (UMS) and registered post, acknowledgment due, another copy of the summons signed and sealed in the manner as provided in Rule 10.”</li> <li>• “(2). An acknowledgment purported to be signed by the defendant of the receipt of the registered</li> </ul>	<p>copy of the plaint or, if so permitted, by a concise statement.</p> <p>Rule 2(ii) has been added</p> <p>Order V, Rule 2-A &amp; 2-B has been added.</p> <p><b>Rule 10-A</b>  <b>Service by post.--(1)</b> Simultaneously, with the issue of summons under rule 9, there shall be sent, unless otherwise ordered by the court, to the defendant, by registered post, acknowledgement due, another copy of the summons signed and sealed in the manner provided in rule 10.</p> <p>(2) An acknowledgement purporting to be signed by the defendant of the receipt of the registered communication or an endorsement by a postal employee that the defendant refused to take delivery of the same shall be deemed by the Court issuing the summons to be prima facie proof of service of summons.</p>
---	---

	<p><i>communication or an endorsement by a Courier messenger or postal employee that the defendant refused to receive the same shall be deemed by the Court issuing the summons to be prima facie proof of service of summons."</i></p>	
5.	<p><b>Amendments of Order VII: Amended Rule 9</b></p> <ul style="list-style-type: none"> <li><i>"1A(a) as many copies on plain paper of the plaint as there are defendants, plus two extra copies."</i></li> </ul> <p><b>Amended Rule 11(d)</b></p> <ul style="list-style-type: none"> <li><i>"(d). Where the suit appears from <u>the record available with the court</u> to be barred by any law"</i></li> </ul> <p>Sub-rule(2) shall be added:</p> <ul style="list-style-type: none"> <li><i>"(2) a defendant shall not be allowed to submit a separate application for invoking the provisions of Order VII, Rule 11, prior to the filing of a written statement."</i></li> </ul> <p><b>Amended Rule 13:</b></p> <ul style="list-style-type: none"> <li><i>"Where rejection of plaint does not preclude presentation of fresh plaint.--The rejection of the plaint on any of the grounds mentioned <u>in clauses a to c of Order VII, Rule 11</u>, shall not, of its own force, preclude the plaintiff to present a fresh plaint in respect of the same cause of action."</i></li> </ul> <p><b>Amended Rule 26:</b> <b>After Rule 3, sub-rule (3), Amended sub-rule (4) shall be added in the following manner:</b></p> <ul style="list-style-type: none"> <li><i>"(4) failure of the plaintiff to file the list of legal representatives as aforesaid, shall render the suit liable to be dismissed in terms of Order IX, Rule 2, CPC"</i></li> </ul>	<p>Order VII, Rule 9(1A)(a) <i>(a) as many copies on plain paper of the plaint as there are defendants, plus two extra copies, <del>unless the court, by reason of the length of the plaint or the number of defendants, or for any other sufficient reason, permits him to present a like number of concise statements of the nature of the claim made, or of the relief claimed in the suit, in which case he shall present such statements.</del></i></p> <p>Rule 11(d) <i>(d) Where the suit appears from the statement in the plaint to be barred by any law.</i></p> <p>Rule 11, Sub-rule (2) shall be added.</p> <p>Rule 13 <i>Where rejection of plaint does not preclude presentation of fresh plaint.-- The rejection of plaint on any of the grounds herein – before mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.</i></p> <p>After Rule 3, sub-rule (3), Amended sub-rule (4) has been added.</p>
6.	<p><b>Amendments of Order VIII: Rule 1(A) has been added</b></p> <ul style="list-style-type: none"> <li><i>"The defendant shall, at the time of submission of written statement in terms of Rule 1, shall, file with the court, copies of the written statement along with all its annexures along-with the list of reliance, so that the same should be supplied to the all the contesting parties."</i></li> </ul>	<p>Rule 1(A) has been added.</p>

	<p><b>Amended Rule 13</b> After sub-rule (3), the following sub-rules (4) &amp; (5) shall be added:</p> <ul style="list-style-type: none"> <li>• <i>“(4). In case the defendant fails to file a list of legal representatives, the Court shall, after giving one opportunity, to make up the deficiency, strike-off the <u>defence</u> of the defendant, in terms of Order VIII, Rule 10, CPC.”</i></li> <li>• <i>“(5). The court may, on an application, along-with the requisite list of legal representatives, disclosing a sufficient cause for non-filing thereof, may recall the order under sub-rule 4, and allow the defendant to continue with the defence of the suit.”</i></li> </ul>	<p>Sub-rule (4) &amp; (5) have been added.</p>
<p>7.</p>	<p><b>Amendments of Order IX-A:</b> Order IX-(A) is proposed to be amended as follows:</p> <p>1.</p> <p><i>(1) After the pleadings have been duly submitted in Court, and at the time of framing the issues, the Court shall, after it has fixed the date for a continuous trial/recording of evidence of parties, undertake the following steps:</i></p> <p style="padding-left: 40px;"><i>“i. The Court shall fix a date for examination of the parties, in terms of Order X, CPC.</i></p> <p style="padding-left: 40px;"><i>ii. The Court shall also fix a date so as to ensure that necessary inspection and discovery is carried out as entailed by Order XI, CPC under its direct supervision.</i></p> <p style="padding-left: 40px;"><i>iii. The Court shall also fix another date for ensuring that necessary steps in relation to admittance of facts and documents in terms of Order XII CPC are also undertaken on the same date.”</i></p> <p><b>Sub-rule (2):</b></p> <ul style="list-style-type: none"> <li>• <i>“(2). Nothing in sub-rule 1, shall prevent the Court from granting a maximum adjournment of 3 days of ensuring the completion of the process detailed above”</i></li> </ul> <p><b>Sub-rule (3):</b></p> <ul style="list-style-type: none"> <li>• <i>“(3). The Court shall maintain a</i></li> </ul>	<p>Order IX-A has entirely been redrafted for the purpose of case management issues.</p>

