

CHAPTER IV.

Warrant Department.**(A) Staff**

(1) The designation of the clerks in this department shall be as follows:-

(1) assistant superintendent, (2 to 9) passing or after-judgement clerks, (10) mafussal clerk, (11) statistical clerk, (12) prohibitory order clerk, (13) claim clerk, (14) writ-writer no.1, or distress-clerk, (15) writ-writer no.2 and (16) diary-keeper.

(2) There shall be one passing clerk for each of the Judges' benches and two for the Registrar's bench dealing respectively with suits disposed of in odd and even months. The mafussal clerk shall do the duties of a passing clerk in respect of mafussal and statutory decrees and precepts and writ writer no.1 shall do such duties in respect of distraint cases.

[Cases disposed of by the 7th bench now withdrawn, shall be dealt with by the passing clerk of the Chief bench.]

(B) General Procedure.***(i) After-judgment records.***

3. The assistant bench clerk of each bench shall draw up an after-judgment record for each suit decreed by the bench during the day under which one party is entitled to recover anything from another. It shall contain:-

- (1) the number of the suit,
- (2) the names of the parties and their addresses,
- (3) the names of the pleaders under power, if any,
- (4) the amount of claim and costs decreed, with special directions, if any, and
- (5) the date of the decree.

He shall sign it and send it with a Transit Register to the passing or after-judgment clerk of the bench who shall acknowledge receipt in the Register.

4. On receipt of the after-judgment records of the day from the benches the passing clerks shall make entries in their Registers of After-judgment Records (Register W. 40) giving the dates of disposal and the numbers of the suits. The entries shall be made according to dates of disposal and all records disposed of on the same day shall be entered in the order of the serial numbers of the suits. The records shall be kept arranged in monthly files in the same order. The folders shall show the month of disposal on the back.

(ii) Mafussal decrees.

5. When a copy of a decree is received from the mafussal for execution the mafussal clerk shall enter it in the Register of Mafussal Decrees (Register W. 10) numbering the decree serially in an annual serial. He shall prepare an after-judgment record for each decree under the same number and arrange the copies in the same way as described in rules 3 and 4.

6. If no application for execution is made within six months of the date of transfer of a decree a certificate under section 41 of the Code of Civil Procedure shall be sent to the issuing Court along with the copy of the decree and all connected papers except the after-judgment record. A note of the receipt of an acknowledgement shall also be made in the Register when it is received.

[Note.-The despatching shall be done by the mafussal clerk direct and he shall be supplied with service postage stamps for the purpose. He shall keep an account of stamps supplied to him under the supervision of the assistant superintendent--- vide rule 17 of Chapter V]

7. If the decree is executed the certificate required by section 41 of the Code of Civil Procedure showing the result of the proceeding shall be sent as soon as possible after

termination of the execution case along with a covering letter in H. C. Form No. M. 12 reproduced as Form R-2F in appendix 1. All connected papers except the after-judgment record of the case shall be sent at the same time and a note of despatch shall be made in the Register. Note of the fact and date of acknowledgment shall be made in the Register on receipt.

[Note.—Despatching shall be done in the manner described in the note to rule 6.]

(iii) Precepts.

8. When a precept is received under section 46 of the Code of Civil Procedure the mafussal clerk shall prepare an after-judgment record and enter the precept in the Register of Mafussal Decrees allotting the serial number of the Register to the after-judgment record and to the precept. If the decree is received later it shall be allotted the same serial number and filed in its proper place according to that number, a note of the date of receipt being made in the Register. The after-judgment record already prepared shall be treated as the record for the decree.

9. If the precept is not executed it shall be returned to the issuing Court, a note of the date of despatch being made in the Register. Acknowledgement of receipt shall also be entered in due course. The after-judgment record shall be retained.

[Note.—Despatching shall be done in the manner described in the note to rule 6.]

10. If an attachment be made on the strength of the precept a report shall be sent to the issuing Court, the precept being retained. If nothing further is done and no extension of time is ordered by the Court, the precept shall be sent back to the issuing Court on the expiry of two months from the date of attachment, and the attachment shall be withdrawn under the proviso to section 46 of the Code. All connected papers except the after-judgment record shall also be sent along with the

precept when it is returned. Notes of despatch and acknowledgment shall be made in the Register as in other cases.

11. All papers relating to cases arising out of a mafussal decree or a precept shall be filed along with the copy of the decree or the precept. Arrangement shall be made according to serial numbers as in other cases.

(iv) Statutory Decrees.

12. On receipt of a statutory decree the mafussal clerk shall place it before the Registrar for his signature and then enter it in the Register of Statutory Decrees (Register W. 11) numbering it in an annual series. He shall then send up the decree to the record-keeper for filing. [For definition of "statutory decree" see note to rule 10 of Chapter III.]

13. The mafussal clerk shall prepare an after-judgment record for every statutory decree received by him under the number assigned to it in the Register and he shall note thereon the date of the award, the order and decision. All papers relating to cases arising out of a statutory decree shall be filed under the same serial number as that assigned to the corresponding decree. Papers shall be arranged in the order of their serial numbers.

(v) Distresses.

14. On receipt of the signed warrant in a distress case, writ-writer no.1 shall prepare an after-judgment record in the Form No. W-3F given in appendix 1. These shall be numbered in an annual series.

15. All papers relating to each distress case shall be filed under the same serial number as that assigned to the corresponding after-judgment record. These files shall be arranged serially in bundles.

(vi) Miscellaneous.

16) The after-judgment records shall be the main records for the purpose of execution of decrees and they shall be referred to in passing applications. All deposits and payments of money and all material facts relating to execution, satisfaction or discharge of the decrees shall be noted therein by the passing clerks.

17. All after-judgment records are to be preserved for 15 years under rule 38 of Chapter III. Those that are ripe for destruction shall be destroyed in March every year under orders of the Registrar.

18. All acknowledgments of receipt of records shall be filed in the serial order of the numbers in the Register of Mafussal Decrees. They shall be destroyed after three years.

(vii) Powers.

19) If powers are filed in connection with mafussal decrees, precepts, statutory decrees or distress cases they shall be attached to the records of such cases and the names of the pleaders shall be noted in the after-judgment records and relative Registers. Such powers shall be received by the mafussal clerk in the case of mafussal decrees, precepts and statutory decree and by the distraint clerk in distraint cases. Powers filed in connection with decrees passed by this Court shall be dealt with in the manner described in rule 8(g) to (i) of Chapter II.

[Note.—A running total of powers filed in this department shall be kept in each of the registers where they are noted in order that the total amount of court-fees realised thereon may be furnished for incorporation in the annual returns.]

(C) Certificates of payment, satisfaction or adjustment.

20. (1) A certificate of payment under or adjustment or satisfaction of a decree shall be presented to the passing clerks concerned who shall at once make a note in the after-judgment record if the certificate be in order. The certificate shall be drawn up on the prescribed form. If the certificate is not signed by a pleader under power the

passing clerk shall have the decree-holder properly identified, and take the signature of the identifier on the certificate. The papers shall be put up before the superintendent and he shall check and put his initials in the after-judgment record.

(2) If a certificate of full satisfaction is given the certificate shall in the first instance be placed before the senior superintendent who shall, if of opinion that the certificate is in order, cause an entry of full satisfaction to be entered in the after-judgment record.

21. When a decree is fully satisfied a note shall be made in red ink in the last column of the Register of After-judgment Records or in the Register of Statutory Decrees, as the case may be. The after-judgment records relating to the decree shall at shall at the same time be taken out of the file and transferred to a separate file which shall be sent to the record room under rule 38(2) of Chapter III at the end of the month.

(D) Deposit and payment of money.

22. All applications for deposit and payment shall comply with the account rules of the Court. They shall be presented to the passing clerks concerned, but if property has been seized in execution of the decree, the application shall be presented to the assistant superintendent who shall forward it to the passing clerk after taking necessary action as described in Part (J) of this chapter.

23. All applications for deposit shall be accompanied by a notice to be served on the decree-holder as required by sub-rule 2 of rule 1 of chapter XXI of the Rules of Practice and procedure. The notice shall be in the prescribed form. The postcard containing the notice shall be checked by the passing clerk along with the application for deposit and he shall initial it and keep it in his custody. When the deposit application is received back from the treasury after deposit he shall put the deposit number on the postcard and, after the superintendent's check of the after-judgment record, make it over to the passing

clerk of the Chief Bench, and the latter shall enter all the postcards in the Register of Deposit Notices (Register W. 41) and despatch them to the post-office without delay. The receipts granted by the post office shall be kept in skeleton files according to dates of posting. These files shall be destroyed after 3 years.

24. (1) If a deposit application is not accompanied by a notice it shall not be refused but a note shall be made in the after-judgment record of the failure of the party to file the notice. [See rule 1 (4) of chapter XXI of the Rules of Practice and Procedure.]

(2) Where an amount less than the amount due is received by cheque or money-order it shall be accepted and credited in part satisfaction of the claim. Instalments so received after the due date shall also be similarly dealt with. When the debtor appears personally or through agent a deposit of an amount less than the full amount due shall in no case be accepted.

(E) Applications for Execution (general).

25. All applications for execution shall be in the prescribed form, and the columns shall be properly filled up by the applicant. Interest up to the date of application, when payable, shall be calculated and entered therein. Such applications shall bear a stamp of 2 annas or 12 annas according to the amount of the decree as required under section 72B of the Act.

