रजिस्ट्री सं. डी.एल.-33004 / 99 REGISTERED NO. DL-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 59] नई दिल्ली, वृहस्पतिवार, दिसम्बर 30, 1999 / पौष 9, 1921
No. 59] NEW DELHI, THURSDAY, DECEMBER 30, 1999 / PAUSA 9, 1921

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 30th December, 1999 */Pausa* 9, 1921 *(Saka)*

The following Act of Parliament received the assent of the President on the 30th December, 1999, and is hereby published for general information:—

THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1999

No. 46 OF 1999

[30*th December,* 1999.]

An Act further to amend the Code of Civil Procedure, 1908, the Limitation Act, 1963 and the Court Fees Act, 1870.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (*1*) This Act may be called the Code of Civil Procedure (Amendment) Act, 1999. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different States or for different parts thereof.

CHAPTER II

AMENDMENT OF SECTIONS

Amendment of section 26.

2. In the Code of Civil Procedure, 1908 (hereinafter referred to as the principal Act), existing section 26 shall be re-numbered as sub-section (*1*), and after sub-section (*1*) as so renumbered, the following sub-section shall be inserted, namely:— 5 of 1908.

"(2) In every plaint, facts shall be proved by affidavit.".

Amendment of section 27.

3. In section 27 of the principal Act, the following words shall be inserted at the end, namely:—

"on such day not beyond thirty days from date of the institution of the suit".

Amendment of section 32.

4. In section 32 of the principal Act, in clause (c), for the words "not exceeding five hundred rupees", the words "not exceeding five thousand rupees" shall be substituted.

Amendment of section 58.

5. In section 58 of the principal Act,—

(*i*) in sub-section (*1*),—

(*a*) in clause (*a*), for the words "one thousand rupees", the words "five thousand rupees" shall be substituted;

(*b*) for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) where the decree is for the payment of a sum of money exceeding two thousand rupees, but not exceeding five thousand rupees, for a period not exceeding six weeks:";

(*ii*) in sub-section (*1A*), for the words "five hundred rupees", the words "two thousand rupees" shall be substituted.

Amendment of section 60.

6. In section 60 of the principal Act, in the first proviso to sub-section (*1*), in clause (*i*), for the words "four hundred rupees", the words "one thousand rupees" shall be substituted.

Insertion of new section 89.

7. In the principal Act, after section 88, the following section shall be inserted, namely:—

Settlement of disputes outside the Court.

"89. (*1*) Where it appears to the court that there exist elements of a settlement which may be acceptable to the parties, the court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observations of the parties, the court may reformulate the terms of a possible settlement and refer the same for—

(*a*) arbitration;

(*b*) conciliation;

(*c*) judicial settlement including settlement through Lok Adalat; or

(*d*) mediation.

(2) Where a dispute has been referred—

(*a*) for arbitration or conciliation, the provisions of the Arbitration and Conciliation Act, 1996 shall apply as if the proceedings for arbitration or conciliation were referred for settlement under the provisions of that Act; 26 of 1996.

(*b*) to Lok Adalat, the court shall refer the same to the Lok Adalat in accordance with the provisions of sub-section (*1*) of section 20 of the Legal Services Authority Act, 1987 and all other provisions of that Act shall apply in respect of the dispute so referred to the Lok Adalat; 39 of 1987.

(*c*) for judicial settlement, the court shall refer the same to a suitable institution or person and such institution or person shall be deemed to be a Lok Adalat and all the provisions of the Legal Services Authority Act, 1987 shall apply as if the dispute were referred to a Lok Adalat under the provisions of that Act; 39 of 1987.

(*d*) for mediation, the court shall effect a compromise between the parties and shall follow such procedure as may be prescribed.".

Amendment of section 95.

8. In section 95 of the principal Act, in sub-section (*1*), for the words "not exceeding one thousand rupees", the words "not exceeding fifty thousand rupees" shall be substituted.

Amendment of section 96.

9. In section 96 of the principal Act, in sub-section (*4*), for the words "three thousand rupees", the words "ten thousand rupees" shall be substituted.

Substitution of new section for section 100A.

10. For section 100A of the principal Act, the following section shall be substituted, namely:—

No further appeal in certain cases.

"100A. Notwithstanding anything contained in any Letters Patent for any High Court or in any other instrument having the force of law or in any other law for the time being in force,—

(*a*) where any appeal from an original or appellate decree or order is heard and decided,

(*b*) where any writ, direction or order is issued or made on an application under article 226 or article 227 of the Constitution,

by a single Judge of a High Court, no further appeal shall lie from the judgment, decision or order of such Single Judge.".

