FORM No. (J) 41.

Memorandum of appeal.

(Or. 41, r. 1, C. P. Code.)

District

In the Court of at

Appellant,

Respondent.

The above-named appeals to the Court at from the decree of in suit No. of 19 , the day of 19 , and sets forth the following grounds of objection to the decree appaeled from, namely :—

FORM No. (J) 42.

Report to High Court of service of notice on respondent in special appeal.

(Or. 41, r. 4, C. P. Code.)

District

In the Court of the Judge of

Appeal from No. of 19 . of

Appeal from the of the Court of the

dated the of 19 .

Appellant,

versus

Respondent.

Read a proceeding from the Deputy Registrar of the High Court, dated the of 19 , forwarding notice of this appeal for service on the respondent within weeks, and the Nazir's endorsement on the back of the process stating that the notice has been duly served, and proof of the service having been duly taken by me on the (oath or) affirmation of , the serving officer, and the agent of the appellant who attended to point out the respondent. It is ordered that the said notice be returned to the High Court together with the papers connected therewith, and a copy of this Proceeding.

Dated at

the day of 19 .

Judge.

Note.—The attention of judicial officers is drawn to the procedure prescribed by Or. 5, r. 19, or the examination of the serving officer in the event of a summons (or notice) being returned unserved. [*See* also Or. 41, r. 14(*1*).]

FORM No. (J) 43.

Order sending decree for execution to another court.

(Or. 21, r. 6, C. P. Code.)

District

In the Court of at

No. *of 19* .

of *Plaintiff,*

versus

of *Defendant.*

Whereas the decree-holder in the above suit has applied to this Court for a certificate to be sent to the Court of at for execution of the decree in the above suit by the said Court, alleging that the judgment-debtor resides or has property within the local limits of the jurisdiction of the said Court, and it is deemed necessary and proper to send a certificate to the said Court under Order XXI, Rule 6, of the Code of Civil Procedure, 1908 ;

It is ordered that a copy of this order be sent to with a copy of the decree and of any order which may have been made for execution of the same and a certificate of non-satisfaction.

Dated the *day of* *19* .

Judge.

FORM No. (J) 44.

Certificate of execution of decree transferred to another court.

(Or. 21, r. 6, C. P. Code.)

District

In the Court of at

No. of the Suit and the Court by which the decree was passed.	Names of parties.	Date of application for execution.	No. of the Execution case.	Processes issued and dates of service thereof.	Cost of Execution.			Amount realised.			How the case is disposed of.	Remarks.
1	2	3	4	5	6			7			8	9
					Rs.	a.	p.	Rs.	a.	p.		

Signature of Judge.

Signature of Muharrir in charge.

Note.—This form may also bo used for certificates under section 41 of the Code, (C. O. No. 7 of 1914).

FORM No. (J) 45.

Letter transmitting decree for execution in another court.

(Sec. 39, C. P. Code.)

No.

From

Judge of ....

Dated the *19* .

Sir,

Under Order XXI, rule 6 of the Code of Civil Procedure, I have the honour to send you, for execution by the

No. of 19

of

versus

Court a copy of the decree made in the suit noted in the margin, together with the certificate of non-satisfaction, and copy of the order for execution of the decree* made by the

and further certificate required by sub-rule (c)* of the said rule.

2. It is requested that the result of the proceedings taken hereon may be certified, as required by Section 41, as soon as they are brought to a close.

Yours faithfully,

Judge.

*One or other of these to be struck through with a pen.

N.B.—See , rule 213, Vol. I.

FORM No. (J) 46.

Certificate of Non-satisfaction of Decree.

(Or. 21, r. 6, C. P. Code.)

District

In the Court of

Suit No. *of 19* .

of *Plaintiff,*

versus

of *Defendant.*

Certified that no[1] satisfaction

of the decree of this Court in Suit No. of 19 , a copy of which is hereunto attached, has been obtained by execution within the jurisdiction of this Court.

Dated the *day of* *19* .

Judge.

[1]If partial, strike out "no" and state to what extent.

FORM No. (J) 47.

Application for execution of decree.

(Or. 21, r. 11, C. P. Code.)

District

In the Court of at

I , decree-holder, hereby apply for execution of the decree herein below set forth :—

1	Names of parties. Plaintiffs.	Defendants. 2(a)	3	4	5	6	7	8	9	10	11
No. of suit.			Date of decree.	Whether any appeal preferred from decree.	Payment or adjustment made (if any) with date.	Previous application(s), (if any) with date(s) and result.	Amount with interest (if any) due upon the decree or other relief granted thereby together with particulars or any cross decree.	Amount of costs, if any, awarded.	Name(s) of person(s) against whom execution is sought.	Relief prayed.	Mode in which the assistance of the Court is required.
789 of 1807.	A.B.—Plaintiff.	C.D.—Defendant.	October 11th, 1897.	No.	None.	Rs. 72-4, recorded on application, dated the 4th March, 1899.	Principal—Rs. 314-8-2, Interest Rs. from to at per cent.	Rs. a. p. As awarded in the decree .. 47 10 4 Subsequently incurred .. 8 2 0 Rs. a. p. 55 12 4	Defendant C. D. " X. Y.		The plaintiff prays that in order to realise the principal, interest and costs of suit making in all the sum of Rs.....as.... (together with interest on the principal sum up-to-date of payment) and the costs of taking out this execution :— (1) (a) the movable property of and in the possession of the said defendant C. D. on his house situate at as described in the inventory hereto may be attached under Or. 21, r. 43 and may be sold by the Court; *or* (b) the movable property of the said defendant C. D. in the possession of G. H. of (address and description) at , and described in the inventory hereto may be attached under Or. 21 r. 46 and may be sold by the Court: *or* (c) a warrant may be issued for the arrest of the said defendant C.D. : *or* (d) the interest of the said defendant C.D. in the immovable properties described in the schedule hereto may be attached under Or. 21, r. 54 and may be sold. (2) that notice may be issued to the persons named in column hereof to show cause why the said decree should not be executed against them in the manner aforesaid. (as the legal representative of C.D. the defendant abovenamed, who died on the day of in respect of the above-mentioned property, being assets of the said deceased in their hands.)