26. If the application be for execution only by attachment and sale of moveable property of the judgment-debtor in his possession, it shall be filed before the passing clerk who shall check it and then place it before the senior superintendent for orders. If there be any doubt on any point the senior superintendent shall submit the application with a report to the Registrar who shall pass orders himself or order that the application be put up before the bench which passed the decree. If the application appears to be in order the senior superintendent shall pass an order for issuing a writ of attachment in the prescribed form.

[Note.—The senior superintendent has been authorised to issue process of attachment in such cases—vide rule 3(7) of Chapter XII of the Rules of Practice and Procedure.]

27. Every application for execution filed in the office shall immediately on receipt be stamped by means of a rubber stamp showing the date of filing and the word “file”.

28. In every case not coming within rule 26 the application for execution shall be presented to the passing clerk concerned for check before the court-fee stamp required by law is affixed and the clerk shall pass the application if there be no defect, put his signature and date in token of his check and return it to the party who shall then file it before the bench. If he entertains any doubt about any matter the passing clerk shall make a note on the back stating the point which seems to require consideration. The application shall be filed before the bench in the course of the same day after the court-fee required by law has been affixed.

29. Notwithstanding the provisions of rule 26, where application is made for execution of a decree by or against one or more representatives of the persons named therein, whether alone or together with some of the persons so named, the passing clerk shall draw up a report and return the application to the party who shall move the bench and obtain an order for execution.

30. The following instructions as to fees payable in execution cases shall be followed:-

(a) The application fee for each case shall be calculated on the total amount of the decree, including costs, and not the balance due at the date of the application.

(b) The process-fee to be levied in each case shall be calculated on the total amount due under the decree at the date when the process is to be issued:

Provided that if the operation of a process is limited to a specific amount less than the total amount of the decree the process fee shall be calculated on that amount only.

[Note.—A prohibitory order in respect of a debt which is less than the amount due under the decree is an example of a case coming under the proviso.]

(c) When there are several judgment-debtors, a separate process fee is required for each person to be served with a notice, or against whom a warrant of arrest is to be issued.

31. When process fee is not paid within the time prescribed by rule 1(2) of Chapter XXXV of the Rules of Practice and Procedure after order has been passed for issuing execution, the record shall be placed before the Registrar or Deputy Registrar with a report and he shall pass an order dismissing the application unless, in any case, he thinks it desirable to obtain the orders of the bench in which case he shall send it up with his remarks.

[Note.—Passing orders for dismissal in such cases has been declared to be non-judicial act—vide rule 3(18) of Chapter XII of the Rules of Practice and Procedure.]

(F) Transmission of copies of decrees to other Courts for execution.

(i) Procedure for transmission.

32. (1) A decree-holder desiring to have his decree transmitted to another Court for execution shall present the application in the prescribed form [rule 5(3) of Chapter XXI] duly filled up and bearing the requisite stamp. He shall also file the requisite process-fee of 8 annas or Re.1, as the case may be, in mafussal court-fee stamps affixed to a blank form of order of transmission. The passing clerk concerned shall receive the application and make a note in his record showing the date of filing and then pass it on to mafussal clerk.

(2) (a) The mafussal clerk shall write out a receipt in the prescribed form. He shall pass it along with the receipt book to the superintendent.

(b) The superintendent shall have the stamps punched and sign across them and also sign the receipt which shall be returned to the mafussal clerk for delivery to the applicant. The Superintendent shall then pass on the application to writ-writer no. 2.

(c) Writ-writer no. 2 shall enter it in the Register of Warrants (Register W. 1) and pass it on to writ-writer no. 1.

(d) Writ-writer no. 1 shall fill in the writ, have it examined and signed by the superintendent and sealed by the sealer in the summons department and send it with the application to the bench which pass the decree. On receipt of the papers signed by the Judge writ-writer no. 1 shall return the papers to the mafussal clerk.

(e) The mafussal clerk shall draft a forwarding letter and enter particulars in the Register of Transmission of Decrees sent to Mafussal Courts (Register W. 12) and obtain the signature of the senior superintendent on the letter and his initials in the Register. He shall then note the letter number and date of transmission on the application and then send the application to the passing clerk.

(f) The passing clerk shall enter the particulars, the date of the Judge's signature, the forwarding letter number and the actual date of transmission in the after-judgment record and then send the application to the superintendent.

(g) The superintendent shall examine the entries, report to the Registrar if there has been undue delay and send it back to the mafussal clerk for filing.

(3) A party desiring to have his decree transmitted urgently shall file a certified a certified copy of the after-judgment record along with his application which shall then be attached to the order of transmission and in such a case it shall not be necessary to fill up the details of the decree in the form of order of transmission.

(4) In ordinary cases copies shall be prepared strictly in the order in which the applications have been filed and shall be ready for transmission after 4 days from the dates of applications. In cases coming under sub-rule (3) copies shall be ready for transmission in 24 hours.

33. If the application be for transfer of a statutory decree, the same procedure shall be followed but the decree received by the Court shall itself be sent with a forwarding letter, a note being made in the Register of Statutory Decrees and in the after-judgment record.

34. If the passing clerk entertain any doubt as to any matter arising out of the application he shall proceed in the manner laid down in rule 26.

(ii) Procedure on return from mafussal Court.

35. When a copy of a decree sent from this Court is received back unexecuted it shall be entered by the claim clerk in the Register of Copies of Decrees Returned (Register W. 17). A similar procedure shall be followed when a certificate of execution is received in connection with such a decree, the entry being made in the Register of Certificates of Execution (Register W. 16). After entry the copy of decree or certificate of execution shall be made over to the passing clerk for noting the result in his record and the latter shall acknowledge receipt in the Register. These papers shall then be made over to the statistical clerk for filing after examination by the assistant superintendent.

(G) Warrants of arrest (body warrants).

(i) Issue of warrants.

36. (1) An application for a warrant of arrest shall be presented in the prescribed form with the requisite stamp to the passing clerk concerned who shall check and, if in order, pass it, attach an order-sheet and have the stamp defaced by the superintendent and send the papers to the bench. The bench clerk shall note the order of the Judge and send back the papers to the passing clerk. If a notice is ordered to be issued the procedure prescribed in part R of this Chapter shall be followed, and if ultimately a

warrant is ordered to be issued costs of execution of the warrant shall be paid within seven days of the date of the order or within such further time as may be allowed by the bench [vide rule 1 (2) of Chapter XXXV of the Rules of Practice and Procedure]. When the applicant desires to put in the costs the passing clerk shall note the amount of process-fee with date on the application, make a pencil entry in his record and then send the application to the mafussal clerk.

(2) (a) The Party shall affix the necessary process-fee stamps on the application and the mafussal clerk shall write out a receipt in the prescribed form and pass on the application with the receipt-book to the senior superintendent.

(b) The senior superintendent shall have the stamps punched and sign across them, sign the receipt, note the name of the bailiff on the receipt as well as on the application, make an entry in the Register of Distribution of Warrants (Register W. 42) and then make over the receipt to the mafussal clerk for delivery to the party and pass on the application to writ-writer no.2.

(c) Writ-writer no. 2 shall enter it in the Register of Warrants and write up the writ and then return the application and the writ to the passing clerk.

(d) The passing clerk shall ink the entry in his record and also note the date and number of the writ, obtain the signature of the senior superintendent on the writ and his initials in the after-judgment record in token of his check and then send the application to writ-writer no. 2.

(e) Writ-writer no. 2 shall keep the writ for delivery to the bailiff and pass the application to the mafussal clerk.

(f) The mafussal clerk shall file all such applications according to serial numbers of warrants issued.

(g) If process-fee is not paid within time, the procedure laid down in rule 31 of this Chapter shall be followed, and it shall be the duty of the mafussal clerk to take necessary action. If the application be rejected, the papers shall be sent down to the passing clerk who shall detach the order-sheet and send the application to the statistical clerk for filing and despatch to the record room in due course.

(ii) Procedure if payment is made by judgment-debtor to a bailiff.

37. If any payment be made to the bailiff he shall follow the procedure laid down in the account rules of the Court and present the warrant to the assistant superintendent who shall adjust the amount realised under the respective deposit heads. The bailiff shall then go and deposit the amount in the treasury.

(iii) Procedure when judgment-debtor is brought to Court under arrest.

38. (1) When a judgment-debtor is brought up under arrest he shall be produced before the Court for orders (ordinarily the Registrar or the Deputy Registrar). If an order for commitment to the civil prison is passed the period of confinement and the amount of subsistence allowance fixed by the Court shall be noted by the bench clerk. The order shall then be passed to the statistical clerk.

(2) (a) The statistical clerk shall draw up a commitment order in the prescribed form and make necessary entries in the Register of Commitments (Register W. 24) and then pass on the papers to the passing clerk.

(b) The passing clerk shall note in his record and obtain the signature of the senior superintendent on the order of commitment and his initials in the after-judgment record and in the Register of

Commitments. The senior superintendent shall check the amount payable for blankets and utensils and subsistence allowance. The papers shall then be given to statistical clerk.

(c) The statistical clerk shall make over the commitment order to the bailiff. The order shall be sealed by the sealer in the summons department and the bailiff shall take the judgment-debtor to the Presidency Jail. The subsistence charges shall be paid by the party to the Jailor direct. The bailiff shall return the warrant to the statistical clerk who shall file all the writs according to serial numbers.

(iv) Release on part-payment.

39. If an order for release on payment of money be passed the procedure to be followed for payment shall be as described in the account rules. In default of payment the judgment-debtor shall be committed to the civil prison.

(v) Release on furnishing security.