Substitution of new section for section 102.

11. For section 102 of the principal Act, the following section shall be substituted, namely:—

No second appeal in certain cases.

"102. No second appeal shall lie from any decree, when the amount or value of the subject-matter of the original suit does not exceed twenty-five thousand rupees.".

Amendment of section 115.

12. In section 115 of the principal Act, in sub-section (*1*),—

(*i*) for the proviso, the following proviso shall be substituted, namely:—

"Provided that the High Court shall not, under this section, vary or reverse any order made, or any order deciding an issue, in the course of a suit or other proceeding, except where the order, if it had been made in favour of the party applying for revision, would have finally disposed of the suit or other proceedings.";

(*ii*) after sub-section (*2*), but before the *Explanation*, the following sub-section shall be inserted, namely:—

"(*3*) A revision shall not operate as a stay of suit or other proceeding before the Court except where such suit or other proceeding is stayed by the High Court.".

Amendment of section 148.

13. In section 148 of the principal Act, after the words "such period", the words not exceeding thirty days in total," shall be inserted.

CHAPTER III

AMENDMENT OF ORDERS

Amendment of Order IV.

14. In the First Schedule to the principal Act (hereinafter referred to as the First Schedule), in Order IV, in rule 1,—

(*i*) in sub-rule (*1*), for the words "plaint to the Court", the words "plaint in duplicate to the Court" shall be substituted;

(*ii*) after sub-rule (2), the following sub-rule shall be inserted, namely:—

"(*3*) The plaint shall not be deemed to be duly instituted unless it complies with the requirements specified in sub-rules (*1*) and (2).".

Amendment of Order V.

15. In the First Schedule, in Order V,—

(*i*) in rule 1, for sub-rule (*1*), the following shall be substituted, namely:—

"(*1*) When a suit has been duly instituted, a summons may be issued to the defendant to appear and answer the claim and to file the written statement of his defence, if any, on such day within thirty days from the day of institution of the suit as may be specified therein:

Provided that no such summons shall be issued when a defendant has appeared at the presentation of the plaint and admitted the plaintiff's claim:

Provided further that where the defendant fails to file the written statement on the said day, he shall be allowed to file the same on such other day which shall not be beyond thirty days from the date of service of summons on the defendant, as the court may think fit.";

(*ii*) for rule 2, the following shall be substituted, namely:—

Copy of plaint annexed to summons.

"2. Every summon shall be accompanied by a copy of the plaint.";

(*iii*) in rule 6, for the words "for the appearance of the defendant", the words, brackets and figures "under sub-rule (*1*) of rule 1" shall be substituted;

(*iv*) in rule 7, for the words "all documents", the words, figure and letter "all documents or copies thereof specified in rule 1A of Order VIII" shall be substituted;

(*v*) for rule 9, the following rules shall be substituted, namely:—

Delivery of summons to the plaintiff or his agent.

"9. (*1*) The court shall issue summons and deliver the same to the plaintiff or his agent, for service, and direct the summons to be served by registered post acknowledgment due or by speed post or by such courier service as may be approved by the High Court or by fax message or by Electronic Mail Service or by such other means as the High Court may prescribe by rules, addressed to the defendant to accept the service at the place where the defendant or his agent actually and voluntarily resides or carries on business or personally works for gain.

(*2*) The plaintiff or his agent shall send the summons by any means as directed by the court under sub-rule (*1*) within two days from the delivery of summons to the plaintiff by the court under that sub-rule.

(*3*) When an acknowledgment or any other receipt purporting to be signed by the defendant or his agent received by the court or postal article containing the summons is received back by the court with an endorsement purporting to have been made by a postal employee or by any authorised person to the effect that the defendant or his agent had refused to take delivery of the postal article containing the summons or refused to accept the summons by any other means specified in sub-rule (*1*), when tendered or transmitted to him the court issuing the summon shall declare that the summons had been duly served on the defendant:

Provided that summons was properly addressed, pre-paid and duly sent by registered post acknowledgment due, the declaration referred to in this sub-rule shall be made notwithstanding the fact that the acknowledgment

having been lost or misled or for any other reasons has not been received by the court on the date fixed by it.

Simultaneous issue of summons for service by the court controlled process.