Schedule of immovable property.

Serial No.	Description of property.	Interest of Judgment-debtor.	Incumbrances.
	(Set out full particulars, area, survey numbers, nature of land, character of tenancy or holding, market value, etc., etc.).		(In addition to full particulars of mortgage or charge, or other incumbrance set out particulars of any leases or agreements, etc.).

Inventory of movable property.

Serial No.	Description of property and value.	Interest of Judgment-debtor.	Incumbrances or claims.

I.....do hereby declare that what is contained in..... is true to my knowledge and that what is contained in..... is believed by me, upon information, to be true.

Signed

Decree-holder.

Dated, the day of 19

FORM No. (J) 48.

Certificate to judgment-debtor authorising him to mortgage, lease, or sell property.

(Or. 21, r. 83, C. P. Code.)

District

In the Court of at

Suit No. *of 19* .

Plaintiff,

versus

Defendant.

Whereas in execution of the decree passed in the above suit an order was made on the day of 19 , for the sale of the under-mentioned property of the judgment-debtor and whereas the Court has, on the application of the said judgment-debtor, postponed the said sale to enable him to raise the amount of the decree by mortgage, lease, or private sale of the said property or of some part thereof:

This is to certify that the Court doth hereby authorize the said judgment-debtor to make the proposed mortgage, lease or sale within a period of from the date of this certificate; provided that all monies payable under such mortgage, lease, or sale shall be paid into this Court and not to the said judgment-debtor.

Description of property.

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

day of 19

FORM No. (J) 49.

Precept.

(Sec. 46, C. P. Code.)

District

In the Court of at

Suit No. of 19 . / Execution case No. of 19 .

Plaintiff,

versus

Defendant.

Upon hearing the decree-holder it is ordered that this precept be sent to the Court of at under Section 46 of the Code of Civil Procedure, 1908, with directions to attach the property specified in the annexed schedule and to hold the same pending any application which may be made by the decree-holder for execution of the decree.

Judge.

Dated the day of 19

Schedule.

FORM No. (J) 50.

Application by judgment-debtor to set aside sale on deposit of debt.

(Or. 21, r. 89, C. P. Code.)

District

In the Court of at

Suit No. of 19 .

Plaintiff,

versus

Defendant.

The above-named defendant applies under Order XXI, Rule 89 of the Code of Civil Procedure, as follows :—

1. That he having paid into Court the sum of Rs. being five per cent. of the purchase money of his property sold at the Court sale held on the day of , and also the sum of Rs. being the amount specified in the proclamation of the said sale as that for the recovery of which the said sale was ordered, less the sum of Rs. which has been received by the decree-holder since the date of such proclamation of sale, the Court may be pleased to order that the said sale be set aside, and that satisfaction of the decree bearing date the day of , be entered up for the said sum of Rs.

Notice of this application was given to the parties on the day of 19 , and to the purchaser on the day of 19 .

(*Signed.*)

FORM No. (J) 51.—*Abolished*

FORM No. (J) 52.

Certificate of sale of land.

(Or. 21, r. 94, C. P. Code.)

District

In the Court of at

Suit No. of 19

of

versus

of

This is to certify that has been declared the purchaser at a sale by public auction on the day of 19 of* in execution of the decree in this suit, and that the said sale has been duly confirmed by this Court.

Given under my hand and the seal of the Court, this* day of 19 .

Judge.

**Note.*—In filling up this form, regard must be had to the provisions of rule 94, Order 21, which lays down that the sale certificate *shall specify the property sold, and shall bear date the day on which the sale became absolute.*

FORM No. (J) 53.

Grant of probate of will (1).

(Sec. 289 of the Indian Succession Act, 1925.)

I , (1)

hereby make known that on the day of

in the year , the last Will of

, late of

a copy whereof is hereunto annexed, was proved and registered before me, and that administration of the property and credits of the said deceased, and in any way concerning his Will, was

granted to

the executor in the said Will named, he having undertaken to administer the same, and to make a full and true inventory of the said property and credits and exhibit the same in this court within six months from th date of this grant or within such further time as the Court may from time to time appoint and also to render to this Court a true account of the said property and credits within one year from the same date or within such further time as the Court may from time to time appoint.

Granted this day of in the year

under the seal of the Court.

Judge or District Delegate.

(1) Judge of the district of , [*or* Delegate appointed for granting Probate or Letters of Administration in (*here insert the limits of the Delegate's jurisdiction*).]

FORM No. (J) 54.

Grant of letters of administration to the estate of a deceased person. (1)

(Sec. 90 of the Indian Succession Act, 1925.)