	<p><i>comprehensive record of the proceedings undertaken in terms of sub-rule 1 &amp; 2 on the case management questionnaire available in Appendix ____, CPC"</i></p> <p><b>Sub-rule (4):</b></p> <ul style="list-style-type: none"> <li>• <i>"(4). The Court shall assume a proactive role in conducting the proceedings under Order IX-A, with the purpose of ensuring that all unnecessary and frivolous allegations, counter-allegations, and documents are excluded from consideration and the parties are put to Trial in relation to the exact dispute between themselves."</i></li> </ul> <p><b>Sub-rule (5):</b></p> <ul style="list-style-type: none"> <li>• <i>"(5). While carrying out the proceedings under this rule, the court shall carefully assess, if there is a possibility of adoption of either of the ADR process and if necessary refer the matter for such resolution in terms of Section 89-A, CPC."</i></li> </ul> <p><b>Rule 2 is proposed to be added as follows:</b></p> <p><i>** "(1). The plaintiff shall, along with the plaint, file a duly filled case management questionnaire as provided in Appendix _____.</i></p> <p><i>(2). The defendant(s) shall, at the time of filing of the written statement, file a duly filled case management questionnaire as provided in Appendix _____"</i></p> <p><i>** "(3). Where the Court, after making an assessment in terms of Rule 1(5), is satisfied, that the dispute between the parties has a reasonable chance of being settled by adoption of any of the Alternative Dispute Resolution mechanism, the Court seized of the matter shall stay the proceedings of the suit for a period of not more than 30 days while requiring the parties to adopt any of such Alternative Dispute Resolution mechanism, as the Court may deem fit."</i></p>	
8.	<p><b>Order IX-B Added</b></p> <p><b>1. Reference to Mediation:</b> (1). Where it appears to the Court that there exist elements of a settlement which may be acceptable to the parties, it shall refer every civil nature for mediation except where the Court, having</p>	

	<p>regard to the facts and circumstances of the case, is satisfied that there is no possibility of resolution of the dispute through mediation; or an intricate question of law or facts is involved.</p> <p>(2). While referring the matter for mediation, the referring court may point out the material points for determination to facilitate the mediator.</p> <p><b>2. Appearance of Parties:</b> Upon referring the matter for mediation, the Court shall direct the parties to appear before the Mediation Centre set up by the Lahore High Court, on the date and time fixed by it.</p> <p><b>3. Settlement:</b> (1) If as a result of the mediation a settlement is reached between the parties, the Mediator shall record such settlement, duly witnessed and signed by him and by the parties or their duly authorized representatives or advocates and submit it to the Court through the Administrator of the Centre which shall pronounce judgment or pass decree or an order in terms of the settlement.</p> <p>(2) If the settlement relates only to part of the dispute, the Court shall pass judgment or decree or an order in terms of such settlement, while adjudicating upon the remaining part.</p> <p><b>4. Failure of Mediation:</b> If the efforts of the Mediator fail to bring about a settlement between the parties, the Mediator shall submit a report to the Court which shall proceed with the case from the stage it was referred for the mediation.</p> <p><b>5. In case of settlement:</b> (1) In case the mediation proceedings are successful and the parties have arrived at an agreement, the mediator shall cause the same to be recorded in writing, signed by the parties and by at least two independent witnesses.</p> <p>(2). The Agreement finally prepared in terms of sub rule (1) shall also be certified by the mediator and transmitted to the Court forthwith.</p> <p>3). The court shall, on receipt of the Agreement between the Parties, pass a Decree in terms thereof unless, it for the reasons to be recorded finds that the Agreement between the parties is not enforceable under the law.</p>	
8.	<p><b>Amendments of Order XI:</b></p> <p><b>Amended Rule 1:</b></p> <ul style="list-style-type: none"> <li>• <i>“1. The court shall, on fixing a date under Order IX-A, direct the parties to deliver interrogatories in writing for the examination of the opposite parties or any one or more of such parties stating clearly as to which of such interrogatories is to be answered by whom.</i></li> </ul> <p><i>Provided that it shall be within the</i></p>	<p>Rule 1:</p> <p><i>1. In any suit the plaintiff or defendant by leave of the Court may deliver interrogatories in writing for the examination of the opposite-parties or any one or more of such parties, and such interrogatories when delivered shall have a note at the foot thereof stating which of such interrogatories each of such persons is required to answer: Provided that no party shall deliver more than one set of interrogatories to the same party without any order for that purpose: Provided also that</i></p>



<p>powers of the Court to reject an interrogatory or a part thereof, if it is of the considered opinion that it is irrelevant.”</p> <p><b>Amended Rule 2:</b></p> <ul style="list-style-type: none"> <li>• “2. Once the requisite interrogatories are submitted in the Court, the Court shall, ensure that the same are delivered to the opposite side, prior to the date under Order IX-A, so that the opposite side should be ready to respond to the same at the appropriate time.”</li> </ul> <p><b>Amended Rule 3:</b></p> <ul style="list-style-type: none"> <li>• “3. If a party to a suit deliberately avoids to answer the interrogatories addressed to it, it shall be lawful for the Court to proceed against it in terms of Rule 21 of this Order.”</li> </ul> <p><b>Amended Rule 8:</b></p> <ul style="list-style-type: none"> <li>• “8. The interrogatories shall be answered by an affidavit to be filed prior to the date fixed for proceedings under Order IX-A”</li> </ul> <p><b>Amended Rule 11:</b></p> <ul style="list-style-type: none"> <li>• “11. Where any person interrogated, submits an insufficient or an evasive reply, the Court may at the time of carrying out proceedings under Order IX-A, require him to submit a proper answer forthwith, failing which the provisions of Order XI, Rule 3 shall become applicable viz the said party”</li> </ul> <p><b>Amended Rule 12:</b></p>	<p>interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.</p> <p><b>Rule 2:</b></p> <p>2. On an application for leave to deliver interrogatories, the particular interrogatories proposed to be delivered shall be submitted to the Court. In deciding upon such application, the Court shall take into account any offer, which may be made by the party sought to be interrogated to deliver particulars or to make admissions or to produce documents relating to the matters in question, or any of them, and leave shall be given as to such only of the interrogatories submitted as the Court shall consider necessary either for disposing fairly of the suit or for saving costs.</p> <p><b>Rule 3:</b></p> <p>3. In adjusting the costs of the suit inquiry shall at the instance of any party be made into the propriety of exhibiting such interrogatories and if it is the opinion of the taxing officer or of the Court, either with or without an application for inquiry, that such interrogatories have been exhibited unreasonably, vexatiously, or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be paid in any event by the party in fault.</p> <p><b>Rule 8:</b></p> <p>8. Interrogatories shall be answered by affidavit to be filed within ten days, or within such other time as the Court may allow.</p> <p><b>Rule 11:</b></p> <p>11. Where any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the Court for an order requiring him to answer or to answer further, as the case may be. And an order may be made requiring him to answer or answer further, either by affidavit or by viva voce examination, as the Court may direct.</p>
---	--