9A. (*1*) The court may, in addition to, and simultaneously with the delivery of summons for service to the plaintiff as provided in the manner provided in rule 9, may also direct that summons to be served on the defendant or his agent empowered to accept the service at the place where the defendant or his agent actually and voluntarily resides or carries on business or personally works for gain.

(*2*) The summons shall, unless the court otherwise direct, be delivered or sent to the proper officer in such manner as may be prescribed by the High Court to be served by him or one of his subordinates.

(*3*) The proper officer may be an officer of the court other than that in which the suit is instituted, and where he is such an officer, the summon may be sent to him in such manner as the court may direct.

(*4*) The proper officer may serve the summons by registered post acknowledgment due, by speed post, by such courier service as may be approved by the High Court, by fax message, by Electronic Mail service or by such other means as may be provided by the rules made by the High Court.";

(*vi*) rule 19A shall be omitted;

(*vii*) in rule 21, for the words "or by post", the words "or by post or by such courier service as may be approved by the High Court, by fax message or by Electronic Mail service or by any other means as may be provided by the rules made by the High Court" shall be substituted;

(*viii*) in rule 24, for the words "by post or otherwise", the words "or by post or by such courier service as may be approved by the High Court, by fax message or by Electronic Mail service or by any other means as may be provided by the rules made by the High Court" shall be substituted;

(*ix*) in rule 25, for the words "by post", the words "or by post or by such courier service as may be approved by the High Court, by fax message or by Electronic Mail service or by any other means as may be provided by the rules made by the High Court" shall be substituted.

Amendment of Order VI.

16. In the First Schedule, in Order VI,—

(*i*) rule 5 shall be omitted;

(*ii*) in rule 15, after sub-rule (*3*), the following sub-rule shall be inserted, namely:—

"(*4*) The person verifying the pleading shall also furnish an affidavit in support of his pleadings.";

(*iii*) rules 17 and 18 shall be omitted.

Amendment of Order VII.

17. In the First Schedule, in Order VII,—

(*i*) for rule 9, the following rule shall be substituted, namely:—

Procedure on admitting plaint.

"9. (*1*) Where the plaint is admitted, the court shall give to the plaintiff summons in the name of all the defendants to be served upon or get served in the manner provided under Order V.

(*2*) Within two days of the receipt of summons under sub-rule (*1*), the plaintiff shall send or cause to send the summons to the defendants alongwith the copy of the plaint in the manner provided under Order V.

(*3*) Where the court orders that the summons be served on the defendants

in the manner provided in rule 9A of Order V, it will direct the plaintiff to present as many copies of the plaint on plain paper as there are defendants within two days from the date of such order alongwith requisite fee for service of summons on the defendants.".

(*ii*) in rule 11, after sub-clause (*d*), the following sub-clauses shall be inserted, namely:—

"(*e*) where it is not filed in duplicate;

(*f*) where the plaintiff fails to comply sub-rule (*2*) of rule 9;

(*g*) where the plaintiff fails to comply sub-rule (*3*) of rule 9.".

(*iii*) for rule 14, the following rule shall be substituted, namely:—

Production of document on which plaintiff sues or relies.

"14. (*1*) Where a plaintiff sues upon a document or relies upon document in his possession or power in support of his claim, he shall enter such documents in a list, and shall produce it in court when the plaint is presented by him and shall, at the same time deliver the document and a copy thereof, to be filed with the plaint.

(*2*) Where any such document is not in the possession or power of the plaintiff, he shall, wherever possible, state in whose possession or power it is.

(*3*) Where a document or a copy thereof is not filed with the plaint under this rule, it shall not be allowed to be received in evidence on behalf of the plaintiff at the hearing of the suit.

(*4*) Nothing in this rule shall apply to document produced for the cross examination of the plaintiff's witnesses, or, handed over to a witness merely to refresh his memory.";

(*iv*) rule 15 shall be omitted;

(*v*) in rule 18, in sub-rule (*1*), the words "without the leave of the court" shall be omitted.

Amendment of Order VIII.

18. In the First Schedule, in Order VIII,—

(*i*) for rule 1, the following rule shall be substituted, namely:—

Written statement.

"1. The defendant shall at or before the first hearing or within such time as the court may permit, which shall not be beyond thirty days from the date of service of summons on the defendant, present a written statement of his defence.";

(*ii*) after rule 1 so inserted, the following rule shall be inserted, namely:—

Duty of defendant to produce documents upon which relief is claimed or relied upon by him.