I, , (1)
hereby make known that on the day of
in the year , Letters of
Administration,(2) the Will annexed of the property
and credits of , late
of
deceased, were granted to
the(3)
of the deceased (4) having undertaken to administer the same, and to make a full and true inventory of the said property and credits and exhibits the same in this Court within six months from the date of this grant or within such further time as the Court may from time to time appoint, and also to render to this Court a true account of the said property and credits within one year from the same date or within such further time as the Court may from time to time appoint.

Granted this day of in the year
under the seal of this Court.

Judge or District Delegate.

(1) Judge of the District of [or Delegate appointed for granting Probate or Letters of Administration in (*here insert the limits of the Delegate's jurisdiction*)].

(2) With *or* without *as the case may be.*

(3) Father *or as the case may be.*

(4) He, *or as the case may be.*

FORM No. (J) 55.

Succession Certificate.

(Sec. 377 of the Indian Succession Act, 1925.)

In the Court of

To

Whereas you applied on the day of for a certificate under Part I of Indian Succession Act, 1925, in the matter of the estate of deceased, in respect of the following debts and securities, namely :—

Debts.

Serial number.	Name of debtor.	Amount of debt, including interest on date of application for certificate.	Description and date of instruments, if any, by which the debt is secured
1	2	3	4

Securities.

Description.			Amount or part value of security.	Market value of security on date of application for certificate.
Serial number.	Distinguishing number or letter of security.	Name, title, or class of security.		
1	2	3	4	5

This certificate is accordingly granted to you and empowers you to collect those debts and

(1) to receive interest or dividends on

(2) to negotiate or transfer

(3) both to receive interest or dividends on, and to negotiate or transfer the securities or any of them.

Dated this *day of*

District Judge or Delegate

FORM No. (J) 56.

Extended Succession Certificate.

(Sec. 377 of the Indian Succession Act, 1925.)

In the Court of

On the application of , in the matter of the estate of deceased, made to me on the day of , I hereby extend this certificate to the following debts and securities, namely :—

Debts.

Serial number.	Name of debtor.	Amount of debt, including interest on date of application for extension.	Description and date of instrument, if any, by which the debt is secured.
1	12	3	4

Securities.

Description.			Amount or part value of security.	Market value of security on date of application for extension
Serial number.	Distinguishing number or letter of security.	Name, title, or class of security.		
1	2	3	4	5

This extension empowers to collect those debts and

(1) to receive interest or dividends on

(2) to negotiate or transfer

(3) both to receive interest or dividends on, and to negotiate or transfer the securities or any of them.

Dated this day of

District Judge or Delegate.

FORM No. (J) 57.

Debtor's Petition.

(Sec. 13 of the Provincial Insolvency Act, V of 1920.)

District

In the Court of the District Judge at

Petitioner.

I(*a*) ordinarily residing at, (or "carrying on business at," "or personally working for gain at," or "in custody at") in consequence of the order of (*b*) being unable to pay my debts, hereby petition that I may be adjudged an insolvent. The total amount of all pecuniary claims against me is Rs.
(*c*) as set out in detail in Schedule A annexed hereunto, which contains the names and residences of all my creditors so far as they are known to, or can be ascertained by me. The amount and particulars of all my property are set out in Schedule B annexed hereunto together with a specification of all my property, not consisting of money, and the place or places at which such property is to be found and I hereby declare that I am willing to place all such property at the disposal of the Court save in so far as it includes such particulars (not being my books of account) as are exempted by law from attachment and sale in execution of a decree.

I have not on any previous occasion field a petition to be adjudged an insolvent, or, I set out in Schedule C particulars (*d*) relating to my previous petition(s) to be adjudged an insolvent.

Verification clause as in plaints.

Signature.

(*a*) Insert name and address and description of debtor.

(*b*) State name of Court and particulars of decree in respect of which the order of detention has been made or by which an order of attachment has been made against debtor's property.

(*c*) State whether and how any of the debts are secured.

(*d*) The particulars required are :—

(*i*) Where a petition has been dismissed, reasons for such dismissal.

(*ii*) Where the debtor has previously been adjudged an insolvent, concise particulars of the insolvency, including a statement whether any previous adjudication has been annulled, and if so, the grounds therefor.

FORM No. (J) 58.

Order of adjudication.

(Sec. 27 of the Provincial Insolvency Act, V of 1920).

the Court of the District Judge at .

Insolvency Application No. of 19 .

Pursuant to a petition, dated against [here insert name, scription, and address of debtor] and on the application of [here insert "the Official ceiver" or "the debtor himself" or "A.B. of a ditor."] and on reading . and hearing it is ordered t the debtor be and the said debtor is hereby adjudged insolvent.

It is further ordered that the debtor do apply for his discharge within from this date.

Dated this day of 19 .

Judge.

FORM No. (J) 59.

Order annulling adjudication.

(Sec. 35 of the Provincial Insolvency Act, V of 1920).

e Court of the District Judge at

Insolvency Application No. of 19 .

Applicant.

n the application of R.S., of , and on reading and ng , it is ordered that the order of adjudication, l , against A.B., of , be and the same reby annulled.

Dated this day of 19 .

Judge.

FORM No. (J) 60.

Order of discharge subject to conditions as to earnings, after-acquired property, and income.

[Sec. 41(2), (a) (b), or (c) of the Provincial Insolvency Act, V of 1920].

In the Court of the District Judge at

Insolvency Case No. *of 19* .

Applicant.