40. If an order for release on execution of a bond by a surety be passed the surety shall appear before the assistant superintendent who shall draw up the bond on a non-judicial stamp paper of the requisite value to be supplied by the party. After execution which shall take place in the presence of the senior superintendent the bond shall be countersigned by him. The senior superintendent shall enter it in the Register of Bonds (Register W. 27) and make it over to the statistical clerk for filing. Bonds shall be filed according to serial numbers. They shall preserved for 25 years.

(vi) Procedure on order for release without commitment.

41. The claim clerk shall keep a Register of Releases (Body Warrants) (Register W. 18) in which he shall note particulars of all cases in which judgment-debtors are released without commitment.

(vii) Procedure on order for release after commitment.

42. An application for release of a judgment-debtor from jail on deposit of the entire debt shall be made before the Registrar or Deputy Registrar. In other cases such applications shall be made to the bench which passed the decree. If a release be ordered the order shall be passed to the statistical clerk who shall draw up a release order in the prescribed form and the same procedure as described above in the case of commitment orders shall be followed. A note of the release order shall be made against the original entry of commitment in the Register of Commitments. The release order shall be sent to the Superintendent, Presidency Jail, through a messenger with a peon book.

43. When a commitment order is returned from the jail after release of the judgment-debtor it shall be received by the statistical clerk who shall note it in his Register of Commitments and then pass it on to the passing clerk for noting in his record. After examination by the assistant superintendent it shall be returned to the statistical clerk for filing. The statistical clerk shall enter in the Register of Diet Money (Register W. 29) any unexpended diet money and sale proceeds of blankets and utensils received from the jail and shall report on all applications for refund of such amounts. An order of the Court shall be necessary for refund. Returned commitment orders shall be filed along with the records of the connected execution cases.

(viii) General rules regarding body warrants.

44. Under rule 24 of Chapter XXI of the Rules of Practice and Procedure warrants of arrest shall ordinarily be executed between the hours of 8 a.m. and 4 p.m. but not after 1 p.m. on Saturdays, so that the judgment-debtor may be brought up before the Court for orders in time. If the arrest is to be made beyond these hours special orders shall be taken from the

Registrar or Deputy Registrar and in case of arrest the judgment-debtor shall be kept in the custody of the bailiff and he shall be brought up before the Court as soon as possible.

45. The following points are included for information:-

(a) No prisoner is admitted into the jail after sun-set except on the written order of a Judge of the Court [Jail Code, rule 496 (889)].

(b) When a judgment-debtor is committed to the civil prison in execution of a decree the first payment shall be made to the proper officer of the Court for such portion of the current month as remains unexpired before the judgment-debtor is committed to the civil prison, and such officer shall send the amount paid with the civil prisoner to the jailor.

[No debtor shall be received into the jail unless the proper amount of subsistence allowance is received with him. Subsequent payments (if any become due) shall be made to the jailor by monthly payments in advance to the full amount due for the ensuing month before the first day of each month. Should the decree-holder omit to pay the allowance as above the superintendent shall, without reference to the Court, release the judgment-debtor. The release shall be made on the morning of the day for which no allowance has been paid. Vide rule 574 (891) of Bengal Jail Code.]

(c) Besides subsistence allowance the decree-holder shall pay (1) Rs. 11-4 for a pair of blankets, and (2) Rs. 5 during summer and Rs.10 during winter for clothing, bedding and utensils for each civil prisoner. [Vide rules 897 (904 and 898 (574) of Bengal Jail Code.]

(d) The scale of subsistence allowance is given in rule 24 of Chapter XXI of the Rules of Practice and Procedure.

[Note.—The scale has been approved by the Provincial Government under section 57 of the Code.]

(e) In exercise of the power conferred by sub-section (2) of section 55 of the Code of Civil Procedure, as extended to the Court, the Provincial Government has been pleased

to declare that no employee of the Jail, Post and Telegraph, Police and Railways departments shall be liable to arrest in execution of a decree or order of a civil court unless 7 days' previous notice has been given to the employee's superior officer.

[Note.—For the schedule containing designations of the employees and superior officers to whom notice is to be given see Bengal Government notification No. 5088]., dated the 13th July, 1933, published in the Calcutta Gazette, dated 27th idem, Part-I, pages,1080 to 1089.]

(H) Warrants of attachment of moveable property (seal warrants).

(i) Application for issue of warrant.

46. Where a decree-holder applies for attachment of moveable property not in the possession of the judgment-debtor no seal warrant shall be issued from the office and the application shall be treated as an application for attachment by prohibitory order [vide part (M) of this Chapter].

47. An application for execution by attachment and sale of moveable property in the possession of the Judgment-Debtor shall bear the application fee and also the requisite process-fee. No safe custody charges, etc., shall be required to be deposited along with the application. If under the Rules of Practice and Procedure it be necessary for the decree-holder to pay any such charges in any case it shall be sufficient if he pays the amount to the bailiff at the time of the attachment.

48. The application shall be filed before the passing-clerk who shall check it, make a pencil entry in the after-judgment record, obtain an order for issue of warrant from the senior superintendent in the manner described in rule 26 and then pass it on to the mafussal clerk. The further procedure shall be the same as that set forth in rule 36 (b) to (g) as the procedure for body warrants.

(ii) Procedure if payment is made to the bailiff.

49. If any sum be realised by the bailiff he shall follow the procedure described in rule 37.

(iii) Procedure after attachment.

50. (1) If any property be seized the bailiff shall make over the writ with a detailed inventory of the property to the claim clerk.

(2) (a) The claim clerk shall enter the particulars in the Register of Property Seized (Register W. 13). If the property has been removed to Court, he shall also enter the details of the property in the Register of Property Removed and Received by the Court Overseer (Register W. 14) noting the serial number of the warrant in column 8. If property previously seized has been subsequently removed to Court, the date of removal shall be noted in red ink below the date of seizure in column 5 of the Register of Property Seized and the serial number of the warrant shall be entered in column 8 thereof. The claim clerk shall then make over the warrant to the passing clerk.

(b) The passing clerk shall note in his record. If property has been removed to Court the writ shall be sent to the court overseer so that he may check the inventory and make necessary entries in the Court overseer's Register of Property Seized. The court overseer shall return the writ without delay and the passing clerk shall then send it to the assistant superintendent.

(c) The assistant superintendent shall at once enter it in his Diary (Register W. 45) as a new case and post an advance entry at the same time on the appropriate date on which further action is to be taken by him.

[Note.—The Chief Judge has appointed the court overseer as the officer who shall hold charge of attached properties kept in the court premises under rule 29 (13) of Chapter XXI of the Rules of Practice and Procedure.]

51. Further entries in the assistant superintendent's Diary shall be made from time to time when a case in which moveable property has been ceased is adjourned. He shall take particular care that entries are made of dates on which goods shall become liable to removal to Court in default of deposit of further safe custody charges, and as soon as goods become so liable he shall inform the attaching bailiff and make over the warrant to him for prompt removal of the goods to Court.

52. The assistant superintendent shall pay particular attention to the rules regarding realisation of safe custody charges, payment of removal charges, preparation of inventories, etc., contained in rules 28 to 33 of Chapter XXI of the Rules of Practice and Procedure. He shall carefully check the warrants and report all defects, give necessary instructions to bailiffs and generally be responsible that prompt action is taken on due dates.

[Note.—The Chief Judge has nominated the assistant superintendent as the officer whose duty it shall be to submit reports under rule 29 (9) (iii) of Chapter XXI of the Rules of Practice and Procedure.]

53. In assessing safe custody charges, housing charges for cars and the like, and feeding charges for live-stock due regard shall be had to the scales laid down in rule 29 of Chapter XXI of the Rules of Practice and Procedure.

54. Where valuables are seized they shall be made over to the treasurer for safe custody under orders of the Registrar. The treasurer shall enter them in the Register of Valuables (Register A. T. 47). The bailiff shall sign the entry. The treasurer shall put a serial number against the entry of the articles deposited in the Register as well as on the warrant. Each entry shall be signed by the treasurer as well as by the senior superintendent.

(I) Claims.

55. In claim cases arising out of distraint proceedings the procedure laid down in section 60 or in section 61 of the Act, as the case may be, shall be followed.

56. An application of claim which is not filed within 10 days from the date of the attachment shall not be admitted except on an order of the bench which passed the decree or order, or, in the case of claims arising in execution of mafussal and statutory decrees, except on an order of the Registrar's bench.

57. (1) The claimant shall present his application on a plaint form bearing the requisite application fee and summons fee in accordance with rule 47 of Chapter XXI of the Rules of Practice and Procedure. The application, with other papers necessary in the case of an ordinary plaint, shall be presented to the assistant superintendent.

(2) (a) The assistant superintendent shall send the relative warrant and the application to the statistical clerk.

(b) The statistical clerk shall note on the warrant (1) the particulars of the claim, (2) the amount of safe custody charges necessary, if the claimant desires that the claimed properties shall not be removed to Court or they are such that they cannot be so removed and (3) other charges such as cooly hire, cost of feeding, etc., if any, payable by the claimant, and shall then send the application to the treasurer. The party shall deposit the necessary amount in the treasury and the treasurer shall sign the warrant in token of receipt of the amount and return it to the statistical clerk.

(c) the statistical clerk shall enter—
 (1) the particulars of the claim,
 (2) the name of the claimant,
 (3) the serial number of the claim, and
 (4) date of claim in the Register of Property

Seized and

then return the plaint to the assistant superintendent.

(d) The assistant superintendent shall obtain the bailiff's signature on it to be given after comparing the entry of the property claimed with the inventory. The plaint shall then be sent to the superintendent, summons department, who shall acknowledge receipt in a Transit Register.

(e) The ordinary procedure for dealing with a plaint shall then be followed.