	<p><b>Sub-rule (1) &amp; (2) has been added to Rule 12.</b></p> <ul style="list-style-type: none"> <li>• <i>“(1). Similarly, before the date fixed for proceedings under Order IX-A, the parties to the suit shall apply for discovery of the documents on oath, which are or have been in the possession or power of a contesting party.”</i></li> <li>• <i>“(2). The Court may after being satisfied as to the genuineness of the prayer made, pass appropriate orders to the concerned party, requiring it to produce the requisite document at the time of proceedings under Order IX-A for its inspection by the applicant.”</i></li> </ul>	<p><b>Sub-rule (1) &amp; (2) of Rule 12 have been added.</b></p>
9.	<p><b>Amendment of Order XII: Amended Rule 1:</b></p> <ul style="list-style-type: none"> <li>• <i>“1. the court shall while proceeding under Order IX-A, put it to the parties if they admit the truth, of the whole or part of the case, set-up by the other side in their pleadings.”</i></li> </ul> <p><b>Sub-rule (1) &amp; (2) of Order VII, Rule 2 has been added:</b></p> <ul style="list-style-type: none"> <li>• <i>“(1). the court shall also, require the parties to the suit, to admit or deny the documents annexed with the plaint or the written statement as the case may be.</i> <i>(2). In case despite being so required, a party refuses to answer, the Court may proceed against it in terms Order XI, Rule 21 CPC.</i></li> </ul> <p><i>Provided further, the denial of a document is found by the Court to be contumacious, the Court shall burden the defaulting party with heavy costs.”</i></p>	<p>Rule 1: <i>1. Any party to a suit may give notice, by his pleading or otherwise in writing, that he admits the truth of the whole or any part of the case of any other party.</i></p> <p>Rule 2: <i>2. Either party may call upon the other party to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, after such notice, the costs of proving any such document shall be paid by the party so neglecting or refusing, whatever the result of the suit may be, unless the Court otherwise directs; and no costs of proving any document shall be allowed unless such notice is given, except where the omission to give the notice is in the opinion of the Court a saving of expense.</i> <b>Sub-rule (1) &amp; (2) of Rule 2 have been added.</b></p>
10.	<p><b>Amendments of Order XIV: Amended Sub-rule (5) of Rule 1:</b></p> <ul style="list-style-type: none"> <li>• <i>“(5) <u>At the first hearing of the suit, after all proceedings in terms of Order IX-A have been undertaken, the Court shall after examining the plaint, the written statement(s), and such parties as may be necessary, determine the material proposition of fact or of law, upon which the parties are at variance and shall thereupon proceed to frame and record the issues on which the right decision of the case appears to depend.</u>”</i></li> </ul>	<p>Sub-rule 5 of Rule 1: <i>(5) At the first hearing of the suit the Court shall, after reading the plaint and the written statements, if any, and after such examination of the parties as may appear necessary, ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues on which the right decision of the case appears to depend.</i></p>
11.	<p><b>Amendments of Order XVI:</b></p>	

	<p><b>Amended Sub-rule (1) of Rule 1:</b></p> <ul style="list-style-type: none"> <li>“(1). Immediately after framing of the issues, the Court shall require the parties to file a list of witnesses, not later than seven (7) days, and shall fix a date for filing of the same in the Court.”</li> </ul> <p>In Sub Rule 2, the words “or produce” between the words call and witnesses, as added by the Lahore High Court amended dated 02-10-2001 shall be deleted and consequently amendment Sub-rule 2 shall be read as under:</p> <ul style="list-style-type: none"> <li>“(2) A party shall not be permitted to call witnesses other than those contained in the said list, except with the permission of the Court and after showing good cause for the omission of permission, it shall record reasons for so doing.”</li> </ul>	<p>Sub-rule (1) of Rule 1:</p> <p>(1) Not later than seven days after the settlement of issues, the parties shall present in Court a [certificate of readiness to produce evidence along-with a] list of witnesses whom they propose to call either to give evidence or to produce documents.</p> <p><b><u>As amended by Lahore High Court Amendment dated 02-10-2001.</u></b></p> <p>(2) A party shall not be permitted to call <b><u>‘or produce’</u></b> witnesses other than those contained in the said list, except with the permission of the Court and after showing good cause for the omission of permission, it shall record reasons for so doing.</p>
12.	<p><b>Amendments of Order XX:</b></p> <p><b>Amended Sub-rule (1) &amp; (2) of Rule 1:</b></p> <ul style="list-style-type: none"> <li>“(1) On completion of evidence the court, shall fix a date not exceeding fifteen (15) days for submission of “Skeleton of arguments / case-law” relied upon by the parties.</li> </ul> <p>(2) The Court after submission of “Skeleton of arguments” / case-law and after hearing oral submissions, if it so requires, fix a date not exceeding 7 days for announcement of the judgment. The said date shall be duly intimated to the parties and or their advocates at the same time.”</p> <p><b>Sub-Rule 3 of Rule 1 added:</b></p> <ul style="list-style-type: none"> <li>“(3). The Court shall, at the time of pronouncement of the judgment provide the parties, at their expense, with a duly attested copy of the judgment and the consequent decree enabling them to file an appeal, if so desired, within the stipulated period of limitation”</li> </ul> <p><b>Rule 20 of Order XX shall be deleted.</b></p>	<p>Sub-rule (1) &amp; (2) of Rule 1:</p> <p>(1) On completion of evidence, the Court, shall fix a date. Not exceeding fifteen days, for hearing of arguments of parties.</p> <p>(2) The Court shall, after the case has been heard, pronounce judgment in open Court, either at once or on some future day not exceeding thirty days, for which due notice shall be given to the parties or their advocates.</p> <p><b>Sub-Rule 3 of Rule 1 added</b></p> <p>20. Certified copies of the judgment and decree shall be furnished to the parties on application to the Court and at their expense.</p>
13.	<p><b>Amendments of Order XXI:</b></p>	