On the application of , adjudged insolvent on the day of 19 , and upon taking into consideration the report of the Official Reciever (or Receiver) as to the insolvent's conduct and affiairs, and hearing A.B. and C.D. creditors :—

It is ordered that the insolvent (*a*) be discharged forthwith ; or (*b*) be discharged on the , *or* (*c*) be discharged subject to the following conditions as to his future earnings, after-acquired property, and income :—

After setting aside out of the insolvent's earnings, after-acquired property and income, the yearly sum of Rs. for the support of himself and his family, the insolvent shall pay the surplus, if any, (or such portion of such surplus as the Court determine), of such earnings, after -acquired property, and income to the Court of Official Receiver (or Receiver) for distribution among the creditors in the insolvency. An account shall, on the first day of January in every year, or within fourteen days thereafter, be filed in these proceedings by the insolvent, setting forth a statement of his receipts from earnings, after-acquired property, and income during the year immediately preceding the said date, and the surplus payable under this order shall be paid by the insolvent into Court or to the Official Receiver (or Receiver) within fourteen days of the filing of the said account.

Dated this *day of* *19*

Judge.

FORM No. (J) 61.

Order appointing a receiver.

(Sec. 56 of the Provincial Insolvency Act, V of 1920.)

In the Court of the District Judge at

In the matter of , an Insolvent.

No. of 19 .

Whereas A.B. was adjudicated an insolvent by order of this Court, dated , and it appears to the Court that the appointment of a Receiver for the property of the insolvent is necessary :—

It is ordered that a receiving order be made against the insolvent and a receiving order is hereby made against the insolvent and A.B. of [or the Official Receiver] is hereby constituted Receiver of the property of the said insolvent.

And it (is) further ordered that the said Receiver (not being the Official Receiver) do give security to the extent of and that his remmuneration be fixed at

Dated

Judge.

FORM No. (J) 62.

Application for Guardianship.

(Sec. 10 of the Guardians and Wards Act, VIII of 1890).

In the Civil Court of the District of

To

His Honour

District Judge of

Dated , *the* *of* .

The humble petition of

son of

resident of

Shewth,

That , [1] of , ordinarily residing at , was born on the of 19 , and is by religion a and by sex a

That the said is the wife[2] of

That the said minor is entitled to certain property, to wit,[3]

That the said property is in the custody or possession of residing at

That [4]of has the custody of the person of the said minor.

That the minor has the following near relations, viz.,

,[5] of , residing at[6]

[1]Son or daughter as the case may be.

[2]Omit this paragraph if a male ; if a female unmarried, substitute the word unmarried if married, state also the age of her husband.

[3]Here state nature, situation and approximate value, if any, of the property of the minor.

[4]Son or daughter, and if married, the name of the husband.

[5]Son or daughter, and if married, the name of the husband.

[6]State relationship to minor.

FORM No. (J)63.

Order of appointment or declaration under section 7 of the Guardians and Wards Act, VIII of 1890.

In the Court of the District Judge of.....

Case No.....

Present.....

In the matter of an application for appointment of guardian in the above case, of minors :—

1. .....born on.....
2. .....born on.....
3. .....born on.....

sons/daughters/wife of.....

of village.....Police Station.....

District.....

.....

son/daughter/wife of.....

of village.....Police Station.....

District.....Petitioner, is appointed/ declared guardian of the person and property (as per schedule in the application) of the abovenamed minors, in the terms of the bond furnished on.....

The guardian will render accounts in the month of..... each year, until the minors attain majority.

Given under my hand and the seal of the court this the..... day of 19....

District Judge.

FORM No. (J) 64.

Substance of Order.

[Sec. 20(1)/20(3) of the Bengal Money-Lenders Act (Act X of 1940).]

In the Court of.....

Case No. .....of

.....son/daughter/wife of....

.....

the firm.....

resident of.....

is disqualified on conviction under section.....

.....for holding a licence under the

Bengal Money-Lenders Act, 1940, for a period.....

.....and the licence

previously granted to him/her/them has been cancelled and impounded.

Seal.

.....

Signature.

N.B.—Delete portions as are not necessary.

FORM No. (J) 65.

Substance of Order.

[Sec. 20(4) of the Bengal Money-Lenders Act (Act X of 1940).]

In the Court of.....

Case No.....

.....*Appellant.*

.....*Respondent.*

The above appellant having applied for stay of operation of the order passed under section 20 of the Bengal Money-Lenders Act, 1940, in Case No..... of the Court of..... it has been ordered that the operation of the said order will be stayed pending the decision of the appeal or until further orders.

Seal.

.....

Signature.

FORM No. (J) 66.

Substance of Order.

[Sec. 20(4), Proviso, of the Bengal Money-Lenders Act (Act X of 1940).]

In the Court of.....

Appeal Case No.....

.....*Appellant.*

Description.

.....*Respondent.*

Description

The above appeal having been heard and allowed (state if in part)/dismissed the order of cancellation of the licence under section 20 of the Bengal Money-Lenders Act, 1940, passed against the appellant on..... .....by the Court of.....in Case No..... .....of.....is set aside/modified/upheld and the endorsements on the licence are erased/modified. He is accordingly debarred from holding a licence for a period of..... ony from.....

Seal.

.....

Signature.

N.B.—Unnecessary portions to be deleted.

That [7]

That no guardian of the person or property of the said minor has been appointed by any person entitled or claiming to be entitled by the law to which the minor is subject to make such appointment.

That this application is for the appointment [or declaration, as the case may be] of a guardian to the[8] of the said minor.