"1A. (*1*) Where the defendant bases his defence upon a document or relies upon any document in his possession or power, in support of his defence or claim for set off or counter claim, he shall enter such document in a list, and shall produce it in court when the written statement is presented by him and shall, at the same time, deliver the document and a copy thereof, to be filed with the written statement.

(*2*) Where any such document is not in the possession or power of the defendant, he shall, wherever possible, state in whose possession or power it is.

(*3*) Where a document or a copy thereof is not filed with the written statement under this rule, it shall not be allowed to be received in evidence on behalf of the defendant at the hearing of the suit.

(*4*) Nothing in this rule shall apply to documents—

(*a*) produced for the cross-examination of the plaintiff's witnesses, or

(*b*) handed over to a witness merely to refresh his memory.";

(*iii*) rules 8A, 9 and 10 shall be omitted.

19. In the First Schedule, in Order IX,— Amendment of Order IX.

(*i*) for rule 2, the following rule shall be substituted, namely:—

"2. Where on the day so fixed it is found that the summons has not been sent within stipulated period of two days, to the defendant by the plaintiff or his agent or in consequence of their failure to pay the court-fee or any charges, if any chargeable for such service, the court shall make an order that the suit be dismissed: Dismissal of suit where summons not served by the plaintiff or his agent or in consequences of failure to pay cost.

Provided that no such order shall be made if, notwithstanding such failure, the defendant attends in person or by agent when he is allowed to appear by agent on the day fixed for him to appear and answer.";

(*ii*) in rule 5, for the words "one month", the words "seven days" shall be substituted.

20. In the First Schedule, in Order X,— Amendment of Order X.

(*i*) after rule 1, the following rules shall be inserted, namely:—

"1A. After recording the admissions and denials, the court shall direct the parties to the suit to opt either mode of the settlement outside the court as specified in sub-section (*1*) of section 89. On the option of the parties, the court shall fix the date of appearance before such forum or authority as may be opted by the parties. Direction of the court to opt for any one mode of alternative dispute resolution.

1B. Where a suit is referred under rule 1A, the parties shall appear before such forum or authority for conciliation of the suit. Appearance before the conciliatory forum or authority.

1C. Where a suit is referred under rule 1A and the presiding officer of conciliation forum or authority is satisfied that it would not be proper in the interest of justice to proceed with the matter further, then, it shall refer the matter again to the court and direct the parties to appear before the court on the date fixed by it."; Appearance before the court consequent to the failure of efforts of conciliation.

(*ii*) in rule 4, in sub-rule (*1*), for the words "may postpone the hearing of the suit to a future day", the words "may postpone the hearing of the suit to a day not later than seven days from the date of first hearing" shall be substituted.

21. In the First Schedule, in Order XI,— Amendment of Order XI.

(*i*) in rule 2, after the words "submitted to the court", the words "and that court shall decide within seven days from the day of filing of the said application," shall be inserted;

(*ii*) in rule 15, for the words "at any time", the words "at or before the settlement of issues" shall be substituted.

22. In the First Schedule, in Order XII,— Amendment of Order XII.

(*i*) in rule 2, for the word "fifteen", the word "seven" shall be substituted;

(*ii*) in rule 4, second proviso shall be omitted.

23. In the First Schedule, in Order XIII, for rules 1 and 2, the following rule shall be substituted, namely:— Amendment of Order XIII.

"1. (*1*) The parties or their pleader shall produce on or before the settlement of issues, all the documentary evidence in original where the copies thereof have been filed along with plaint or written statement. Original documents to be produced at or before the settlement of issues.

(*2*) The court shall receive the documents so produced:

Provided that they are accompanied by an accurate list thereof prepared in such form as the High Court directs.

(*3*) Nothing in sub-rule (*1*) shall apply to documents—

(*a*) produced for the cross-examination of the witnesses of the other party; or

(*b*) handed over to a witness merely to refresh his memory.".

Amendment of Order XIV.

24. In the First Schedule, in Order XIV,—

(*i*) in rule 4, for the words "may adjourn the framing of the issues to a future day", the words "may adjourn the framing of issues to a day not later than seven days" shall be substituted;

(*ii*) rule 5 shall be omitted.

Amendment of Order XVI.

