

Order-49 Chartered High Court

CONTENTS

1. Who may serve processes of High Court
2. Saving in respect of Chartered High Courts
3. Application of rules

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1. Who may serve processes of High Court :-

Notice to produce documents, summonses to witnesses, and every other judicial process, issued in the exercise of the original civil jurisdiction of the High Court, and of its matrimonial, testamentary and intestate jurisdiction, except summonses to defendants, writs of execution and notices to respondents may be served by the attorneys in the suits or by person employed by them, or by such other persons as the High Court, by any rule or order, directs.

2. Saving in respect of Chartered High Courts :-

Nothing in this schedule shall be deemed to limit or otherwise affect any rules in force at the commencement of this Code for the taking of evidence or the recording of judgments and orders by a Chartered High Court.

3. Application of rules :-

The following rules shall not apply to any Chartered High Court in the exercise of its ordinary or extraordinary original civil jurisdiction, namely:

- (1) Rule 10 and rule 11, Cls. (b) and (c) of Order VII;
- (2) rule 3 of Order X;
- (3) rule 2 of Order XVI;
- (4) rules 5, 6, 8, 9, 10, 11, 13, 14, 15 and 16 (so far as relates to the manner of taking evidence) of Order XVIII;
- (5) rules 1 to 8 of Order XX; and
- (6) rule 7 of Order XXXIII (so far as relates to the making of a

memorandum); and rule 35 Order, XLI shall not apply to any such High Court in the exercise of its appellate jurisdiction.

High Court Amendment Bombay.-The following rule 3 of Order XLIX shall be substituted and a new rule 4 shall be added as follows: "3. Application of rules.-The following rules shall not apply to any Chartered High Court in the exercise of its ordinary civil jurisdiction, namely: (1) rule 19-A, Order V, (2) rule 10, CIs. (b) and (c) of rule II and rule 14-A of Order VI, (3) rule 14-A of Order VI, (4)rule 3 of Order X, (5) rule 2 of Order XVI, (6) rules 5,6,8,9,10, 11,13,14,15 and 16 (so far relates to the manner of taking evidence) of Order XVIII, (7) rules I to 8 (both inclusive) of Order XX, (8) rule 72-A of Order XXI, (9) rule 7 of Order XXXIII (so far as relates to the making-of a memorandum), and (10) rule 38 of Order XLI, and rules 31 and 35 (4) of Order XLI shall not apply to any such High Court in the exercise of its appellate jurisdiction." "4. Power of the Registrar of the High Court to accept court-fee after the representation of the appeal.-Whereon a memorandum of appeal presented to the High Court within the time prescribed for the same the whole or any part of the fee prescribed by the law for the time being in force relating to court-fees has not been paid, the Registrar may, in his discretion allow the appellant to pay the whole or part, as the case may be, of such court-fee after the presentation of the memorandum of appeal, and may admit the appeal to register even though the court-fee or part of it may have been paid after time prescribed for the presentation of the appeal."