That your petitioner is[9]

That your petitioner therefore prays that an order appointing [or declaring as the case may be]
to be guardian to the said minor be issued under section 7 of the Guardians and Wards Act, 1890.

And your petitioner as in duty bound, etc.

I, petitioner named in the above petition, do solemnly affirm that what is stated therein is true to the best of my information and belief.

Signed in the presence of [10]

(*Signature of Petitioner*)

I, the guardian proposed in the above application do hereby declare that I am willing to act as such.

Signed in the presenc of [11]

(*Signature of the proposed guardian.*)

[7] Here state whether an application has at any time been made to this Court, or to any other Court, with respect to the guardianship of the person or property, or both, of the minor, and if so, when, to what Court, and with what result. If any guardian has been appointed, erase the next paragraph.

[8] State whether to the person or the property of the minor, or to both.

[9] Here state the degree of relationship to, or connection with the minor, or any other grounds on which the petitioner claims to be entitled to be appointed or declared guardian, and the causes which have led to the making of the application, together with such other particulars as may be necessary.

[10] If not so signed but admitted by the petitioner to the witness to be his signature, to be so stated.

[11] The declaration should be attested by at least two witnesses.

Note.—Such application should be verified in the manner prescribed by the Code of Civil Procedure.

V. PROCESS FORMS.

Form No. (P) 1.

To be filled up by office.		*To be filled up by Nazarat.*
Date of depositing talabana ..	**Notice to person who, the Court considers should be added as co-Plaintiff.**	Date on which made over to peon ..
Date of depositing diet money, etc. ..	(Or. 1, r. 10, C. P. Code.)	Date of return by peon after service ..
Date of filing of process ..		Date of actual return of process to Nazir ..
Date of making process to Nazarat ..		Date of return by Nazir to Court ..

District

In the Court of at

of *Plaintiff,*

versus

of *Defendant.*

To

(Name, description, and place of residence.)

Whereas has instituted the above suit against for , and whereas it appears necessary that you should be added as a plaintiff in the said suit in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved.

Take notice that you should, on or before the day of 19 , signify to this Court whether you consent to be so added.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

FORM No. (P) 1-A.

Return of service of Summons, Notice, etc.

(On the reverse of every original process.)

1. Name of person on whom service is made.

2. Date, hour and exact place of service.

3. State if personally acquainted or how satisfied about the identity of the person to be served with name and address of person (s), if any, who helped in the matter.

4. Nature of service on each person and also the sequence in which service effected on different persons in the same case and on the same occasion (if service not personal, state reasons for the failure).

5. Whether signature or thumb impression of person served obtained, if not, the reasons therefor.

6. If process hung up owing to absence of person to be served, state what attempts made to find out the person.

7. Name and address of persons witnessing the delivery or tender of process..

8. Remarks.

I——, a process-serving peon of this Court declare that on the day of 19 , I received a summons/notice in the above suit for service, and that I served the said summons/notice in the manner indicated above.

Signature of peon.

Verification of service by a chaukidar or dafadar, or local villager.

Service upon , son of , who is personally known to me, has been made in my presence by process-serving peon, in the manner described in his report.

(Sd.)

Date

Son of

Residence

Note 1.—If any diet money or other expense is paid, enter it in the remarks column.

Note 2.—Reference to persons to be served should be made by name and not only by their No. in the process.

Note 3.—The peon shall serve in the presence of at least two independent local residents and he shall, whenever possible, obtain the endorsement by signature or thumb impression of those persons on the original process and when unable to serve obtain the same endorsement of at least two persons of the locality.

Note 4.—When process is served on some person other than the person named therein, who accepts it on his behalf, it should be stated whether such person is an adult, and whether he is living with and undivided from the person on whose behalf he accepts service.

Note 5.—If substituted service has been ordered, state fully and exactly in column 4 the manner of service with special reference to the terms of order of the substituted service.

N.B.—Particular attention is drawn to rule 74 of the Civil Rules and Orders and the instructions contained therein.

Form No. (P) 2.

Notice to minor defendant of a application for appointment of the guardain to be guardian for the suit.

(Or. 32, r. 3, C. P. Code.)

District

In the Court of at

Suit No. of 19 .

Plaintiff,

versus

Defendant.

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 to the minor defendant, you the said minor are hereby required to take notice that unless within . days from the service upon him of a similar notice he gives his consent to be appointed to act as guardian, the Court will proceed, subject to the decision of any objection that may be raised on your behalf within days from the service of this notice upon you, to appoint some other person or an officer of the Court to act as guardian to you the minor for the suit.

Given under my hand and the seal of this Court, this day of 19 .

Judge.

*Here insert the name of the guardian.

Note.—Form on the reverse as in (P)1A and at the top of the front page as in (A) 1 *ante.*

Form No. (P) 2-A.

Notice to guardian of application for appointment of the guardain to be guardian for the suit.

(Or. 32, r. 3, C. P. Code.)

District

In the Court of at

Suit No. of 19

Plaintiff,

versus

Defendant.

To

Guardian (appointed by authority or natural, or the person in whose care the minor is, as the case may be).

Whereas an application has been presented on the part of the plaintiff in the above suit for the appointment of you*

as guardian for the suit to the minor defendant, you*

are hereby required to take notice that unless within

days from the service upon you of this notice you*

give your consent to be appointed to act as guardian, the Court will proceed, subject to the decision of any objection that may be raised on your behalf or on behalf of the said minor defendant within days from the service of a similar notice upon him, to appoint some other person or an officer of the Court to act as guardian to the minor for the suit.