<p><b>Amended Rule 10:</b></p> <ul style="list-style-type: none"> <li>• “10. Upon announcement of an executable decree by any Court, the Suit shall automatically stand converted into execution proceedings without the need to file a formal/separate application and without issuance of a fresh notice to the judgment debtor in this regard”</li> </ul> <p><b>Amended Rule 11:</b></p> <ul style="list-style-type: none"> <li>• “11. At the time of the initiation of execution proceedings, the Court shall order the attachment of all known assets of the judgment debtor, if such assets have not already been attached in pursuance of Order XXXVIII.”</li> </ul> <p><b>The Sub-rule (2) of Rule 11 shall be deleted.</b></p> <p><b>Rule 17 shall be deleted.</b></p>	<p><b>Rule 10:</b></p> <p><i>10. Application for execution.--Where the holder of a decree desires to execute it, he shall apply to the Court which passed the decree to or the officer (if any) appointed in this behalf, or if the decree has been sent under the provisions hereinbefore contained to another Court then to such Court or to the proper officer thereof.</i></p> <p><b>Rule 11:</b></p> <p><i>11. (1) Where a decree is for the payment of money the Court may, on the oral application of the decree-holder at the time of the passing of the decree, order immediate execution thereof by the arrest of the judgment-debtor prior to the preparation of a warrant if he is within the precincts of the Court.</i></p> <p><i>(2) Save as otherwise provided by sub-rule (1), every application for the execution of a decree shall be in writing, signed and verified by the applicant or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case, and shall contain in a tabular form the following particulars, namely...</i></p> <p><b>17. Procedure on receiving application for execution of decree.--</b><i>(1) On receiving an application for the execution of a decree as provided by rule 11, sub-rule (2), the Court shall ascertain whether such of the requirements of rules 11 to 14 as may be applicable to the case have been complied with; and if they have not been complied with, the Court may reject the application, or may allow the defect to be remedied then and there or within a time to be fixed by it.</i></p> <p><i>(2) Where an application is amended under the provisions of sub-rule (1), it shall be deemed to have been an application in accordance with law and presented on the date when it was first presented.</i></p> <p><i>(3) Every amendment made under this rule shall be signed or initialed by the Judge.</i></p> <p><i>(4) When the application is admitted, the Court shall enter in the proper register a note of the application and the date on which it was made, and shall, subject to the provisions hereinafter contained, order execution of the decree according to the nature of the application:</i></p> <p><i>Provided that, in the case of decree for the payment of money, the value of the property attached shall, as nearly as may be, correspond with the amount due under the decree.</i></p> <p><b>23. Procedure after issue of notice.--</b><i>(1) Where the person to whom notice is issued</i></p>
---	--

<p><b>Rule 23 shall be deleted.</b></p> <p><b>Amended Rule 23-A:</b></p> <ul style="list-style-type: none"> <li>• “23-A. Deposit of decretal amount, etc.--An objection by the judgment-debtor to the execution of a decree shall not be considered by the Court unless-- <ul style="list-style-type: none"> <li>(a) in the case of a decree for the payment of money, he either deposits the decretal amount in Court or furnishes security, <u>to the satisfaction of the Court</u>, for its payment; and</li> <li>(b) in the case of any other decree, he furnishes security <u>to the satisfaction of the Court</u> for the due performance of the decree.”</li> </ul> </li> </ul> <p><b>Rule 29 shall be deleted.</b></p> <p><b>Amended Sub-rule (1) of Rule 32:</b></p> <ul style="list-style-type: none"> <li>• The words “for restitution of conjugal rights” shall stand deleted</li> </ul>	<p><i>under the last preceding rule does not appear or does not show cause to the satisfaction of the Court why the decree should not be executed, the Court shall order the decree to be executed.</i></p> <p><i>(2) Where such person offers any objection to the execution of the decree, the Court shall consider such objection and make such order as it thinks fit.</i></p> <p><b>23-A. Deposit of decretal amount, etc.--</b><i>An objection by the judgment-debtor to the execution of a decree shall not be considered by the Court unless –</i></p> <p><i>a) in case of a decree for the payment of money, he either deposits the decretal amount in Court or furnishes security for its payment; and</i></p> <p><i>b) in the case of any other decree, he furnishes security for the due performance of the decree.</i></p> <p><b>29.</b> <i>Where a suit is pending in any Court against the holder of a decree of such Court, on the part of the person against whom the decree was passed, the Court may, on such terms as to security or otherwise, as it thinks fit, stay execution of the decree until the pending suit has been decided.</i></p> <p><b>32. (1)</b> <i>Where the party against whom a decree for the specific performance of a contract, or for restitution of conjugal rights, or for an injunction, has been passed, has had an opportunity of obeying the decree and has willfully failed to obey it the decree may be enforced [ in the case of a decree for restitution of conjugal rights by the attachment of his property or, in the case of a decree for the specific performance of a contract or for an injunction] by his detention in [....]prison, or by the attachment of his property, or by both.</i></p> <p><b>Rule 33.</b> <b>Discretion of Court in executing decrees for restitution of conjugal rights.—</b></p> <p><b>Rule 36:</b> <b>36.</b> <i>Where a decree is for the delivery of any</i></p>
--	---

<p><b>Rule 33 shall be deleted.</b></p> <p><b>Amended Rule 36</b>  <b>Following Proviso has been added to Rule 36.....</b></p> <ul style="list-style-type: none"> <li>• <u>Provided that no such right of a tenant or other person, shall be protected in case(s) where the tenant or the other person has entered into possession of the immovable property subsequent to the institution of the suit wherein the decree has been passed.</u></li> </ul> <p><b>Amended Rule 37</b></p> <ul style="list-style-type: none"> <li>• “37. <b>Discretionary power to allow judgment-debtor an opportunity to show good cause against detention in prison--</b>(1) Notwithstanding anything in these rules, where the execution of a decree for the payment of money is sought to be executed through arrest and detention in <sup>1</sup>[-] prison of a judgment-debtor, the Court <sup>1</sup>[may] before issuing a warrant of arrest, provide one opportunity to the judgment-debtor to show good cause as to why he should not be <sup>3</sup>[detained in] prison:  <sup>2</sup>[Provided that such opportunity shall not be necessary if the Court is satisfied, by affidavit, or otherwise, that, with the object or effect of delaying the execution of the decree, the judgment-debtor is likely to abscond or leave the local limits of the jurisdiction of the Court.]  (2) Where the judgment-debtor fails to avail the opportunity or is unable to show a good cause, the Court shall, if the decree holder so requires, issue a warrant for the arrest of the judgment-debtor.”</li> </ul> <p><b>Amended Rule 40(1), (2) &amp; (3):</b>  <b>40. Proceedings on appearance of judgment-debtor by availing the</b></p>	<p><i>immovable property in the occupancy of a tenant or other person entitled to occupy the same and not bound by the decree to relinquish such occupancy, the Court shall order delivery to be made by affixing a copy of the warrant in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or other customary mode, at some convenient place, the substance of the decree in regard to the property.</i></p> <p>37. (1) Notwithstanding anything in these rules, where an application is for the execution of a decree for the payment of money by the arrest and detention in [.....] prison of a judgment-debtor who is liable to be arrested in pursuance of the application, the Court [shall, instead of issuing a warrant for his arrest, issue a notice calling upon him to appear before the Court on a day to be specified in the notice and show cause why he should not be [detained in] prison.</p> <p>[Provided that such notice shall not be necessary if the Court is satisfied, by affidavit, or otherwise, that with the object or effect of delaying the execution of the decree, the judgment-debtor is likely to abscond or leave the local limits of the jurisdiction of the Court.]</p> <p>(2) Where appearance is not made in obedience to the notice, the Court shall, if the decree-holder so requires, issue a warrant for the arrest of the judgment-debtor.</p> <p>Rule 40:  <b>40. Proceedings on appearance of judgment-debtor in obedience to notice or after arrest.--</b>(1) When a judgment-debtor appears before the Court in obedience to a notice issued under rule 37, or is brought before the Court after being arrested in execution of a decree for the payment of money, the Court shall proceed to hear the decree-holder and take all such evidence as may be produced by him in support of his application for execution, and shall then give the judgment-debtor an opportunity of showing cause why he should not be [detained in] prison.  (2) Pending the conclusion of the inquiry</p>
--	---

