

APPENDIX H  
MISCELLANEOUS

**No. 1**

AGREEMENT OF PARTIES AS TO ISSUES TO BE TRIED

(O. 14, r. 6.)

(Title)

WHEREAS we, the parties in the above suit, are agreed as to the question of fact [*or of law*] to be decided between us and the point at issue between us is whether a claim founded on a bond, dated the day of.....20.....and filed as Exhibit.....in the said suit, is or is not beyond the statute of limitation (*or state the point at issue whatever it may be*):

We therefore severally bind ourselves that, upon the finding of the Court in the negative [*or affirmative*] of such issue,.....will pay to the said.....the sum of Rupees.....(*or such sum as the Court shall hold to be due thereon*), and I, the said....., will accept the said sum of Rupees.....(*or such sum as the Court shall hold to be due*) in full satisfaction of my claim on the bond aforesaid [*or that upon such finding I, the said....., will do or abstain from doing, etc., etc.*]

*Plaintiff.*

*versus*

*Defendant.*

Witnesses:—

- 1.
- 2.

Dated the.....day of.....20.....

**No. 2**

NOTICE OF APPLICATION FOR THE TRANSFER OF A SUIT TO ANOTHER COURT FOR TRIAL

(Section 24.)

In the Court of the District Judge of.....No.....of.....20.....

To

WHEREAS an application, dated the.....day of.....20....., has been made to this Court by.....the.....in Suit No.....of 20.....now pending in the Court of the.....at.....in which .....is plaintiff and.....is defendant, for the transfer of the suit for trial to the Court of the.....at.....:—

You are hereby informed that the.....day of.....20.....has been fixed for the hearing of the application, when you will be heard if you desire to offer any objection to it.

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

*Judge.*

<sup>1</sup>[**No. 2A**

LIST OF WITNESSES PROPOSED TO BE CALLED BY PLAINTIFF/DEFENDANT

(O. XVI, r. 1.)

Name of the party which proposes to call the witness	Name and address of the witness	Remarks]
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1. Ins. by Act 104 of 1976, s. 96 (w.e.f. 1-2-1977).

**No. 3**

NOTICE OF PAYMENT INTO COURT

(O. 24, r.2.)

(Title)

TAKE notice that the defendant has paid into Court Rs. ....and says that that sum is sufficient to satisfy the plaintiff's claim in full.

*X Y, Pleader for the defendant.*

*To Z., Pleader for the plaintiff.*

**No. 4**

NOTICE TO SHOW CAUSE (GENERAL FORM)

(Title)

To

WHEREAS the above-named.....has made application to this Court that.....;

You are hereby warned to appear in this Court in person or by a pleader duly instructed on the .....day of.....20....., at.....O'clock in the forenoon, to show cause against the application, failing wherein, the said application will be heard and determined *ex parte*.

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

*Judge.*

**No. 5**

PLAINTIFF

LIST OF DOCUMENTS PRODUCED BY

(O. 13, r. 1.)

DEFENDANT

(Title)

No.	Description of document.	Date, if any which the document bears.	Signature of party or pleader.
1	2	3	4

**No. 6**

NOTICE TO PARTIES OF THE DAY FIXED FOR EXAMINATION OF A WITNESS ABOUT TO LEAVE THE JURISDICTION

(O. 18, r. 16.)

(Title)

To

*Plaintiff (or defendant).*

.....

.....

WHEREAS in the above suit application has been made to the Court by.....that the examination of....., a witness required by the said....., in the said suit may be taken immediately; and it has been shown to the Court's satisfaction that the said witness is about to leave the Court's jurisdiction (*or any other good and sufficient cause to be stated*);

Take notice that the examination of the said witness.....will be taken by the Court on the.....day of.....20.....

Dated the.....day of.....20.....

*Judge.*

**No. 7**  
COMMISSION TO EXAMINE ABSENT WITNESS  
(O. 26, rr. 4, 18.)  
(Title)

WHEREAS the evidence of.....is required by the.....in the above suit; and whereas.....; you are requested to take the evidence on interrogatories [*or viva voce*] of such witness.....and you are hereby appointed Commissioner for that purpose. The evidence will be taken in the presence of the parties or their agents if in attendance, who will be at liberty to question the witness on the points specified, and you are further requested to make return of such evidence as soon as it may be taken.