Given under my hand and the seal of this Court, this day of 19

Judge.

*Here insert name of guardian.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante.*

Form No. (P) 2 (i).

Notice to minor defendant of application for appointment of another person to be guardian for the suit.

(Or. 32, r. 3, C.P.Code.)

District

In the Court of at

Suit No. of 19 .

Plaintiff

versus

Defendant.

To

Minor defendant.

Whereas an application has been presented on the part of the plaintiff in the above suit for the appointment of (1) as guardian for the suit to the minor defendant, you the said minor are hereby required to take notice that unless within days from the service upon him (your guardian) of a similar notice, your guardian (2) makes an application for the appointment of himself or of some friend of you the minor to act as guardian, the Court will proceed, subject to the decision of any objection that may be raised on your behalf within days of the service of this notice upon you, to appoint (1) or an officer of the Court to act as guardian to you the minor for the said suit.

Given under my hand and the seal of this Court, this day of 19

Judge.

(1) Here insert name and description of the proposed guardian.

(2) Here insert name of guardian upon whom the notice is to be served.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante.*

FORM No. (P)2(i)A.

Notice to guardian of application for appointment of another person to be guardian for the suit.

(Or. 32, r.3, C.P. Code.)

District

In the Court of at

Suit No. *of 19*

Plaintiff

versus

Defendant.

To

Guardian (appointed by authority or natural, or the person in whose care the minor is).

Whereas an application has been presented on the part of the plaintiff in the above suit for the appointment of (1) as guardian for the suit to the minor defendant, you (2) are hereby required to take notice that unless within days from the service upon you of this notice, you (2) make an application for the appointment of yourself or of some friend of the minor to act as guardian, the Court will proceed, subject to the decision of any objection that may be raised on behalf of the said minor defendant within days from the service of a similar notice upon him, to appoint (1) or an officer of the Court to act as guardian to the minor for the said suit.

Given under my hand and the seal of this Court, this day of 19 .

Judge.

(1) Here insert name and description of proposed guardian.

(2) Here insert name of guardian upon whom the notice is to be served.

Note.—Form on the reverse as in (P)1-A and at the top of the front page as in (P)1 *ante.*

FORM No. (P)3.

Notice to opposite party of day fixed for hearing evidence of pauperism.

(Or. 33, r. 6, C. P. Code.)

District

In the Court of at

Case No. of 19 .

Applicant,

versus

Opposite Party.

To

Whereas has applied to this Court for permission to institute a suit against *in forma pauperis* 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 19 . 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 19 .

Given under my hand and the seal of the Court, this day of 19

Judge.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1. *ante.*

FORM No. (P) 4.

Summons to appear in person.

(Or. 5, r. 3, C. P. Code).

District

In the Court of at

Suit No. *of 19* .

of *Plaintiff,*

versus

of *Defendant.*

To

(Name, description and place of residence.)

Whereas has instituted a suit against you for you are hereby summoned to appear in this Court in person on the day of 19 , at o'clock in the noon, to answer the claim ; and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante.*

FORM No. (P) 5.

Common form of summons for (1) final disposal, (2) ascertaining whether a suit is contested or not, and, if not contested, for immediate disposal, (3) settlement of issues.

(Or. 5, rr. 1 and 5, C. P. Code.)

District

In the Court of the at

No. of 19 .

To

(Name, description, and place of residence.)

Whereas has instituted a suit against you for you are hereby summoned to appear in this Court in person or by a pleader duly instructed, and able to answer all material questions relating to the suit (or who shall be accompanied by some person able to answer all such questions) on the day of 19 , at o'clock in the forenoon ;

*(1) to answer the claim and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence ;

(2) to state whether you contest or do not contest the claim either in whole or in part and if you contest to receive directions of the Court as to the date on which your written statement is to be filed, the witness or witnesses upon whose evidence you intend to rely in support of your defence are to be produced, the document(s) upon which you intend to rely are to be filed, also the date of trial and other matters ; take notice that in the event of your admitting the claim either in whole or in part the Court will forthwith pass judgment in accordance with such admissions, or in the event of the claim not being contested the suit shall be decided at once ;

(3) to answer the claim and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

Notice 1.—Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call upon the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the cost of the suit, to avoid axecution of the decree, which may be against your person or property, or both.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante.*

*Strike out (1), (2) or (3) as the summons may be for final disposal, or ascertaining whether the suit will be contested, or settlement of issues.

FORM No. (P)6.

Summons to Legal representative of a deceased defendant.

(Or. 22, r. 4, C. P. Code.)

District

In the Court of at

Suit No. of 19 .

of *Plaintiff,*

versus

of *Defendant.*

To

Whereas the plaintiff instituted a suit in this Court on the day of 19 , against the defendant who has since deceased, and whereas the said plaintiff has made an application to this Court alleging that you are the legal representative of the said deceased, and desiring that you be made the defendant in his stead.

You are hereby summoned to attend in this Court on the day of 19 at a.m. at the hearing of the said application and, in default of your appearance on the day specified, the said application will be heard and determined in your absence.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante.*

FORM No. (P)7.

Summons in summary suit on Negotiable Instrument.

(Or. 37, r. 2, C. P. Code.)

District

In the Court of at

Suit No. of 19 .