<p><b>opportunity for showing good cause or after arrest.--</b>(1) Where a judgment-debtor avails the opportunity provided under Rule 37, or is brought before the Court after being arrested in execution of a decree for the payment of money, the Court shall give the judgment-debtor an opportunity of showing good cause why he should not be <sup>2</sup>[detained in] prison.</p> <p><b>(2) Deleted</b></p> <p>(3) If the judgment-debtor fails to show good cause under rule 37 and sub-rule 40(1) the Court may, subject to the provisions of section 51 and to the other provisions of this Code, make an order for the detention of the judgment-debtor in <sup>3</sup>[-] prison and shall in that event cause him to be arrested if he is not already under arrest:</p> <p><b>Amended Rule 54:</b></p> <p><b>54. Attachment of immovable property.--</b>(1) Where the property is immovable, the attachment shall be made by an order prohibiting the judgment-debtor from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge <u>and any such transfer, charge, alienation, encumbrance or other disposition in violation of this rule shall be void and of no legal effect.</u></p> <p>(2) The order of attachment shall be intimated to the concerned authority maintaining the record of ownership / transfers of the subject property in addition to proclamation of the order at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and then upon a conspicuous part of the Court-house, and also, where the property is land paying revenue to the Government, in the office of the Collector of the district in which the</p>	<p>under sub-rule (1) the Court may, in its discretion, order the judgment-debtor to be detained in the custody of an officer of the Court or release him on his furnishing security to the satisfaction of the Court for his appearance when required.</p> <p>(3) Upon the conclusion of the inquiry under sub-rule (1) the Court may, subject to the provisions of section 51 and to the other provisions of this Code, make an order for the detention of the judgment-debtor in [...] prison and shall in that event cause him to be arrested if he is not already under arrest:</p> <p>54. Attachment of immovable property.--(1) Where the property is immovable, the attachment shall be made by an order prohibiting the judgment-debtor from transferring or charging the property in any way, and all persons from making any benefit from such transfer or charge.</p> <p>(2) The order shall be proclaimed at some place on or adjacent to such a property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and then upon a conspicuous part of the Court-house, and also, where the property is land paying revenue to the Government, in the office of the Collector of the district in which the land is situate.</p> <p><b>Rule 58:</b></p> <p>58. Investigation of claims to, and objections to attachment of, attached property.--(1).....</p> <p>[Provided that no such investigation shall be made where it appears to the Court that the claim or objection (whether made before or after the sale) has been designedly or unnecessarily delayed, or was not made within a reasonable time or within one year</p>
--	---

<p>land is situate.</p> <p><b>Amended Rule 58:</b>  <b>58. Investigation of claims to, and objections to attachment of, attached property.--(1).....</b></p> <p><sup>1</sup>[Provided that no such investigation shall be made where it appears to the Court that the claim or objection (whether made before or after the sale) has been designedly or unnecessarily delayed, or was not made within a <b>period of 30 days</b> of the date of the first attachment of the said property in the execution of the said decree, whichever is earlier, unless the claimant or objector:-</p> <p>(a).....  (b).....</p> <p><b>Amended Rule 66</b>  <b>66. Proclamation of sales by public auction--(1)</b> Where any property is ordered to be sold by public auction in execution of a decree, the Court shall cause a proclamation of the intended sale to be made in the language of such Court.</p> <p>(2) Such proclamation shall be drawn up by the Court Auctioneer appointed by the Court on the basis of the evaluation of the property to be conducted by an evaluator appointed by the Court, amongst the evaluators approved by Pakistan Banker's Association. The Court shall determine the Reserve Price of the Property after having received the evaluation report and proposed proclamation of sale. Proclamation of sale approved by the Court shall state the time and place of sale, and specify as fairly and accurately as possible -</p> <p>(a) the property to be sold;  b) the revenue assessed upon the estate or part of the estate, where the property to be sold is an interest in an estate or in part of an estate paying revenue to the Government;  (c) any encumbrance to which the property is liable;</p> <p>(d) the amount for the recovery of which the sale is ordered; and</p> <p>(e) every other thing which the Court considers material for a purchaser to</p>	<p>of the date of the first attachment of the said property in the execution of the said decree, whichever is earlier, unless the claimant or objector –</p> <p><b>Rule 66:</b>  <b>66. Proclamation of sales by public auction-- (1)</b> Where any property is ordered to be sold by public auction in execution of a decree, the Court shall cause a proclamation of the intended sale to be made in the language of such Court.</p> <p>(2) Such proclamation shall be drawn up after notice to the decree-holder and the judgment-debtor and shall state the time and place of sale, and specify as fairly and accurately as possible –</p> <p>a) the property to be sold;  b) the revenue assessed upon the estate or part of the estate, where the property to be sold is an interest in an estate or in part of an estate paying revenue to the Government;  c) any encumbrance to which the property is liable;</p> <p>d) the amount for the recovery of which the sale is ordered; and</p> <p>e) every other thing which the Court considers material for a purchaser to know in order to judge of the nature and value of the property.</p> <p>(3) Every application for an order for sale under this rule shall be accompanied by a statement signed and verified in the manner hereinbefore prescribed for the signing and verification of pleadings and containing, so far as they are known to or can be ascertained by the person making the verification, the matters required by sub-rule (2) to be specified in the proclamation.</p> <p>(4) For the purpose of ascertaining the matters to be specified in the proclamation,</p>
--	--