(3) When the plaint in a claim suit is amended all particulars of the amendment shall be noted on the warrant by the bench clerk for the information of the warrant department.

58. The statistical clerk shall note in red ink in the inventory the names of claimants against the entries of the items claimed. If there are more claims than one in respect of the same article care shall be taken not to release the goods until all the claims have been disposed of. No property shall be delivered to a party under an order of release without reference to the notes appearing on the inventory. All articles which are subject of a claim shall be duly labelled by the Court overseer as "claimed by....." if they be in Court.

59. (a) On the following day the statistical clerk shall obtain the number of the claim-plaint from the summons department and shall note it on the warrant as well as in the Register of Property Seized and then pass on the warrant to the passing clerk of the bench concerned.

(b) The statistical clerk shall make over the warrant to the assistant superintendent, taking his signature in a Transit Register.

60. If subsequently another claim be made to the same property entries shall be made below those relating to the first claim in the Register of Property Seized. [Sufficient space shall be left for such entries in this Register.]

(J) Release of attached property.

61. Property may have to be released in the following circumstances:-

- (a) on deposit of the full amount due;
- (b) on a bench passing an order for release on part-payment;
- (c) on the senior superintendent ordering satisfaction to be entered in full under rule 20(2) of this chapter.
- (d) on a bench passing an order for release on execution of a bond;
- (e) on a bench passing a decree in a claim suit;
- (f) on the senior superintendent passing an order for release with the consent in writing of the attaching creditor; and
- (g) on attachment being withdrawn for failure to pay incidental costs payable by the decree-holder.

In case (b) to (f) the order shall be sent direct to the assistant superintendent; in case (a) the application itself shall be presented to him and in case (g) the assistant superintendent shall himself take action as described in rule 65.

62. (1) On receipt of an order for release of property the assistant superintendent shall enter on the warrant the incidental costs payable, if any, the amount of debt and costs, or the amount ordered to be paid by the Court, as the case may be. He shall then send the papers to the treasurer.

(2) (a) The treasurer shall accept deposit of the requisite amount, acknowledge receipt on the warrant and then return it to the assistant superintendent.

(b) The assistant superintendent shall make a note for release on the warrant and obtain on it the signature of the Court overseer or the custodian, as

the case may be, and then make over the warrant to the claim clerk.

(c) The claim clerk shall make a note of the order in the Register of Property Seized and also in the Register of Property Removed to Court and send the warrant to the passing clerk concerned.

(d) The passing clerk shall make a note in his record and return the warrant to the claim clerk.

(e) The claim clerk shall file the warrant in the manner prescribed in the case of body warrants (rule 38).

(3) If the property has not been removed to Court the custodian shall withdraw his peons at once. If the property has been removed to Court the Court overseer shall release the property as soon as the applicant applies to take delivery. He shall obtain the warrant from the claim clerk and take the signature of the pleader, if any, for the applicant, or of the applicant himself, properly identified on the warrant in token of receipt. In case of property removed to Court, when the warrant is returned, the actual date of release shall be noted in red ink by the claim clerk in the Register of Property Removed to Court.

(4) If the party fails to deposit the necessary amount in the treasury, the treasurer shall return the warrant to the statistical clerk who shall note the date of the order for release and pass the warrant to the passing clerk of the bench concerned for note in his record. The warrant shall then be returned to the assistant superintendent.

63. When any property is released, the statistical clerk shall also make an entry in the Statistical Register of Property Released (Register W. 26) and this register shall be used for the purpose of calculating the dues of the custodian as noted on the warrant. For this purpose a formal order of release in the prescribed form shall in each case be signed by the senior superintendent who shall endorse on it the particulars of the amount due to the custodian and this shall serve as a voucher for payment of the amount. The senior superintendent shall

also initial the Statistical Register of Property Released after checking the amount payable to the custodian with the particulars in the warrant.

64. When an application for deposit of the entire amount due is filed the assistant superintendent shall receive the application and thereafter the procedure described in rules 62 and 63 shall be followed.

65. When an attachment is to be withdrawn by the Court for failure to pay incidental charges the assistant superintendent shall obtain an order of the senior superintendent and the procedure described in rules 62 and 63 shall be followed except that the warrant shall not pass through the treasury.

[Note:--This rule does not apply to a case in which an attachment ceases under rule 29 (2) (iii) or 29 (5) (ii) of Chapter XXI of the Rules of Practice and Procedure, i.e., before it has been entered in the Registers of the Court.]

66. A report shall be made to the Registrar in every case in which an order for release of property cannot be given effect to on account of failure to pay incidental costs of attachment, safe custody or maintenance and he shall pass such orders as may be necessary. [Vide rule 32 of Chapter XXI of the Rules of Practice and Procedure.]

(K) Filing of warrants.

67. The assistant superintendent shall file all pending warrants according to the dates of advance entries in his Diary. He may keep the daily lots arranged in the following sub-files:-

- (1) ordinary warrants,
- (2) warrants in respect of which claims are pending,
- (3) warrants of attachment before-judgment issued by this Court,
- (4) warrants of attachment before-judgment issued by mafussal Courts,
- (5) warrants in cases in which new-trial applications are pending,

- (6) warrants in cases in which stay orders have been passed,
- (7) warrants in cases in which applications for rateable distributions have been filed, etc.

(L) Warrants of Distress.

68. (1) Every application for a distress warrant shall be drawn up in the prescribed form and be accompanied by an affidavit in the form prescribed by section 53 of the Act. The application shall be filed in the Registrar's bench. If a warrant is ordered to be issued the bench clerk shall send on the papers to writ-writer no. 1.
- (2) (a) Writ-writer no. 1 shall note the amount of stamps required and the amount of safe custody charges (for 8 days) payable by the applicant and send the application to the treasurer.
- (b) The treasurer shall accept the amount of safe custody charges if paid within one day of the date of the order [see rule 1 (2) of Chapter XXXV of the Rules of Practice and Procedure]. Thereupon the treasurer shall send back the application with his acknowledgment to writ-writer no. 1.
- (c) Writ-writer no. 1 shall have the stamps for process fee affixed on the application by the applicant and then enter it in the Register of Distress Warrants (Register W. 35) write out a receipt and then pass the papers to the senior superintendent.
- (d) The senior superintendent shall sign the receipt and stamps, have the latter punched, note the name of the bailiff and send the receipt to writ-writer no. 1 for delivery to the applicant. The senior superintendent shall then obtain the signature of the Registrar to the writ through the bench clerk who shall send the papers to writ-writer no. 1.
- (e) Writ-writer no. 1 shall write up an after-judgment record, have an entry in the Register of

Warrants Distributed (Register W. 42) made by the senior superintendent and keep the writ for delivery to the bailiff.

Note.—The subsequent procedure shall be the same as in the case of a seal warrant.

(f) If no deposit is made within one day of the date of the order the treasurer shall return the papers to writ-writer no. 1 who shall file and despatch them to the record room in due course.

69. (1) An application by the debtor under section 60 of the Presidency Small Cause Courts Act shall be presented to writ-writer no. 1.

(2) (a) Writ-writer no. 1 shall obtain the record, attach the application to it and send up all the papers to the Registrar.

(b) The Registrar shall allot a bench for the hearing of the application, stamping the number of the bench both on the application and on the top paper of the record. All subsequent applications in connection with the same case shall be sent to the same bench for disposal.

(3) Allotment of benches for hearing such applications shall be made in rotation.

(M) Prohibitory orders.

(i) Issue of Orders.

70. (1) A decree-holder who desires to obtain a prohibitory order in course of execution of his decree shall present his application for execution without stamps to the passing clerk concerned who shall pass it, it in order, make a pencil note in his record and return the papers to the party, who shall affix the application fee on the application and file it in the bench which passed the decree, or in the Registrar's bench in the case of a mafussal or a statutory decree. The bench clerk shall deface the stamps and if

the prayer be allowed, shall send the application with the Judge's order written on the back of it to the passing clerk.

(2) (a) The passing clerk shall note the amount of process fee to be paid by the party on the application and then send it to the statistical clerk.

(b) The statistical clerk shall have the stamps affixed by the party on the application, write out the receipt, pass it to the superintendent for signature and make it over to the party. The statistical clerk shall also have the stamps defaced by the superintendent and then pass on the application to the prohibitory order clerk. The superintendent shall note the name of the bailiff who is to serve the order on the application as well as on the receipt when he signs latter.

(c) The prohibitory order clerk shall write out the order in duplicate by means of carbon paper in the appropriate form according to the nature of the order and enter it in his Register of Prohibitory Orders (Register W. 2) and then send the papers to the passing clerk.

(d) The passing clerk shall note the particulars, the prohibitory order number, etc., in the after-judgment record, and after obtaining the signature of the senior superintendent on the order send the papers to the prohibitory order clerk.

(e) The prohibitory order clerk shall have the order sealed by the sealer in the summons department and deliver it to the bailiff, entering it in the Register of Prohibitory Orders Distributed (Register W. 42A), and taking his signature in the appropriate column. If the prohibitory order is to be served outside Calcutta the prohibitory order clerk shall send it to the Z deposit clerk in the correspondence department with a Transit Register for issue through post and in every such case the prohibitory order shall be sent by

registered post with acknowledgment due at the cost of the decree-holder.

(f) If no process fee is paid within one month from the date of the order the procedure laid down in rule 31 of this Chapter shall be followed, and the statistical clerk shall take necessary action (vide rule 1(2) of Chapter XXXV of the Rules of Practice and Procedure). If the application be rejected it shall be sent back to the passing clerk who shall note in the after-judgment record and send the application to the statistical clerk for filing and despatch to the record room in due course.