Plaintiff,

versus

Defendant.

To

(Name, description, and place of residence.)

Whereas has instituted a suit in this Court against you under Order XXXVII of the Code of Civil Procedure, 1908, for Rs. , balance of principal and interest due to him as the of a , of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within ten days from the service hereof to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled, at any time after the expiration of such ten days, to obtain a decree for any sum not exceeding the sum of Rs. and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits or that it is reasonable that you should be allowed to appear in the suit.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante,*

FORM No. (P)8.

Notice to defendant.

(Or. 9, r. 6, C. P. Code.)

District

In the Court of at

Suit No. *of 19*

of *Plaintiff,*

versus

of *Defendant.*

To

(Name, description, and place of residence.)

Whereas this day was fixed for the hearing of the above suit and a summons was issued to you and the plaintiff has appeared in this Court and you did not so appear, but from the return of the Nazir it has been proved to the satisfaction of the Court that the said summons was served on you but not in sufficient time to enable you to appear and answer on the day fixed in the said summons ;

Notice is hereby given to you that the hearing of the suit is adjourned this day and that the day of 19 is now fixed for the hearing of the same ; in default of your appearance on the day last mentioned the suit will be heard and determined in your absence.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

Note.—Form on the reverse as in (P) 1-A ond at the top of the front page as in (P) 1 *ente.*

FORM No. (P)9.

Notice to show cause. (General form).

District

In the Court of at

Suit/Case No. *of 19* .

Applicant,

versus

Opposite party.

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 19 , 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 19.

Judge.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante.*

FORM No. (P) 10.

Summons to Witness.

(Or. 16, rr. 1 and 5, C. P. Code.)

District

In the Court of *at*

Suit No. of 19 .

of *Plaintiff,*

versus

of *Defendant.*

To

Whereas your attendance is required to on behalf of the in the above suit, you are hereby required (personally) to appear before this Court on the day of 19 , at o' clock in the forenoon, and to bring with you (*or* to send to this Court)

A sum of Rs.* being[1] your (travelling and other expenses and) subsistence allowance[2] for (one) day, is herewith sent. If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

Notice.—(*1*) If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

[2](2) If you are detained beyond the day aforesaid, a sum of Rs. will be tendered to you for each day's attendance beyond the day specified.

*The amount fixed by the Court under Or. 16, r. 2(1) [see rule 601, sub-rules (*1*) to (7), Vol. I] and entered here by the office shall be tendered by the party serving the summons or the process-serving peon as the case may be.

[1]In this connexion , see rule 601, sub-rule (3)(*b*) to (7), Vol. I.

[2]See sub-rule (3) (*a*) *ibid.*

Note.—Form on the reverse as in (P) 1-A and at the top of the front page in (P) I *ante.*

FORM No. (P) 11.

Warrant of arrest of Witness.

(Or. 16, r. 10, C. P. Code.)

District

In the Court of at

Suit No. *of 19* .

of *Plaintiff,*

versus

of *Defandant.*

To

THE BAILIFF OF THE COURT.

Whereas has been duly served with a summons but has failed to attend (absconds and keeps out of the way for the purpose of avoiding service of a summons); You are hereby ordered to arrest and bring the said before the Court.

You are further ordered to return this warrant on or before the day of 19 , with an endorsement certifying the day on and the manner in which it has been executed, or the reason why it has not been executed.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante.*

FORM No. (P) 12.

Proclamation Requiring Attendance of Witness.

(Or. 16, r. 10, C. P. Code.)

District

In the Court of at

Suit No of 19 .

of village thana district *Plaintiff,*

versus

of village thana district *Defendant.*

To

, inhabitant of village

thana district, Witness.

Whereas it appears from the affidavit/examination on oath of the serving officer that the summons could not be / has been duly served upon the witness in the manner prescribed by law; and whereas it appears that the evidence of the witness is material, and he absconds and keeps out of the way for the purpose of evading the service of summons / has failed to attend in compliance with such summons.

This proclamation is therefore, under rule 10 of Or. 16 of the Code of Civil Procedure, 1908, issued requiring the attendance of the witness in this Court on the day of 19 at o'clock in the forenoon and from day to day until he shall have leave to depart; and if the witness fail to attend on the day and hour aforesaid he will be dealt with according to law.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante.*

FORM No. (P) 13.

Order for attachment of the property of Witness.

(Or. 16, r. 10, C. P. Code).

District

In the Court of at

Suit No. *of 19* .

of *Plaintiff,*

versus

of *Defendant.*

To

THE BAILIFF OF THE COURT.

Whereas the witness cited by

has not after the expiration of the period limited in the proclamation issued for the attendance appeared / been arrested although a was duly issued

in court . You are hereby required to hold under

attachment *

property belonging to the said witness to the value of

and to submit a return, together with an inventory

thereof, within

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

day of 19 .

Judge.

*Here specify the movable and/or immovable property to be attached.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante.*

FORM No. (P) 14.

Warrant of arrest before judgment.

(Or. 38, r. 1, C. P. Code.)

District

In the Court of at

Suit No. *of 19* .

Plaintiff.,

versus.

Defendant.

To

THE BAILIFF OF THE COURT.