<p>know in order to judge of the nature and value of the property.</p> <p><b>(3). Deleted</b></p> <p>(4) For the purpose of ascertaining the matters to be specified in the proclamation, the Court may summon any person whom it thinks necessary to summon and may examine him in respect to any such matters and require him to produce any document in his possession or power relating thereto.</p> <p><b>Sub-rule (5), (6) &amp; (7) have been added</b></p> <p>(5). The Proclamation of the sale shall be advertised through affixation of the proclamation posters at the site and surroundings of the Property as well as at the Court house, which ordered for sale of the Property. Where the Reserve Price determine by the Court is more than Rs. 2,000,000/- (Rupees two million), the proclamation shall also be caused through publication in at-least one widely circulated newspaper.</p> <p>Provided the advertisement of the sale of the property may also be carried out through any other mode, which in the opinion of the court auctioneer, adds to the effective advertisement for a just and fair conduct of auction.</p> <p>(6). The Court Auctioneer shall cause the recording of the video footage of the Auction Proceedings while ensuring the transparency and fair bidding process in compliance of the approved Proclamation of Auction.</p> <p>(7). A notice of the sale of the Property shall be given to the Judgment Debtor with an option to match the highest bid within 15 days of the auction/sale of the Property and the Judgment Debtor, within 15 days, will have the first right of refusal to purchase the property at the highest bid offered by a bidder.</p> <p><b>Rule 70 shall be deleted.</b></p>	<p><i>the Court may summon any person whom it thinks necessary to summon and may examine him in respect to any such matters and require him to produce any document in his possession or power relating thereto.</i></p> <p><b>Sub-rule (5), (6) &amp; (7) have been added</b></p> <p>Rule 70: 70. Nothing in rules 66 to 69 shall be deemed to apply to any case in which the execution of a decree has been transferred to the Collector.</p> <p>Rule 72: 72. (1) No holder of a decree in execution of which property is sold shall, without the express permission of the Court, bid for or purchase the property.</p> <p>(2) Where a decree-holder purchases with such permission, the purchase-money and the</p>
---	--

<p><b>Amended Rule 72:</b>  <i>“Decree holder may bid to buy property in auction--(1) The holder of a decree in execution of which the property is sold may participate in the auction of the property and for that purpose make a bid for purchase of a property.  (2) Where decree holder purchases, amount of decree may be taken as payment-- Where a decree-holder purchases the property, the purchase-money and the amount due on the decree may, subject to the provisions of section 73, be set-off against one another, and the Court executing the decree shall enter up satisfaction of the decree in whole or in part accordingly.”</i></p> <p><b>Sub-Rule 3 shall be deleted.</b></p> <p><b>Rule 78 shall be deleted.</b></p> <p><b>Amended Rule 84:</b>  84. <i>Deposit by purchaser and re-sale on default -- (1) On every sale of immovable property the person declared to be the purchaser, shall pay to the officer or other person conducting the sale the amount equal to Reserve Price of the Property through Pay Order / Bank Draft / Banker’s Cheque immediately after such declaration and on default of such deposit the property shall forthwith be resold.  (2) Where the decree holder is the purchaser and is entitled to set off the purchase-money under rule 12, the</i></p>	<p><i>amount due on the decree may, subject to the provisions of section 73, be set-off against one another, and the Court executing the decree shall enter up satisfaction of the decree in whole or in part accordingly.</i></p> <p><i>(3) Where a decree-holder purchases, by himself or through another person, without such permission the Court may, if it thinks fit, on the application of the judgment-debtor or any other person whose interests are affected by the sale, by order set aside the sale; and the costs of such application and order, and any deficiency of price which may happen on the re-sale and all expenses attending it, shall be paid by the decree-holder.</i></p> <p><b>Rule 78:</b>  78. <i>No irregularity in publishing or conducting the sale of movable property shall vitiate the sale; but any person sustaining any injury by reason of such irregularity at the hand of any other person may institute a suit against him for compensation or (if such other person is the purchaser) for the recovery of the specific property and for compensation in default of such recovery.</i></p> <p><b>Rule 84:</b>  84. <i>Deposit by purchaser and re-sale on default.--(1) On every sale of immovable property the person declared to be the purchaser shall pay immediately after such declaration a deposit of twenty-five per cent. On the amount of his purchase money to the officer or other person conducting the sale and in default of such deposit the property shall forthwith be resold.</i></p> <p><i>(2) Where the decree holder is the purchaser and is entitled to set off the purchase-money under rule 12, the Court may dispense with the requirements of this rule.</i></p> <p><b>Rule 89:</b>  89. <i>Application to set aside sale on deposit -- (1) Where immovable property has been sold in execution of a decree, any person either owning such property or holding an interest therein by virtue of a title acquired before such sale may apply to have the sale set aside on his depositing in Court, -</i></p>
---	--

	<p>Court may dispense with the requirements of this rule.</p> <p><b>Amended Rule 89:</b>  <b>89. Application to set aside sale on deposit --</b> (1) Where immovable property has been sold in execution of a decree, any person either owning such property or holding a valid title by virtue of a title acquired before such sale may apply to have the sale set aside on his depositing in Court, -  (a) for payment to the purchaser a sum equal to five per cent of the purchase money; and  (b) for payment to the decree holder the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered less any amount which may since the date of such proclamation of sale have been received by the decree holder.  <b>Provided that no application under this rule shall be entertained unless the applicant deposits in Court the amount specified in the proclamation of the sale along-with a sum equal to five per cent of the purchase money.</b>  (2) Where a person applied under rule 90 to set aside the sale of his immovable property he shall not unless he withdraws his application be entitled to make or prosecute an application under this rule.  (3) Nothing in this rule shall relieve the judgement-debtor from any liability he may be under in respect of costs and interest not covered by the proclamation of sale.  <b>(4) An application filed under this rule shall be decided within thirty (30) days of the filing of the application.</b></p> <p><b>Amended Proviso of Rule 90:</b>  [Provided also that no such application shall be entertained unless the applicant deposits such amount not exceeding <b>fifty</b> per cent of the sum realized at the sale or furnishes such security as the Court may direct]</p>	<p>a) for payment to the purchaser a sum equal to five per cent of the purchase money; and</p> <p>b) for payment to the decree holder the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered less any amount which may since the date of such proclamation of sale have been received by the decree holder.</p> <p><b>Proviso to Sub-rule (1) of Rule 89 has been added.</b></p> <p>(2) Where a person applied under rule 90 to set aside the sale of his immovable property he shall not unless he withdraws his application be entitled to make or prosecute an application under this rule.</p> <p>(3) Nothing in this rule shall relieve the judgement-debtor from any liability he may be under in respect of costs and interest not covered by the proclamation of sale.</p> <p><b>Sub-rule (4) of Rule 89 has been added.</b></p> <p>Rule 90.....  [Provided also that no such application shall be entertained unless the applicant deposits such amount not exceeding <b>twenty</b> per cent of the sum realized at the sale or furnishes such security as the Court may direct]</p>
14.	<p><b>Amendment of Order XXIII:</b>  <b>Amended Sub-rule (2) of Rule 1:</b>  “(2) Where the Court is satisfied, <u>for</u></p>	<p>Rule 1(1).....  (2) Where the Court is satisfied -</p>