(ii) Return of orders after service.

71. After a prohibitory order has been served it shall be delivered to the prohibitory order clerk who shall acknowledge receipt in the Bailiff's Receipt Book (Register W. 47) and make a note of service in the Register of Prohibitory Orders. He shall then send it to the passing clerk for note in his record. After note he shall return it to the Prohibitory order clerk for filing.

(iii) Withdrawal of orders.

72. A prohibitory order shall be withdrawn—

- (a) on deposit of the full amount in Court,
- (b) on an order being passed by a bench,
- (c) on the decree-holder entering satisfaction of the decree or
the amount due from the garnishee under the prohibitory
order, in full, and
- (d) on an application being filed with the consent of the decree-holder.

73. In case (a) of rule 72 the applications shall be presented to the passing clerk of the bench, in case (b) the order of the Court shall be sent to him from the bench, and in case (c) the plaintiff shall certify satisfaction in the manner described in rule 20 of this chapter and the senior superintendent shall order

withdrawal of the prohibitory order. In case (d) also the senior superintendent shall order withdrawal of the prohibitory order on an application being filed before him. The passing clerk shall send the order for withdrawal in cases (b) to (d) and the application for deposit, after money has been deposited in the treasury in case (a), to the prohibitory-order clerk who shall write a letter of withdrawal forthwith and obtain the signature of the senior superintendent to it. He shall also make an entry against the original entry in his Register of Prohibitory Orders and send the letter to the correspondence department for despatch to the garnishee. Postage on such letters shall be paid by the Court.

[Note.—The senior superintendent has been authorised to issue orders for withdrawal of prohibitory orders in such cases—vide rule 3(19) of Chapter XII of the Rules of Practice and Procedure.]

(iv) Correspondence with garnishees.

74. (1) If a garnishee does not deposit the attached amount within a reasonable time the decree-holder may present an application for writing a letter requesting payment, with a stamped and addressed envelope and certificate of posting, to the passing clerk.

(2) (a) The passing clerk shall obtain the orders of the senior superintendent on the back of the application and if he orders a letter to be sent, make a note in the after-judgment record to that effect. He shall then pass on the application to the prohibitory order clerk.

(b) The prohibitory order clerk shall write up a letter in the prescribed form, have it signed by the senior superintendent, enter the letter in the “remarks” column of the Register of Prohibitory orders and number it with the serial number of the prohibitory order. He shall send the letter to the summons department along with the certificate of posting. The certificate obtained from the post office shall be sent

to the prohibitory-order clerk for filing with the application.

75. To keep a trace of orders of attachment before judgment by prohibitory orders which subsist after decree passed either by this Court or by a mofussil Court, the prohibitory order clerk shall keep a Register of Order of Attachment Before-judgment Confirmed (Register W. 5). He shall enter in the Register particulars of all cases in which a party applies for a letter to be issued. All letters and correspondence shall be filed serially under the serial number of the entry.

(Note.—This register will be complementary to the Register of Prohibitory Orders.)

76. All correspondence relating to a prohibitory order shall be filed along with it. Replies shall be drafted in the warrant department and sent for despatch to the correspondence department, the office copies being kept with the order. Correspondence shall be numbered by the letter “P” being affixed to the serial number of the prohibitory order concerned. Postage on replies to letters of garnishees shall be paid by the Court.

(v) Orders issued on the Office of the Court.

77. When a prohibitory order is to be served on the office of the Court under rule 41 (2) of Chapter XXI of the Rules of Practice and Procedure the bench clerk shall send down the record to the passing clerk without delay making an entry noted in a Transit Register with the words “prohibitory order” noted in red ink against the entry. Thereafter the procedure described in rule 70 shall be followed except that the order shall be served by the senior superintendent on the superintendent of the department who shall have it noted by the clerk concerned.

[Note.—The Chief Judge has nominated the Superintendent as the officer on whom such orders are to be served.]

**(vi) Rateable distribution of
money received under prohibitory
orders.**

78. To facilitate rateable distribution in respect of amounts recovered through prohibitory orders the prohibitory order clerk shall maintain an Index Register of Prohibitory Orders (Register W. 3) noting against each the number of the orders issued as appearing in his Register of Prohibitory Orders and Register of Attachments Before-judgment Confirmed. This Register shall be consulted before appropriating moneys received under prohibitory orders.

79. In every case in which rateable distribution is to be made the prohibitory order clerk shall proceed in the manner described in the account rules of the Court on receipt of the necessary papers.

[Note.—The prohibitory order clerk has been authorised to distribute proceeds rateably in such cases—vide rule 3(16) of Chapter XII of the Rules of Practice and Procedure.]

80. The prohibitory order clerk shall keep the account of distribution in each case in the Debt Attachment Register (Register W. 6). This register shall show the numbers of the prohibitory orders, amounts and outstanding balances of the decrees as against each debtor. The deposit numbers, the amounts received and the amounts distributed by way of rateable distribution according to the balances of the decrees obtained by the different creditors shall be entered below the balances. After each distribution fresh balances shall be struck. The senior superintendent shall check 5 per cent of the distributions every week and initial the entries in respect of which he makes the check. He shall report to the Registrar any irregularities that he may find. The prohibitory order clerk shall note the amount realised against the original entry in the Register of prohibitory Orders in every case whether he makes any rateable distribution or not.

[Note.—Certified copies of extracts from this Register are to be supplied to parties applying for them under rule 80 of Chapter XXI of the Rules of Practice and Procedure.]

81. If any doubt arises in any matter regarding rateable distribution the party shall be asked to move the Court for directions, and the money in Court shall be detained for such time as the Registrar may order. All such applications shall be moved before the bench which passed the decree under which the first prohibitory order was served and they shall be checked by the passing clerk of that bench.

(N) Execution by attachment of a decree of this Court.

82. (1) Where a decree-holder B desires to execute his decree by attachment of a decree of this Court obtained by another decree-holder A, he shall present an application for execution of his decree giving particulars of his own decree and asking for attachment of A's decree. The application shall be presented to the passing clerk of the bench which passed the decree in B's suit along with a copy of the notice to be served on the judgment-debtor under rule 53(b) of Order XXI of the First Schedule to the Code of Civil Procedure. The passing clerk shall check the application and, if in order, he shall make a pencil note in his after-judgment record and pass on the application to the statistical clerk.

(2) (a) The statistical clerk shall write out a receipt, enter the application in his Register of Applications for Attachment of Decrees (Register W. 33) and send the papers to the superintendent.

(b) The superintendent shall sign the receipt, deface the stamps and send the application to the bench which passed the decree in favour of the judgment-debtor A for order. He shall make over the receipt to the statistical clerk who shall deliver it to the applicant.

83. If an order for attachment of A's decree is passed, it shall be entered in the after-judgment record of B's decree and also that of A's decree by the respective passing clerks and in the

Register of Applications for Attachment of Decrees by the statistical clerk. If the application is refused, a note shall be made in the after-judgment record of B's decree and in the Register of Applications for Attachment of Decrees.

84. After an application for attachment has been granted, all applications for execution of A's decree shall be presented to the passing clerk in charge of A's decree and all proceedings shall be entered in the after-judgment record of that decree. If an application made by A be pending at the time of attachment it may be continued by B by filing an application for execution of A's decree only on an order from the bench. If a seal warrant has already been taken out by A when B is permitted to continue the application filed by A, the application with the order shall be sent forthwith by the bench clerk to the assistant superintendent for a note on the warrant as soon as an order is passed by the bench. After note the assistant superintendent shall file the application with the warrant.

85. On disposal of an application by B in A's decree a note shall be made of the result in the after-judgment record of B's decree. If a pending application for execution filed by A is continued by B, entries shall be made in the Statistical Register in respect of both decrees on disposal. In such a case also a note shall be made in the after-judgment record of B's decree.

86. All papers relating to execution of A's decree shall be treated as records of A's decree for the purpose of filing.

(O) Sale.

(i) Preliminaries to sale.

87. (1) All properties to be sold by auction shall be advertised in the Exchange Gazette. The advertisement shall be published at least one day before the date of sale and shall contain a short description of the properties to be sold and the time and place of sale.

(2) Three copies of a list describing the time, place of sale and nature and description of the properties to be sold shall be hung up at conspicuous places and on the notice board in the Court premises at least one day before

the day of sale. The lists shall remain posted until the sale is completed.

(3) In the case of tiled huts estimated to exceed Rs.50 in value the advertisement in the Exchange Gazette shall, in the absence of any special order of the Court or the Registrar, be published twice—once at least 3 days before the day of sale and once on the day of sale or the day preceding it.

(4) If any party so desires and pays the necessary costs attached goods shall also be advertised for sale in any reasonable manner applied for. Extra costs so incurred shall not be added to the execution costs.

(5) In the case of tiled huts, along with the issue of the first advertisement a notice in the prescribed form shall also be hung up at a conspicuous part of the huts to be sold, specifying the time and place of sale, the names of the parties, the number of the suit and the number of the warrant issued in the case. The peons in charge shall give every facility for inspection of the huts to all intending bidders.

(ii) Time of sale.

88. In the absence of an order of the Court to the contrary, sale of property attached in execution of a decree or order shall take place immediately on the expiration of ten days from the date of attachment or eight days from the date of distress, as the case may be. But if a claim be pending in respect of such goods they shall not be sold without an express order of the Court [rule 47 (2) of Chapter XXI of the Rules of Practice and Procedure].

[Note.—Except when a claim has been filed, a sale shall not be put off on any ground without orders. If any doubt is felt regarding the position in any case, the matter shall be reported at once to the Registrar.]