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

A sum of Rs....., being your fee in the above, is herewith forwarded.

GIVEN under my hand and the seal of the Court, this.....day of.....20.....  
Judge.

**No. 8**  
LETTER OF REQUEST  
(O. 26, r.5.)  
(Title)

(Heading:—To the President and Judges of, etc., etc., *or as the case may be.*)

WHEREAS a suit is now pending in the.....in which A. B. is plaintiff and C.D. is defendant; And in the said suit the plaintiff claims.

(Abstract of claim.)

And whereas it has been represented to the said Court that it is necessary for the purposes of justice and for the due determination of the matters in dispute between the parties, that the following persons should be examined as witnesses upon oath touching such matters, that is to say:

E. F., of

G. H., of

and

I. J., of

And it appearing that such witnesses are resident within the jurisdiction of your honourable Court;

Now I....., as the..... of the said Court, have the honour to request, and do hereby request, that for the reasons aforesaid and for the assistance of the said Court, you, as the President and Judges of the said.....or some one or more of you, will be pleased to summon the said witness (and such other witnesses as the agents of the said plaintiff and defendant shall humbly request you in writing so to summon) to attend at such time and place as you shall appoint before some one or more of you or such other person as according to the procedure of your Court is competent to take the examination of witnesses, and that you will cause such witnesses to be examined upon the interrogatories which accompany this letter of request (*or viva voce*) touching the said matters in question in the presence of the agents of the plaintiff and defendant, or such of them as shall, on due notice given, attend such examination.

And I further have the honour to request that you will be pleased to cause the answers of the said witnesses to be reduced into writing, and all books, letters, papers and documents produced upon such examination to be duly marked for identification, and that you will be further pleased to authenticate such examination by the seal of your tribunal, or in such other way as is in accordance with your procedure, and to return the same, together with such request in writing, if any, for the examination of other witnesses to the said Court.

*Note.*—If the request is directed to a Foreign Court, the words “through <sup>1</sup>[the Ministry of External Affairs of the Government of India] for transmission” should be inserted after the words “other witnesses” in the last line of this form.

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1. Subs. by the A. O. 1950, for “His Majesty’s Secretary of State for Foreign Affairs”.

**No. 9**

COMMISSION FOR A LOCAL INVESTIGATION, OR TO EXAMINE ACCOUNTS

(O. 26, rr. 9,11.)

(Title)

To

WHEREAS it is deemed requisite, for the purposes of this suit, that a commission for.....  
should be issued; You are hereby appointed Commissioner for the purpose of.....

Process to compel the attendance before you of any witnesses, or for the production of any documents  
whom or which you may desire to examine or inspect, will be issued by any Court having jurisdiction on  
your application.

A sum of Rs..... , being your fee in the above, is herewith forwarded.

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

*Judge.*

**No. 10**

COMMISSION TO MAKE A PARTITION

(O. 26, r. 13.)

(Title)

To

WHEREAS it is deemed requisite for the purposes of this suit that a commission should be issued to make  
the partition or separation of the property specified in, and according to the rights as declared in, the decree  
of this Court, dated the..... day of.....20.....; You are  
hereby appointed Commissioner for the said purpose and are directed to make such inquiry as may be  
necessary, to divide the said property according to the best of your skill and judgment in the shares set out  
in the said decree, and to allot such shares to be several parties. You are hereby authorized to award sums  
to be paid to any party by any other party for the purpose of equalizing the value of the shares.

Process to compel the attendance before you of any witness, or for the production of any documents,  
whom or which you may desire to examine or inspect, will be issued by any Court having jurisdiction on  
your application.

A sum of Rs....., being your fee in the above, is herewith forwarded.

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

*Judge.*

<sup>1</sup>[No.11

NOTICE TO CERTIFICATED, NATURAL, OR, *de facto* GUARDIAN

(O. XXXII, r. 3.)