	<u><i>the reasons to be recorded....”</i></u>	
15.	<p><b>Amendments of Order XXXII: Amended Rule 2:</b></p> <ul style="list-style-type: none"> <li>• <i>“(1) Where a suit is instituted by or on behalf of a minor without a next friend, the Court may on such fact coming to its notice allow an opportunity to remedy the defect.</i></li> <li>• <i>(2) The Court may, on an application of the defendant, or of his own motion, order that the plaint should be taken off the file with costs to be paid by the pleader, or other person by whom it was presented.</i></li> <li>• <i>(3) Where such an application is moved by the defendant, notice of such application shall be given to such person, and the Court after hearing his objections (if any), may make such order, in the matter as it thinks fit.”</i></li> </ul>	<p>Rule 2:</p> <p><i>2. (1) Where a suit is instituted by or on behalf of a minor without a next friend, the defendant may apply to have the plaint taken off the file, with costs to be paid by the pleader or other person by whom it was presented.</i></p> <p><i>(2) Notice of such application shall be given to such person and the Court after hearing his objections (if any) may make such order in the matter as it thinks fit.</i></p>
16.	<b>Order XXXIII shall be deleted.</b>	Suits by Paupers
17.	<p><b>Amendments of Order XXXVIII: Amended Rule 1:</b></p> <ul style="list-style-type: none"> <li>• <i>“Defendant to be called upon to furnish security.--(1) The Court, on the first date of hearing after examination of the plaint and on being satisfied as to the existence of a prima-facie case, direct the defendant to furnish adequate security for due satisfaction of the decree, if any, to be passed against him.</i></li> </ul> <p><i>(2). Where the defendant fails to submit the required security within the stipulated time, the Court may after considering the available record and for reasons to be recorded grant an injunction, thereby ordering that the defendant shall not alienate or encumber his assets except with the permission of the Court.”</i></p>	<p>Rule 1:</p> <p><i>1. Where a defendant may be called upon to furnish security.--Where at any stage of a suit other than a suit of the nature referred to in section 16, clauses (a) to (d), the Court is satisfied by affidavit or otherwise, -</i></p> <p style="padding-left: 2em;"><i>a) that the defendant with intent to delay the plaintiff or to avoid any process of the Court or to obstruct or delay the execution of any decree that may be passed against him,-</i></p> <p style="padding-left: 4em;"><i>i) has absconded or left the local limits of the jurisdiction of the Court, or</i></p> <p style="padding-left: 4em;"><i>ii) is about to abscond or leave the local limits of the jurisdiction of the Court or</i></p> <p style="padding-left: 4em;"><i>iii) has disposed of or removed from the local limits of the jurisdiction of the Court his property or any part thereof, or</i></p> <p style="padding-left: 2em;"><i>b) that the defendant is about to leave [Pakistan] under circumstances affording reasonable probability that the plaintiff will or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant in the suit,</i></p> <p><i>the Court may issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not furnish security for his appearance: Provided that the defendant shall not be arrested if he pays to the officer entrusted with the execution of the warrant any sum specified in the warrant</i></p>

	<p><b>Amended Rule 2:</b></p> <ul style="list-style-type: none"> <li>• “2. (1) Where an injunction under Rule 1, has been issued against the defendant(s), he/they may apply to the court, for permission to dispose off or encumber their assets.</li> </ul> <p>(2) On receiving such an application, the Court, if it is satisfied through affidavits that;</p> <p style="padding-left: 40px;"><i>The intended disposal by the Defendant is not likely to effect the due satisfaction of the decree, it may proceed to grant such permission.</i></p> <p><b>Amended Rule 3:</b></p> <ul style="list-style-type: none"> <li>• “3. The defendant may apply to the Court for vacation of the injunction issued under Rule 1, by submitting independent security to the satisfaction of the Court for due satisfaction of the decree, if any, to be passed against him.”</li> </ul> <p><b>All other Rules in Order XXXVIII shall stand deleted.</b></p>	<p><i>as sufficient to satisfy the plaintiff's claim; and such sum shall be held in deposit by the Court until the suit is disposed of or until the further order of the Court.</i></p> <p><b>Rule 2:</b></p> <p>2.- (1) <i>Where the defendant fails to show such cause the Court shall order him either to deposit in Court money or other property sufficient to answer the claim against him, or to furnish security for his appearance at any time when called upon while the suit is pending and until satisfaction of any decree that may be passed against him in the suit, or make such order as it thinks fit in regard to the sum which may have been paid by the defendant under the proviso to the last preceding rule.</i></p> <p>(2) <i>Every surety for the appearance of a defendant shall bind himself in default of such appearance to pay any sum of money which the defendant may be ordered to pay in the suit.</i></p> <p><b>Rule 3:</b></p> <p>3.- (1) <i>A surety for the appearance of a defendant may at any time apply to the Court in which he became such surety to be discharged from his obligation.</i></p> <p>(2) <i>On the application being made, the Court shall summon the defendant to appear or, if it thinks fit, may issue a warrant for his arrest in the first instance.</i></p> <p>(3) <i>On the appearance of the defendant in pursuance of the summons or warrant, or on his voluntary surrender, the Court shall direct the surety to be discharged from his obligation, and shall call upon the defendant to find fresh security</i></p>
18.	<p><b>Amendments of Order XXXIX:</b></p> <p><b>Rule 2(B) shall be deleted.</b></p>	<p><b>Rule 2-B:</b></p> <p><i>(2-B) The order of injunction made under rule 1 or 2 after hearing the parties or after notice to the defendant shall cease to have</i></p>