25. In the First Schedule, in Order XVI,—

(*i*) in rule 1, in sub-rule (*4*), for the words "court in this behalf", occurring at the end, the words, brackets and figure "court in this behalf within five days of presenting the list of witnesses under sub-rule (*1*)" shall be substituted;

(*ii*) in rule 2, in sub-rule (*1*), after the words "within a period to be fixed", the words, brackets and figures "which shall not be later than seven days from the date of making application under sub-rule (*4*) of rule 1" shall be inserted.

Amendment of Order XVII.

26. In the First Schedule, in Order XVII, in rule 1,—

(*i*) for sub-rule (*1*), the following shall be substituted, namely:—

"(*1*) The court may, if sufficient cause is shown, at any stage of the suit grant time to the parties or to any of them, and may from time to time adjourn the hearing of the suit for reasons to be recorded in writing:

Provided that no such adjournment shall be granted more than three times to a party during hearing of the suit.";

(*ii*) in sub-rule (2), for the words "may make such order as it thinks fit with respect to the costs occassioned by the adjournment", the words "shall make such orders as to costs occassioned by the adjournment or such higher costs as the court deems fit" shall be substituted.

Amendment of Order XVIII.

27. In the First Schedule, in Order XVIII,—

(*i*) sub-rule (*4*) of rule 2 shall be omitted;

(*ii*) for rule 4, the following rule shall be substituted, namely:—

Recording of evidence by commissioner.

"4. (*1*) In every case, the evidence of a witness of his examination-in-chief shall be given by affidavit and copies thereof shall be supplied to the opposite party by the party who calls him for evidence.

(2) The evidence (cross-examination and re-examination) of the witness in attendance, whose evidence (examination-in-chief) by affidavit has been furnished to the court shall be taken orally by a commissioner to be appointed by the court from amongst the panel of commissioners prepared for this purpose on the same day:

Provided that, in the interest of justice and for reasons to be recorded in writing, the court may direct that the evidence of any witness shall be recorded by the court in the presence and under the personal direction and superintendence of the judge.

(*3*) The commissioner shall be paid such sum for recording of evidence as may be prescribed by the High Court.

(*4*) The amount payable to the commissioner under sub-rule (*3*) shall be paid by the Court or by the parties summoning the witness as may be prescribed by the High Court.

(*5*) The District Judge shall prepare a panel of commissioners to record the evidence under this rule.

(*6*) The commissioner shall record evidence either in writing or mechanically in his presence and shall make a memorandum which shall be signed by him and the witnesses and submit the same to the court appointing such commissioner.

(*7*) Where any question put to a witness is objected by a party or his pleader and the commissioner allows the same to be put, the commissioner shall take down the question together with his decision.";

(*iii*) rule 17A shall be omitted;

(*iv*) after rule 18, the following rule shall be inserted, namely:—

"19. Notwithstanding anything contained in these rules, the court may, instead of examining witnesses in open court, direct their statements to be recorded on commission under rule 4A of Order XXVI." Power to get statements recorded on commission.

28. In the First Schedule, in Order XX,— Amendment of Order XX.

(*i*) in rule 1, in sub-rule (*2*), the words "but a copy of the whole judgment shall be made available for the perusal of the parties or the pleaders immediately after the judgment is pronounced" shall be omitted;

(*ii*) for rules 6A and 6B, the following rules shall be substituted, namely:—

"6A. (*1*) Every endeavour shall be made to ensure that the decree is drawn up as expeditiously as possible and, in any case, within fifteen days from the date on which the judgment is pronounced. Preparation of decree.

(*2*) An appeal may be preferred against the decree without filing a copy of the decree and in such a case the copy made available to the party by the court shall for the purposes of rule 1 of Order XLI be treated as the decree. But as soon as the decree is drawn, the judgment shall cease to have the effect of a decree for the purposes of execution or for any other purpose.

6B. Where the judgment is pronounced, copies of the judgment shall be made available to the parties immediately after the pronouncement of the judgment for preferring an appeal on payment of such charges as may be specified in the rule made by the High Court.". Copies of judgments when to be made available.

29. In the First Schedule, in Order XXVI, after rule 4, the following rule shall be inserted, namely:— Amendment of Order XXVI.

"4A. Notwithstanding anything contained in these rules, any court may, in the interest of justice or for the expeditious disposal of the case or for any other reason, issue commission in any suit for the examination, on interrogatories or otherwise, of any person resident within the local limits of its jurisdiction, and the evidence so recorded shall be read in evidence. Commission for examination of any person resident within the local limits of the jurisdiction of the court.