Whereas , the plaintiff in the above suit, claims the sum of Rs. as noted in the margin, and has proved to the satisfaction of the Court that there is probable cause for believing that the defendant is about to

Decree.	Rs.	a.	p.
Principal			
Interest			
Costs			
Total			

These are to command you to demand and receive from the said the sum of Rs. as sufficient to satisfy the plaintiff's claim, and unless the said sum of Rs. is forthwith delivered to you by or on behalf of the said , to take the said into custody, and to bring him before this Court, in order that he may show cause why he should not furnish security to the amount of Rs. for his personal apearance before the Court, until such time as the said suit shall be fully and finally disposed of, and until satisfaction of any decree that may be passed against him in the suit.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

Note.— Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante.*

FORM No. (P) 15.

Summons to defendant to appear on surety's application for discharge.

(Or. 38, r. 3, C. P. Code.).

District

In the Court of at

Suit No. *of 19* .

Plaintiff,

versus

Defendant.

To

Whereas , who became surety on the day of 19 , for your appearance in the above suit, has applied to this Court to be discharged from his obligation;

You are hereby summoned to appear in this Court in person on the day of 19 , at a.m. when the said application will be heard and determined.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante.*

FORM No. (P) 16.

Order to call for security with or without conditional attachment before judgment for fulfilment of decree.

(Or. 38, r. 5, C. P. Code.)

In the Court of at

Civil Suit No. of 19 .

of

versus

of

To

THE BAILIFF OF THE COURT.

Whereas has proved to the satisfaction of the Court that the defendant in the above suit is about to dispose of (*or* is about to remove from the local limits of the jurisdiction of the Court) the moveable/immovable property in the schedule herewith annexed; These are to command you to call upon the said defendant on or before the day of 19 , either to furnish security for the sum of Rs. to produce and place at the disposal of this Court when required or the value thereof, or such portion of the value as may be sufficient to satisfy any decree that may be passed against him; or to appear and show cause why he should not furnish security; and* you are further directed to—

(*1*) attach the said moveable property and keep the same under safe and secure custody until the further orders of the Court, *or* (and)

(*2*) attach the said immovable property by serving this order prohibiting and restraining the abovenamed defendant until the further orders of the Court from transferring or charging the said immovable property by sale, gift or otherwise and that all persons be, and that they are hereby prohibited from receiving the sam by purchase, gift or otherwise;

And your are further commanded to return this warrant on or before the day of 19 , with an endorsement certifying the date on which and the manner in which it has been executed or the reason why it has not been executed.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

*Strike out this portion and (*1*) and (*2*) if there is no order of conditional attachment under Or. 38, r. 5(3).

Note—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante*.

FORM No. (P) 17.

Attachment before judgment on proof of failure to furnish security.

(Or. 38, r. 6, C. P. Code.)

In the Court of at

Civil Suit No. *of 19* .

of

versus

of

To

THE BAILIFF OF THE COURT.

Whereas the plaintiff in this suit has applied to the Court to call upon , the defendant, to furnish security to fulfil any decree that may be passed against him in the suit, and whereas the Court has called upon the said to furnish such security, which he has failed to do; these are to command you to attach, , the property of the said and keep the same under safe and secure custody until the further order of the Court; and you are further commanded to return this warrant on or before the day of 19 , with an endorsement certifying the date on which and the manner in which it has been executed, or the reason why it has not been executed.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) I *ante.*

FORM No. (P) 18.

Temporary injunction.

(Or. 39, r. 1, C. P. Code.)

District

In the Court of at

Civil Suit No. of 19 .

Plaintiff,

versus

Defendant.

Upon motion made unto this Court by , Pleader of (*or* Advocate for) the plaintiff A. B. and upon reading the petition of the said plaintiff in this matter filed (this day) (*or* the plaint filed in this suit on the day of *or* the written statement of the said plaintiff filed on the day of) and upon hearing the evidence of and in support thereof (*if after notice, and defendant not appearing; add,* and also the evidence of as to service of notice of this motion upon the defendant C. D.) : This Court doth order that an injunction be awarded to restrain the defendant C. D.*

Dated this day of 19 .

Judge.

* *Note 1.*—Add, as in examples given in form 8, Appendix F, Schedule I, Code of Civil Procedure, the necessary particulars of the case in which the injunction is sought.

Note 2.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P)1 *ante.*

FORM No. (P) 19.

Notice of deposit of decretal amount.

[Or. 21, r. 1 (2), C. P. Code.]

In the Court of at

To

Take notice that the plaintiff/defendant, etc. (*as the case may be*), in No. of 19 , has on the day of 19 , deposited into Court the sum of Rs. as. (in words) as detailed below as the amount payable to you under the decree/order dated in suit/case No of 19 , and you are informed that you may withdraw the amount in person or get it transmitted to you by money order on your making a request under Rule 162 of Ch. 10, Part I, Civil Rules and Orders, Volume I.

Amount

Interest

Costs

Total

Dated 19 *Judge.*

FORM No. (P) 20.

Notice to show cause why a payment or adjustment should not be recorded as certified.

(Or. 21, r. 2, C. P. Code.)

District

In the Court of at

Suit No. of 19 .

Plaintiff,

versus

Defendant.

To

Whereas in execution of the decree in the abovenamed suit has applied to this Court that the sum of Rs. recoverable under the decree has been $\frac{\text{paid}}{\text{adjusted}}$ and should be recorded as certified, this is to give you notice that you are to appear before this Court on the day of 19 , to show cause why the $\frac{\text{payment}}{\text{adjustment}}$ aforesaid should not be recorded as certified.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

Note.—Form on the reverse as in (P) 1-A and at the top of the front page as in (P) 1 *ante.*