(iii) Procedure at sale.

89. The assistant superintendent shall make over the warrants, with an order for sale endorsed thereon under his signature, to the auctioneer, taking a receipt from him and the auctioneer shall deal with the warrants and return them in the manner described in the account rules.

[Note.—The assistant superintendent has been authorised to pass orders for sale, vide rule 3(17) of Chapter XII of the Rules of Practice and Procedure.]

90. In all cases including those in which attached properties cannot be removed to Court sales shall take place in the Court premises unless in any case the Chief Judge by a special order otherwise directs. An application for such order shall be made by a verified petition stating the grounds.

91. A bailiff shall value all huts before sale and shall in each case submit a report on the value noting it on the warrant. No bid below the value so noted shall be accepted without orders of the Registrar or Deputy Registrar.

92. Each bailiff shall verify the goods attached by him when they are put up for sale with reference to the inventory annexed to the warrant and make a note on the warrant to that effect. If any defects are noticed the bailiff shall forthwith submit a report to the Registrar through the senior superintendent.

93. All properties to be sold shall be exposed to public view for at least half an hour before the commencement of the sale and previous inspection may be allowed by special arrangement under the orders of the senior superintendent.

94. Each article put up for sale shall form a separate lot except in case of goods seized in bulk when instructions shall be taken from the senior superintendent as to the lots to be formed.

95. Ordinarily the highest bid shall be accepted by the auctioneer but if he be of opinion that it is clearly inadequate he may refuse to accept it and adjourn the sale reporting reasons to the Court. [Rule 57 of Chapter XXI of the Rules of Practice and Procedure]

96. The price of each lot sold shall be paid immediately on sale or within such time as the auctioneer may allow, but ordinarily it shall be paid before the close of the day's auction and in default thereof the property shall be put up for sale again. If possible, the name and address of the defaulting purchaser shall be reported by the auctioneer so that steps may be taken against him for recovery of any deficiency in price that may occur on the re-sale being made, under rule 58 of Chapter XXI of the Rules of Practice and Procedure.

97. An application by a decree-holder for leave to bid at a sale shall state the grounds for the prayer and shall be accompanied by the plaint-receipt. A note of the order passed on the application shall be made on the plaint-receipt by the bench clerk if the prayer is allowed. The decree-holder shall produce the plaint-receipt before the auctioneer who shall refuse to accept his bid unless the note on the plaint-receipt is shown to him. The auctioneer shall make an endorsement on the plaint-receipt "By set off Rs.....", writing the amount in words as well as figures, date and sign the entry and return the receipt to the decree-holder.

98. The auctioneer's sale account shall contain notes of all cases in which purchase-money has been allowed to be set off against the price. The sale account shall be sent to the statistical clerk who shall enter the amount set off in his Register of Satisfaction (Register W. 22).

99. (1) All properties sold by auction shall be removed from the Court premises within an hour of the sale, failing which the matter shall be reported to the Registrar by the court overseer. A notice to this effect shall be hung up at the place of sale.

(2) The court overseer shall attend the sales personally and see that no disturbance of any kind takes place and that goods are removed promptly. The assistant superintendent shall visit the sale room at 4 p.m. every sale day and see that no sold articles remain there.

100. When guns or other arms in respect of which licenses are required to be taken by purchasers under the Indian Arms Act

are sold, due notice shall be given to the Commissioner of Police, Calcutta, and the sale shall be conducted strictly in accordance with the rules and the intending purchasers shall be required to produce licenses for the arms they intend to purchase.

101. (1) When foreign liquor is to be sold, intimation giving full particulars shall be sent to the Collector of Excise, Calcutta.

(2) When an application is made for attachment of any other intoxicant liable to excise duty, the Court shall only send an intimation to the Collector of Excise, Calcutta, setting forth the description of the articles sought to be attached and the names and addresses of the parties and the number of the suit. Further action may only be taken by him.

[Note.—Sales under rules 100 and 101 shall be held through agencies authorised to sell arms and liquor, respectively.]

102. The dues of the custodian to be recovered from the sale proceeds shall be entered in the Register of Sale (Register W. 25) by the statistical Clerk on receipt of the deposit applications relating to sale moneys from the treasury and vouchers shall be prepared in the manner described in the account rules.

[Note.—It is to be noted that under rule 32(2) of Chapter XXI of the Rules of Practice and Procedure safe custody charges for a period exceeding three days shall not be realised from sale proceeds without an order of the Court.]

(iv) Delivery of possession in fixtures sold.

103. Under rule 67 of Chapter XXI of the Rules of Practice and Procedure possession in tiled huts and other fixtures sold by the Court shall be delivered in the manner described therein on the purchaser producing a sale certificate to be granted by the Court under rule 66 of Chapter XXI of the said rules on application. The certificate shall be drawn up on stamp paper of the required value to be supplied by the purchaser.

[Note.—For sale of stamps see article 18 of the First Schedule to the Indian Stamp Act, as amended in Bengal.]

(v) Rateable distribution of sale proceeds.

104. (1) When a party desires to have a rateable distribution of assets received by the Court on sale, the application shall be presented to the assistant superintendent before sale in the form of an application for execution of a decree. The assistant superintendent shall note the application on the warrant under which the property has been seized and, if the application be in order, pass it to the statistical clerk.

(2) (a) The statistical clerk shall write out a receipt, enter it in the Register of Applications for Rateable Distribution (Register W. 32), make a note against the original entry of the seizure in the Register of Property Seized and pass it to the superintendent along with the receipt.

(b) The superintendent shall sign the receipt, deface the stamps and return the receipt to the statistical clerk for delivery to the party, record an order allowing the prayer and then pass the application to the passing clerks of the benches which passed the two decrees—the decree in execution of which rateable distribution is prayed for and the decree in execution of which sale will take place.

(c) The passing clerks shall note the application in the after-judgment records and send it back to the assistant superintendent who shall file it with the warrant.

[Note.—The superintendent has been authorised to pass orders for rateable distribution in such cases, vide rule 3(16) of Chapter XII of the Rules of Practice and Procedure.]

105. If any doubt is entertained as to the right of the applicant to obtain rateable distribution of the sale proceeds a note shall be made on the back of the application and the party shall be asked to move the Court before the procedure described in rule

104 is followed, the amount being detained for such period as the Registrar may order. If a notice is ordered from the bench the party shall affix the stamp for process fee on the application and in such a case the statistical clerk shall make a note of the amount of process fee realised in the Register of Property Seized when he makes the relative entry in that Register.

106. (1) It shall not be necessary for an applicant for rateable distribution to pay any costs for execution of a writ of attachment or to pay any safe custody, maintenance or removal charges at the beginning; but if the original attachment ceases, the property shall not be sold unless it is again attached in execution of the applicant's decree. If the applicant desires to attach the goods already attached by the other decree-holder he shall apply for attachment under rule 41(2) of Chapter XXI of the Rules of Practice and Procedure and thereupon the procedure prescribed by sub-rules (a) to (c) of rule 70 of this chapter shall be followed. After that has been done the statistical clerk shall make an entry in the Register of Applications for Rateable Distribution and make a note against the original entry of the seizure in the Register of Property Seized and then and then place the papers before the senior superintendent who shall issue a prohibitory order on the superintendent for effecting the attachment. The senior superintendent shall send the prohibitory order and the other papers to the superintendent who shall acknowledge them and then make them over to the assistant superintendent who shall proceed in the manner prescribed by sub-rule (1) of rule 104. The assistant superintendent shall then send the application to the passing clerks of the benches which passed the two decrees and the further procedure shall be laid down in clause (c) of sub-rule (2) of rule 104 of this chapter.

[Note.—The superintendent, warrant department, has been nominated as the person on whom a prohibitory order is to be served in such a case under rule 41(2) of Chapter XXI of the Rules of Practice and Procedure.]

(2) No charges for safe custody, maintenance, housing or removal shall be charged for effecting the second

attachment, but subject to the provisions of rule 41 (3) of Chapter XXI of the Rules of Practice and Procedure the attachment shall cease unless one of the decree-holders pays the necessary charges in time. If the applicant desires to deposit the charges along with process fee for attachment he may do so, and in that case a note shall be made in the warrant, in the after-judgment record and in the Register of Property Seized as well as in the Register of Applications for Rateable Distribution, and an endorsement of the fees filed shall also be made on the applicant's receipt. Any amount not actually spent shall be subsequently refunded to the depositor on his application under the orders of the senior superintendent.

[Note.—It is to be noted that a person who has attached property before judgment cannot ask for rateable distribution of the proceeds of a sale held in execution of a decree unless he has himself obtained a decree in his suit and applied for execution of his decree before the sale.]

107. (1) Where in execution of a decree passed by bench 'B' an application for rateable distribution of proceeds of sale of property seized in execution of a decree passed by bench 'A' has been admitted all questions regarding rateable distribution shall come up for decision before bench 'A' and passing clerks shall note accordingly in their records.

(2) After sale in such a case the assistant superintendent shall enter the amounts rateably distributed in the warrant which shall be sent to both the passing clerks concerned for noting in their records. The passing clerks shall send the warrant to the statistical clerk for noting in the column "Mode of Disposal" in the Register of Applications for Rateable Distribution. The necessary adjustment shall be made when the deposit applications are prepared by the assistant superintendent in accordance with the account rules.

(P) Bonds.

108. The procedure for execution of bonds by parties or sureties shall in all cases be the same as described in rule 40. They are to be drawn up on stamp paper of the value prescribed by article 57 of the First Schedule to the Indian Stamp Act, as amended in Bengal.