Amendment of Order XXXIX.

30. In the First Schedule, in Order XXXIX, rule 1 shall be renumbered as sub-rule (*1*) of that rule and after sub-rule (*1*) as so renumbered, the following sub-rule shall be inserted, namely:—

"(*2*) The court shall, while granting a temporary injunction to restrain such act or to make such other order for the purposes of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of property or dispossession of the plaintiff, or otherwise causing injury to the plaintiff in relation to any property under disposition in the suit under sub-rule (*1*), direct the plaintiff to give security or otherwise as the court thinks fit.".

Amendment of Order XLI.

31. In the First Schedule, in Order XLI,—

(*i*) in sub-rule (*1*) of rule 1, for the words and brackets "decree appealed from and (unless the Appellate Court dispenses therewith) of the judgment on which it is founded", the word "judgment" shall be substituted;

(*ii*) for rule 9, the following rule shall be substituted, namely:—

Registry of memorandum of appeal.

"9. (*1*) The Court from whose decree an appeal lies shall entertain the memorandum of appeal and shall endorse thereon the date of presentation and shall register the appeal in a book of appeal kept for that purpose.

(*2*) Such book shall be called the register of appeal.";

(*iii*) in rule 11, for sub-rule (*1*), the following sub-rule shall be substituted, namely:—

"(*1*) The Appellate Court after fixing a day for hearing the appellant or his pleader and hearing him accordingly if he appears on that day may dismiss the appeal.";

(*iv*) in rule 12, for sub-rule (*2*), the following sub-rule shall be substituted, namely:—

"(*2*) Such day shall be fixed with reference to the current business of the court.";

(*v*) rules 13, 15 and 18 shall be omitted;

(*vi*) in rule 19, the words and figures "or rule 18" shall be omitted;

(*vii*) in rule 22, sub-rule (*3*) shall be omitted.

CHAPTER IV

REPEAL AND SAVINGS

Repeal and savings.

32. (*1*) Any amendment made, or any provision inserted in the principal Act by a State Legislature or High Court before the commencement of this Act shall, except in so far as such amendment or provisions is consistent with the provisions of the principal Act as amended by this Act, stand repealed.

(2) Notwithstanding that the provisions of this Act have come into force or repeal under sub-section (*1*) has taken effect, and without prejudice to the generality of the provisions of section 6 of the General Clauses Act, 1897,— 10 of 1897.

(*a*) the provisions of section 26 of the principal Act and of Order IV of the First Schedule, as amended by sections 2 and 14 of this Act, shall not apply to or affect any suit pending immediately before the commencement of sections 2 and 14; and every such suit shall be tried as if sections 2 and 14 had not come into force;

(*b*) the provisions of section 27 of the principal Act, as amended by section 3 of this Act, shall not apply to or affect any suit pending immediately before the commencement of section 3 and every such suit shall be tried as if section 3 had not come into force;

(*c*) the provisions of section 58 of the principal Act, as amended by section 5 of this Act, shall not apply to or affect any person detained in the civil prison in execution of a decree before the commencement of section 5;

(*d*) the provisions of section 60 of the principal Act, as amended by section 6 of this Act, shall not exempt salary from attachment to the extent mentioned in clause (*i*) of the first proviso to sub-section (*1*) of section 60 before the commencement of section 6;

(*e*) section 89 and rules 1A, 1B and 1C of Order X of the First Schedule, as inserted in the principal Act by sections 7 and 20 of this Act, shall not affect any suit in which issues have been settled before the commencement of section 7; and every such suit shall be dealt with as if sections 7 and 20 had not come into force;

(*f*) the provisions of section 96 of the principal Act, as amended by section 9 of this Act, shall not apply to or affect any appeal from original decree which had been admitted before the commencement of section 9; and every admitted appeal shall be dealt with as if section 9 had not come into force;

(*g*) the provisions of section 100A of the principal Act, as substituted by section 10 of this Act, shall not apply to or affect any appeal against the decision of a Single Judge of a High Court under article 226 or article 227 of the Constitution which had been admitted before the commencement of section 10; and every such admitted appeal shall be disposed of as if section 10 had not come into force;

(*h*) the provisions of section 102 of the principal Act, as substituted by section 11 of this Act, shall not apply to or affect any appeal which had been admitted before the commencement of section 11; and every such appeal shall be disposed of as if section 11 had not come into force;