		<i>effect on the expiration of six months unless extended by the court after hearing the parties again and for reasons to be recorded for such extension: Provided that report of such extension shall be submitted to the High Court].</i>
19.	<p><b>Amendments of Order XLI:</b></p> <p><b>Rule 23-A shall be deleted.</b></p> <p><b>Amended Rule 27:</b></p> <ul style="list-style-type: none"> <li>• <i>“27. (1) The parties to an appeal may be allowed by the appellate Court to produce additional evidence, whether oral or documentary only if the Court from who’s decree appeal has been preferred;</i> <ol style="list-style-type: none"> <li><i>a. has refused to admit evidence which ought to have been admitted or,</i></li> <li><i>b. the appellate Court, on being satisfied that the additional evidence could not be produced before the Trial Court for reasons beyond the control of the concerned party, or</i></li> <li><i>c. the appellate Court, itself requires any such evidence so as to enable it to pronounce a judgment.</i></li> </ol> </li> <li>• <i>(2).The appellate Court in the above-mentioned circumstances may permit, production of additional evidence after recording reasons for grant of such permission in writing.”</i></li> </ul>	<p>High Court Amendment – Lahore – added following as Rule 23-A:</p> <p><i>Where the Court from whose decree an appeal is preferred has disposed of the case otherwise than on a preliminary point and the decree is reversed in appeal, and a re-trial is considered necessary, the appellate court shall have the same powers as it has under Rule 23.</i></p> <p>Rule 27:  <i>27. (1) The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary in the appellate Court, But if–</i></p> <ol style="list-style-type: none"> <li><i>a) the Court from whose decree the appeal is preferred has refused to admit evidence which ought to have been admitted or,</i></li> <li><i>b) The Appellate Court requires any document to be produced or any witness to be examined to enable it to pronounce judgment, or for any other substantial cause, The Appellate Court may allow such evidence or document to be produced or witness to be examined.</i></li> </ol> <p><i>(2) Wherever additional evidence is allowed to be produced by an Appellate Court the Court shall record the reason for its admission.</i></p>
20.	<p><b>Amendments of Order XLIII:</b></p> <p><b>Amended Rule 1:</b></p> <p>In Order XLIII, Rule 1, clauses a, c, e, f, g, h, i, j (only to the extent of an appeal against an order under Order</p>	

	<p>21, Rule 72 CPC), k, l, m, n, o and v shall be deleted.</p> <p><b>Sub Rule 2 &amp; 3 of Rule 1 have been added:</b></p> <p>(2) <i>Provided, however, that the appellant while filing an appeal under this order shall along-with the memorandum of appeal, furnish copies of the pleadings, order sheet of the subordinate Court, and all necessary documents.</i></p> <p>(3) <i>It shall not be necessary for the appellate Court to requisition the record of the Trial Court, unless it, for the reasons to be recorded, requires the same for a decision of the appeal.</i></p> <p><b>Rule 3 and 4 shall be deleted.</b></p>	<p><b>Sub Rule 2 &amp; 3 of Rule 1 have been added.</b></p> <p>Rule 3 &amp; 4:</p> <p>3. - (1) <i>Where an appeal against an order is preferred during the pendency of a suit the appellant shall before presenting the appeal give notice of such appeal to the respondent or his advocate by delivering a copy of the memorandum and grounds of appeal along-with a copy of the order appealed against [either personally or through registered post acknowledgement due and the postal or other receipt shall be filed with the memorandum of appeal for the record of the appellate Court].</i></p> <p>(2) <i>On receipt of notice referred to in sub-rule (1) the respondent may with the permission of the Court appear before it and contest the appeal and may be awarded costs on dismissal of the appeal in limine.</i></p> <p>4. <i>The provisions of rule 3 shall mutatis mutandis, apply to all applications filed before an appellate Court during the pendency of a suit.</i></p>
21.	<b>Order XLIV shall be deleted.</b>	<b>Order XLIV: PAUPER APPEALS</b>

**No. 13 (Order 9-A)**

**CASE MANAGEMENT STATEMENT**

In the Court of \_\_\_\_\_

Civil Suit No. AB Plaintiff \_\_\_\_\_

against CDEF and GH

By Plaintiff/s \_\_\_\_\_

By Defendant/s \_\_\_\_\_

Date of Filing \_\_\_\_\_

Pursuant to Order 9-A CPC, plaintiff/s/Defendant/s as the case may be, submit Case Management Statement as under: -

1. Whether the Plaintiff or the defendant requires inspection and discovery of documents in terms of Order XI, CPC? if so, please specify.
2. Whether the plaintiff or defendant will require the other side (Specify) to admit or deny certain facts in terms of Order XII, CPC? If so, details should be given.
3. The Plaintiff and the defendant should answer the following: Interrogatories in terms of Order XI.
4. Plaintiff or Defendant undertakes to attend joint Case Management conference with the Advocates of the other side and submit joint Case Management Statement in form No.14\_Appendix C, CPC.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Plaintiff/s/

Signatures of the party

Defendant/s Advocate

Plaintiff/s/Defendant/s

-

Certification by Advocate

I, \_\_\_\_\_, Advocate for the Plaintiff/Defendant certify that I have explained to the plaintiff/Defendant the procedures for the Case Management



and CDR and he has understood the same.

---

Signature of the Advocate for Plaintiff/Defendant

Certification by the Parties

I, \_\_\_\_\_, Plaintiff/s/Defendant/s certify that the Advocate has explained to me, and I have understood, the case management and CDR procedures.

---

---

Signature of the Plaintiff/s/Defendants/s

**No.14  
(Order 9-A)**

**Joint Case Management Statement**

In the Court of \_\_\_\_\_  
Civil Suit No. \_\_\_\_\_

**Joint Case Management Statement and Proposed Order IX- A**

Case Management Conference.

Date  
Place  
Time

Present

Pursuant to) Order 9-A, the parties (through their advocates) jointly submit this case management statement and proposed order. Each party certifies that his advocate (who will try this case) met and conferred for the preparation of this Statement as required by Order 9-A.

(1) Statement of admitted facts.

---

---

---

---

---

---

---

(2) Statement of disputed facts.

---

---

---

---

(3) Issues arising for determination including preliminary issues, if any. (In case of disagreement on Issues enumerate issues which are agreed and those which are not Agreed for court's consideration.)

---

---

---

(4) Plaintiff/s/Defendant/s elect the following from the list of consensual dispute resolution mechanisms. (Tick next to your selection).

Tick here

- 
- 
- (a) Mediation. \_\_\_\_\_  
(b) Arbitration. \_\_\_\_\_  
(c) Conciliation. \_\_\_\_\_

(5) Deadline for disclosure of witnesses:

Party            Deadline

(6) Trial Schedule

- (a) Trial Date \_\_\_\_\_  
(b) Anticipated length of trial \_\_\_\_\_

(7). Name of Trial Advocate: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number \_\_\_\_\_

Advocate for: \_\_\_\_\_

Signature (Advocate): \_\_\_\_\_

(8). Name of Trial Advocate: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number \_\_\_\_\_

Advocate for: \_\_\_\_\_

Signature (Advocate): \_\_\_\_\_

(9). Name of the Plaintiff/s Defendant/s : \_\_\_\_\_

Signature (Plaintiff/s          Defendant/s):

\_\_\_\_\_

The court finds that each party was represented by advocate responsible for trial of this matter and was given an opportunity to be heard as to all matters encompassed by the Case Management Statements by each party and the Joint Case Management Statement by all the parties. The Court adopts this statement as modified and enters it as the order of this court under Order 9-A.

IT IS SO ORDERED