(Q) Warrants of possession in immoveable property.

109. (1) The procedure for taking out a writ of possession shall be the same as in the case of a seal warrant except that no order of the senior superintendent shall be necessary.

[Note.—The boundaries of the property of which possession is to be delivered shall be clearly specified in the after-judgment record so that they may be entered in the warrant and the property may be identified without difficulty at the time of delivery.]

(2) As delivery of possession is to be given in accordance with the provisions of the Code of Civil Procedure a writ in Form No. 11 in appendix E to the First Schedule of the Code shall be issued after suitable adaptation. This form is reproduced in appendix I.

(3) If the process fee is not paid along with the application an order of the bench shall be taken in the matter under rule 1 (2) of Order XLVIII of the First Schedule to the Code of Civil Procedure.

(4) After delivery of possession the bailiff shall make over the writ to the passing clerk for entry in his record. The passing clerk shall then send it to the claim clerk who shall enter it in the Register of Writs of Possession Delivered (Register W. 19). The claim clerk shall then send it to the statistical clerk for filing.

110. If any order for costs in any such case is sought to be executed the procedure for execution shall be the same as in the case of an ordinary decree for money.

(R) Miscellaneous applications.

111. All miscellaneous after-judgment applications on which notice is to be issued shall be drawn up in the prescribed "General" form and shall be presented to the passing clerk concerned with the application fee stamp affixed. The passing clerk shall in each case prepare an order-sheet in the prescribed form noting the names of the parties, the suit number, the date of decree and the decretal amount at the top. He shall also draw up a concise report stating for information of the Court all matters relevant to the application appearing in the after-judgment record. He shall have the stamps defaced by the superintendent and send up the application along with the order-sheet to the bench through a Transit Register making a pencil note in the after-judgment record at the same time.

112. The order of the Judge shall be noted on the order-sheet by the bench clerk under the signature of the Judge and sent back to the passing clerk. The passing clerk shall note the substance of the order in the after-judgment record, if necessary, and if a notice is to be issued he shall have the necessary stamps affixed to the application by the party and require him to file the copies of the notice to be served, check him and then send all the papers to the superintendent of the summons department through a Transit Register.

[Note.—Besides process fee other fees may have to be paid in some cases where a notice is issued—vide provision to section 72B and section 72C of the Act.]

113. The notice clerk shall complete the notice and the copies and enter them in his Register and deal with them in the manner prescribed in rule 13 of Chapter II.

114. The notice clerk shall send up the records of the case to the bench on the date fixed by it whether the notice has been served or not. When the record is received back by the passing clerk from the bench with the Judge's order noted on the order-sheet under the Judge's signature, an entry shall be made in the after-judgment record, if necessary, and the papers shall be placed before the superintendent who shall examine and put his initials in the after-judgment record. If not finally disposed of, the record shall again be sent to the notice clerk who shall again send it to the bench on the next date.

115. If a notice has not been issued or served and a fresh order for service is passed, necessary papers and fees shall be given to the notice clerk in the summons department who shall then proceed to have the notice issued in the manner laid down in rule 113.

[Note.—Where after payment of process fee a notice was not attempted to be served no fresh process fee shall be payable for having it re-issued.]

116. After disposal of a notice case and examination by the superintendent the order-sheet shall be filed with the after-judgment record and the application, notice and other papers shall be sent to the statistical clerk who shall send them through a Transit Register to the record room for filing. The date of disposal and the total number of papers in the file shall be entered on the top paper by the statistical clerk before despatch.

117. If a further application be made in connection with the same decree later on by any party, the order-sheet prepared on the former occasion shall be used for the purpose of making a note on the fresh application and all orders in the second case shall be recorded in the same order-sheet. The order-sheet shall contain a summary of all important matters connected with all disputes arising in course of execution of a decree and also contain the order passed by the Court in connection therewith. No orders shall in such cases be written on the applications themselves. When a decree is fully satisfied the order-sheet shall be pasted to the after-judgment record and sent to the record room along with it.

118. Applications which are not required to be sent to the bench shall be noted in the after-judgment records and filed as after-judgment papers and sent to the record room in due course.

119. All correspondence relating to a miscellaneous case shall be filed with the record of the case.

(S) Leviable costs in suits instituted by poor persons.

120. The diary writer in the summons department shall make an entry in the Register of Suits of Poor Persons (Register W. 31) in every case in which he finds that a decree has been passed in a suit instituted under section 74 of the Act. The records of such suits shall be sent by him to the passing clerk of the second bench who shall deal with all cases of leviable costs.

121. The passing clerk shall see that a copy of the Court's order is sent to the Collector of 24-Parganas and he shall make a note on the plaint that a copy has been so sent. He shall then send back the records to the record room.

122. The passing clerk of the second bench shall maintain a Register of Suits of Poor Persons (warrant department) (Register W. 31) and shall enter therein the particulars of the Judge's orders. When any amount is realised the passing clerk of the bench which passed the decree shall make a note in red ink "leviable costs" on the deposit form. The form shall be sent to the passing clerk of the second bench by the treasury after deposit.

123. The passing clerk of the second bench shall also maintain a Register of Leviable Costs Deposited (Register W. 30). It shall be his duty to send an intimation of deposit to the Collector in every case through the correspondence department making a note of the deposit as well as of the intimation in his Register of Leviable Costs Deposited and in the Register of Suits of Poor Persons.

124. Correspondence shall be dealt with and filed in the same way as correspondence relating to prohibitory orders, being numbered with the letters L. C. prefixed to the serial number of the case as entered in the Register of Suits of Poor Persons.

[Note.—For procedure for depositing and crediting the costs to Government see rule 6 (III) of Chapter VI.]

(T) Insolvency.

125. Writ writer no. 1 shall maintain a Register of Insolvency (Register W. 8) in which he shall enter particulars of all orders of adjudication which are received from other courts. He shall

also maintain an Alphabetical Index Register of Insolvents (Register W. 9).

126. When an order is received it shall be entered in the after-judgment record by the passing clerk and he shall pass it on to writ writer No. 1 for entry in his Register of Insolvency. If the defendant desires to move the Court in any matter the order shall be sent up to the bench for information.

127. All correspondence shall be dealt with in the same manner as laid down in regard to correspondence relating to prohibitory orders, being numbered with the letter I prefixed to the serial number of the case in the Register of Insolvency.

128. All papers relating to insolvency shall be retained in the warrant department and destroyed after 12 years.

(U) Distribution and execution of warrants.

129. The senior superintendent shall distribute the warrants at that time when he defaces the stamps on the applications. He shall do so by noting the name or number of the bailiff on the receipt, the warrant and the application and also in the Register of Warrants Distributed (Register W. 42).

Before distributing warrants received for execution from other courts he shall take special care to satisfy himself that the requisite amount of bailiff's conveyance charge has been realised.

130. As far as possible, warrants shall be distributed daily among the bailiffs according to the amounts of the claims, those of the highest value being given to the special seal bailiffs and the rest being distributed among the ordinary seal bailiffs. Body warrants in cases up to the value of Rs.300 only shall ordinarily be executed by the body warrant bailiff.

131. Writ writer no. 2 shall maintain a Register called the Register of Warrants Drawn (Register W. 43) with one column for each bailiff; a bailiff on taking the warrants assigned to him shall enter the numbers of the warrants in his Register and also sign the Register of Warrants Drawn. In the case of a distress

warrant no entry shall be made in this Register but the bailiff shall sign in the Register of Distress Warrants when he takes delivery of a warrant.

132. A bailiff shall take the signature of the writ writer and the passing clerk concerned on each warrant and shall have it signed by the senior superintendent and sealed by the sealer in the summons department. He shall also enter each warrant received by him in his Register of Warrants Received (Register W. 37) and on the following day the superintendent shall compare the entries in that Register with the entries made in accordance with rule 131 in the Register of Warrants Drawn.

133. Prohibitory orders relating to attachment of salary shall be issued to the bailiffs—

(1) on the day on which they are ready, when service is to be effected on an officer of Government, a railway company or local authority; or

(2) two days before the last day of the month in which the order for issue is passed, in any other case in which there is no special order. If any order is passed during the last three days of a month, the prohibitory order shall be issued as soon as possible. In all such cases the prohibitory orders shall be served on the last day of the month unless there is a clear order to the contrary; in cases in which there is a special order it shall be noted in red ink on the top before issue by the prohibitory-order clerk.

134. Each bailiff attached to the warrant department shall maintain a Register of Processes (diary) (Register W. 38) and a Sale Account Register (Register W. 39).

135. In addition to the fee payable under section 72 for the execution of warrants bailiff's conveyance charge at the rate of Re. 1-8 per warrant shall be realised in court fee stamps before warrants are issued. In the case of warrants received for execution from other courts the mufassal clerk in the summons department shall not take action under rule 39 of Chapter II for having them issued from the warrant department for execution unless they bear an endorsement showing that the requisite

amount of bailiff's conveyance charge was realised before transmission or such amount is paid to him here in court-fee stamps. If stamps are put in here he shall attach them to the original warrant, obtain the signature of the superintendent, summons department, across the figureheads and punch them in his presence.

[Note.—The charge has been fixed by the Chief Judge under section 72A of the Act with the approval of the Local Government, vide Government of Bengal's letter No. 1019J., dated the 14th February, 1933.]

136. Bailiffs shall pay particular attention to the following:-

(a) A receipt shall be given from the Receipt Book of every sum paid to a bailiff on any account. All such amounts shall be deposited by the bailiffs in the treasury without delay except such as have been paid to meet the costs of removal of attached or distrained goods to Court, if they are actually removed on the day of payment or the following day. The receipt as well as the counterfoil shall be signed and a receipt shall be taken from the treasury in respect of every amount deposited.