(*i*) the provisions of section 115 of the principal Act, as amended by section 12 of this Act, shall not apply to or affect any proceeding for revision which had been finally disposed of;

(*j*) the provisions of rules 1, 2, 6, 7, 9, 9A, 19A, 21, 24 and 25 of Order V of the First Schedule as amended or, as the case may be, inserted or omitted by section 15 of this Act shall not apply to any summons issued immediately before the commencement of section 15;

(*k*) the provisions of rules 9, 11, 14, 15 and 18 of Order VII of the First Schedule, as amended or, as the case may be, substituted or amended by section 17 of this Act, shall not apply to in respect of any proceedings pending before the commencement of section 17;

(*l*) the provisions of rules 1 and 1A of Order VIII of the First Schedule, as substituted or inserted by section 18 of this Act, shall not apply to a written statement filed and presented before the court immediately before the commencement of section 18;

(*m*) the provisions of rules 2 and 5 of Order IX of the First Schedule, as amended by section 19 of this Act, shall not apply in respect of summons issued before the commencement of section 19;

(*n*) the provisions of rules 2 and 15 of Order XI of the First Schedule, as amended by section 21 of this Act, shall not apply to or affect any order passed by the court or any application submitted for inspection to the court before the commencement of section 21 of this Act;

(*o*) the provisions of rules 2 and 4 of Order XII of the First Schedule, as amended and omitted, as the case may be, by section 22 of this Act, shall not affect any notice given by the party or any order made by the court before the commencement of section 22 of this Act;

(*p*) the provisions of rules 1 and 2 of Order XIII of the First Schedule, as substituted by section 23 of this Act, shall not affect the documents produced by the parties or ordered by the court to be produced before the commencement of section 23 of this Act;

(*q*) the provisions of rules 4 and 5 of Order XIV of the First Schedule, as amended and omitted by section 24 of this Act, shall not affect any order made by the court adjourning the framing of the issues and amending and striking out issues before the commencement of section 24 of this Act;

(*r*) the provisions of rules 1 and 2 of Order XVI of the First Schedule, as amended by section 25 of this Act, shall not affect any application made for summoning of witnesses and time granted to a party to deposit amount for summoning witnesses made by the court before the commencement of section 25;

(*s*) the provisions of rule 1 of Order XVII of the First Schedule, as amended by section 25 of this Act, shall not affect any adjournment granted by the court and any cost occasioned by the adjournment granted by the court before the commencement of section 25 and the number of adjournments granted earlier shall not be counted for such purpose;

(*t*) the provisions of rules 1, 6A and 6B of Order XX of the First Schedule, as amended and substituted by section 28 of this Act, shall not affect any application for obtaining copy of decree for filing of appeal made by a party and any appeal filed before the commencement of section 28 of this Act; and every application made and every appeal filed before the commencement of section 28 shall be dealt with as if section 28 had not come into force;

(*u*) in sub-rule (2) of rule 1 of Order XXXIX of the First Schedule, as inserted by section 30 of this Act, shall not affect any temporary injunction granted before the commencement of section 30 of this Act;

(*v*) the provisions of rules 1, 9, 11, 12, 13, 15, 18, 19 and 22 of Order XLI of the First Schedule, as amended, substituted and omitted, as the case may be, by clause 32 of the Bill shall not affect any appeal filed before the commencement of section 32; and every appeal pending before the commencement of section 32 shall be disposed of as if section 32 of this Bill had not come into force.

CHAPTER V

AMENDMENT OF THE LIMITATION ACT, 1963

Amendment of section 12.

33. In the Limitation Act, 1963, in section 12, in sub-section (*3*), the words "on which the decree or order is founded" at the end shall be omitted. 36 of 1963.

CHAPTER VI

AMENDMENT OF THE COURT FEES' ACT, 1870

Insertion of new section 16.

34. In the Court Fees' Act, 1870 (hereafter in this Chapter referred to as the Court Fees' Act), after section 15, the following section shall be inserted, namely:— 7 of 1870.

Refund of Fee.

"16. Where the court refers the parties to the suit to any one of the mode of settlement of dispute referred to in section 89 of the Code of Civil Procedure, 1908 the plaintiff shall be entitled to a certificate from the court authorising him to receive back from the collector, the full amount of the fee paid in respect of such plaint.". 5 of 1908.

RAGHBIR SINGH,
Secy. to the Govt. of India.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS (PLU), MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 2000.
MGIP(PLU)MRND—3120GI—7-1-2000.