(Title)

(*Certificated/Natural/de facto Guardian*)

To

WHEREAS an application has been presented on the part of the plaintiff\*/on behalf of the minor defendant\*/in the above suit for the appointment of a guardian for the suit for the minor defendant....., you (insert the name of the guardian appointed or declared by Court, or natural guardian, or the person in whose care the minor is) are hereby required to take notice that unless you appear before this Court on or before the day appointed for the hearing of the case and stated in the appended summons, and express your consent to act as guardian for the suit for the minor, the Court will proceed to appoint some other person to act as a guardian for the minor, for the purposes of the said suit.

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

*Judge.*

**No. 11A**

NOTICE TO MINOR DEFENDANT

(Order XXXII, r. 3.)

(Title)

To

Minor Defendant

WHEREAS an application has been presented on the part of the plaintiff in the above suit for the appointment of.....\* as guardian for the suit for you, the minor defendant, you are hereby required to take notice to appear in this Court in person on the.....day of.....20.....at.....O'clock in the forenoon to show cause against the application, failing which the said application will be heard and determined *ex parte*.

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

*Judge.]*

**No. 12**

NOTICE TO OPPOSITE PARTY OF DAY FIXED FOR HEARING EVIDENCE OF PAUPERISM

(O. 33, r.6.)

(Title)

To

WHEREAS .....  
has applied to this Court for permission to institute a suit against.....*in forma pauper is* under Order XXXIII of the Code of Civil Procedure, 1908; and whereas the Court sees no reason to reject the application; and whereas the.....day of.....20.....has been fixed for receiving such evidence as the applicant may adduce in proof of his pauperism and for hearing any evidence which may be adduced in disproof thereof:

Notice is hereby given to you under rule 6 of Order XXXIII that in case you may wish to offer any evidence to disprove the pauperism of the applicant, you may do so on appearing in this Court on the said .....day of.....20 .

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

*Judge.*

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\*Strike off the words which are not applicable.

1. Subs. by Act 104 of 1976, s. 96, for Form 11 (w.e.f. 1-2-1977).

**No. 13**

**NOTICE TO SURETY OF HIS LIABILITY UNDER A DECREE**

(Section 145)

(*Title*)

To

.....  
.....

WHEREAS you.....did on.....become liable as surety for the performance of any decree which might be passed against the said.....defendant in the above suit; and whereas a decree was passed on the.....day of.....20.....against the said defendant for the payment of.....and whereas application has been made for execution of the said decree against you:

Take notice that you are hereby required on or before the..... day of..... 20..... to show cause why the said decree should not be executed against you, and if no sufficient cause shall be, within the time specified, shown to the satisfaction of the Court, an order for its execution will be forthwith issued in the terms of the said application.

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

*Judge.*

<p>No. 14</p> <p>REGISTER OF CIVIL SUITS (O. 4, R.2.)</p> <p>COURT OF THE OF AT</p> <p>REGISTER OF CIVIL SUITS IN THE YEAR 20</p>																														
Claim		Plaintiff			Defendant							When the cause of action accrued		Appearanc			Judgment			Appeal		Execution					Return of Execution			
Date of presentation of Plaintiff	Number of suit	Name	Description	Place of residence	Name	Description	Place of residence	Particulars	Amount of value			Day for parties to appear	Plaintiff	Defendant	Date	For whom	For what, or amount	Date of decision of appeal	Judgment in appeal	Date of application	Date of order	Against whom	For what and amount, if money	Amount of costs	Amount paid into Court	Arrested	Minute of other Return than Payment or Arrest, and date to every Return			
<p><b>NOTE.</b>—Where there are numerous plaintiffs, or numerous defendants, the name of the first Plaintiff only, or the first defendant only, as the case may be, need be entered in the register.</p>																														

No. 15 REGISTER OF APPEALS (O. 41, r.9.) COURT (OR HIGH COURT) AT REGISTER OF APPEALS FROM DECREES IN THE YEAR 20 .....																			
Date of memorandum	Number of appeal			Appellant			Respondent			Decree appealed from				Appearance			Judgment		
				Name	Description	Place of residence	Name	Description	Place of residence	Of what Court	Number of Original Suit	Particulars	Amount or value	Day for parties to appear	Appellant	Respondent	Date	Confirmed, reversed or varied	For what or amount