(b) In every case of attachment or distress a detailed inventory shall be drawn up in accordance with rule 33 of Chapter XXI of the Rules of Practice and Procedure, and each party shall be asked to sign the inventory, but if either or both decline to do so the fact shall be noted on the warrant.

(c) The bailiff shall prepare and sign four extra copies of the inventory, preferably with carbon paper, and give one copy to each party and one to the custodian, if the goods are left in his charge, and one to the court overseer. The custodian or the court overseer, as the case may be, shall sign the original inventory as soon as goods are made over to his custody. When goods left with the custodian are subsequently removed to the court godown the court overseer shall check them with reference to the inventory and promptly report any detects that he may find. When he accepts delivery he shall sign the original inventory in token thereof. When the bailiff takes delivery from the custodian he shall give an acknowledgement on the

latter's copy of the inventory. If he finds any defects he shall report the fact promptly.

(d) The rules as to removal of goods, realisation of custody charges, etc., contained in rules 28 to 33 of Chapter XXI of the Rules of Practice and Procedure shall be very strictly followed.

(e) In the case of perishable goods the procedure laid down by the proviso to rule 27(3) of Chapter XXI of the Rules of Practice and Procedure shall be followed.

(f) When any box, safe or other receptacle is removed to Court lock-up the procedure laid down by rule 33(4) of Chapter XXI of the Rules of Practice and Procedure shall be followed.

(g) The procedure in the case of an attachment before judgment shall be the same as in the case of an attachment after decree.

(h) In the case of a distress no goods shall be removed to Court within seven days of the day of distress without special orders of a Judge or the Registrar, but if any difficulty of any kind is experienced a report shall at once be made to the Registrar.

(i) If a door of any building or room has been broken open for the purpose of execution of a warrant and goods found therein appear to be of value much in excess of the amount mentioned in the warrant and if there be nobody present on behalf of the debtor, the bailiff shall remove goods sufficient to satisfy the claim and refasten the door as securely as possible in the circumstances. If any costs are incurred they shall be recovered from the sale proceeds.

137. If a bailiff in the discharge of his duties is resisted or obstructed by the judgment-debtor or any other person, or if property duly attached, or a person duly arrested, is forcibly taken away from his custody, he shall seek the aid of the police at the Section where he is resisted or obstructed and report to the Registrar on the matter as soon as possible. (Vide Order of

the Commissioner of Police, dated the 6th August 1917.) The Registrar may thereupon make a complaint to the Magistrate or direct the bailiff to do so in the interests of justice under section 195 of the Code of Criminal Procedure after making such preliminary enquiry as he thinks proper.

138. Under rule 14(3) of Chapter XXI of the Rules of Practice and Procedure all writs expire 2 months after the date of issue. It is the duty of the statistical clerk to see that all expired writs are returned by the bailiffs. He shall collect them from the bailiffs or the writ writers, if not issued, and enter them in the Register of Expired Writs (Register W. 23) and then make them over to the passing clerks for being filed as after-judgment papers.

(V) Court-fee accounts.

139. (1) Court-fees on applications which are entered in the following Registers shall be entered in the appropriate columns thereof when the applications themselves are entered therein:-

- (1) Register of Warrants,
- (2) Register of Prohibitory orders,
- (3) Register of Distraints,
- (4) Register of Applications for Rateable Distribution,
- (5) Register of Applications for Attachment of Decrees

(Register W. 33).

(2) Court-fees on applications for issue of notices or other miscellaneous applications shall be entered in a Register of Court-fees (Register W. 34) to be kept by each passing clerk separately. These Registers shall also be used as Transit Registers for sending the applications to the benches.

(3) Bailiff's conveyance charges shall be entered in the appropriate columns of Registers W-1, W-2 and W-35 by the respective clerks who keep them and they shall

maintain running totals of such charges with closing at the end of each year.

(4) The superintendent shall initial the entries of all court-fees in the various Registers when he defaces the stamps.

(W) Statistical Registers.

140. (1) The statistical clerk and the claim clerk shall maintain the following Statistical Registers:-

- (a) The Register of Properties Released,
- (b) Register of Properties Sold,
- (c) Register of Writs of Possession Delivered.
- (d) Register of Expired Writs,
- (e) Register of Commitments,
- (f) Register of Releases (body warrants),
- (g) Register of Satisfaction,
- (h) Register of X Deposits (Register W. 20),
- (i) Register of Y Deposits (Register W. 21).

[Note.—The Statistical Registers of X and Y deposits shall each show the same particulars as columns 4 to 8 of the Register of Satisfaction.]

(2) In the Register of Satisfaction shall be entered particulars of all moneys certified in satisfaction whether before or after execution, that is, of all moneys recovered in execution which have not been deposited in Court and then withdrawn.

(X) Register of Valuables.

141. The Deputy Registrar shall scrutinize the Register of Valuables mentioned in rule 54 in January every year and submit a report to the Registrar on all items relating to properties which were received by the treasurer before July of the previous year. The Registrar shall place the report before the Chief Judge with remarks.

(Y) Affidavits.

142. In the absence of any special order in any case the senior superintendent of the warrant department shall administer the oath to the deponents in the case of all affidavits under the Rules of Practice and Procedure. He shall maintain a Register of Affidavits (Register W. 46) in which entries relating to all affidavits, except those relating to returns of processes, shall be made by him.

[Note.—In exercise of the power conferred by section 139(c) of the Code of Civil Procedure as extended to the Court, the Provincial Government has authorised the Chief Judge to appoint commissioners of affidavits and he has appointed all superintendents of the Court as such, vide Government's notification No.230J., dated the 17th January, 1939.]

143. The passing clerks and the assistant superintendent shall note that no order for payment or for release of property shall be given effect to in a case in which the applicant or any of the applicants is a next friend or a guardian of a minor unless an order of the Court permitting such person to draw money or receive the property on behalf of the minor has been obtained and any conditions laid down by the order have been complied with (rule 6 of Chapter XXXII of the Rules of Practice and Procedure).

Note (1).—The compromise clerk in the accounts department is the passing clerk in respect of refund orders passed under section 73 of the Act, and he also shall observe this rule in respect of all refund orders which pass through him.

Note (2).—The plaint-receipt shall ordinarily show at a glance whether there is a minor among plaintiffs or applicants [vide rule 3(b) of Chapter II]. In the case of applications made by defendants reference shall be made to the cause title in the after-judgment record. When an application is passed by the passing clerk in such a case a note shall be made in the after-judgment record, and in case of release of goods in the Seizure Register and also in the warrant, and in the case of compromise refund orders in the Register of Refund of Half-Costs (Register A. T. 39).

144. No process in execution shall be issued within 7 days from the date of the re-opening of the Court after the annual vacation except under the special orders of a Judge or the Registrar.

145. (1) The record of every execution case shall be put up before the Registrar or Deputy Registrar for recording an order of dismissal in the following circumstances:-

- (i) when the requisite process fee has not been paid within the time mentioned in rule 1 of Chapter XXXV of the Rules of Practice and Procedure,
- (ii) when a process issued by the Court has not been executed within the time mentioned in rule 14(3) of Chapter XXI of the Rules of Practice and Procedure,
- (iii) when sale proceeds have been appropriated towards a decree or attached money has been so appropriated,
- (iv) when a judgment-debtor has been committed to jail or released from the custody of the bailiff by order of the Court,
- (v) when the whole of the attached property has been released by an order of the Court in a claim case or other proceeding,
- (vi) when an attachment has ceased under the rules for non-payment of necessary charges, and
- (vii) when a decree-holder has failed to take some step necessary for the further prosecution of his case within the time fixed by the Court, or, where no such time has been fixed, within a period of six months from the date when such step could be taken.

[Note.—Recording an order of dismissal in the above circumstances has been declared to be a non-judicial act, vide rule 3(18) of Chapter XII of the Rules of Practice and Procedure.]

- (2) When the process fee has not been paid within the prescribed time, the passing clerks shall put up the applications before the Registrar/Deputy Registrar for recording an order of dismissal. In all other cases the diary keeper shall put up the applications for that purpose.
- (3) (a) The diary keeper shall maintain a General Diary of Execution Cases (Register W. D. 48) and all warrants shall be sent to him for entry in the Diary in the following circumstances:-

(i) when any notice has been ordered to be issued on an application for a body warrant, or when any warrant, other than a warrant of distraint or a warrant of delivery of possession of immoveable property, has been signed and is about to be issued,

(ii) when sale money or attached money has been appropriated towards a decree,

(iii) when final order has been passed after the arrest of a judgment-debtor, either committing him to jail or releasing him from custody of the bailiff,

(iv) when the whole of attached property has been released by order of the Court,

(v) when any attachment has ceased by reason of non-payment of necessary charges, and

(vi) when a prohibitory-order has been served.

(b) In cases (i) and (vi) he shall post advance entries in the Diary with due regard to the instructions given in sub-rule (1).

(c) Running totals under the following heads shall be kept in the Diary from day to day:-

- (1) Applications for issue of body warrant filed.
- (2) Applications for issue of body warrant rejected.
- (3) Duration of cases in 2.
- (4) Cases disposed of, excluding 2—
 - (a) without satisfaction,
 - (b) on part satisfaction,
 - (c) on full satisfaction.

[Note.—This Diary may be kept in two or more parts if that be more convenient. If one part deals with prohibitory orders only, it may be kept by the prohibitory order clerk.]

