

APPENDIX F.  
SUPPLEMENTAL PROCEEDINGS,

No. 1.

WARRANT OF ARREST BEFORE JUDGMENT. (O. 38, r. 1.)

(Title.)

The Bailiff of the Court.

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

TOTAL			

is about to \_\_\_\_\_  
These are to command you to demand and receive  
from the said \_\_\_\_\_ the sum of  
Rs. \_\_\_\_\_ as sufficient to satisfy the plaintiff's  
claim, and unless the said sum of Rs. \_\_\_\_\_  
is forthwith delivered to you by or on behalf of the  
said \_\_\_\_\_ to take

into custody, and to bring him before this Court, in  
the amount of Rs. \_\_\_\_\_ for his  
appearance before the Court, until such time as the said suit shall be fully and finally  
and until satisfaction of any decree that may be passed against him in the suit.

and my hand and the seal of the Court, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Judge.

No. 2.

SECURITY FOR APPEARANCE OF A DEFENDANT ARRESTED BEFORE JUDGMENT. (O. 38, r. 2.)

(Title.)

at the instance of \_\_\_\_\_, the plaintiff in the above suit,  
\_\_\_\_\_ has been arrested and brought before the Court;  
and as on the failure of the said defendant to show cause why he should not furnish security for  
his appearance the Court has ordered him to furnish such security:

\_\_\_\_\_ have voluntarily become surety and do hereby bind myself, my  
co-sureties to the said Court, that the said defendant shall appear at any time when called upon  
to do so pending and until satisfaction of any decree that may be passed against him in the said  
suit. In default of such appearance I bind myself, my heirs and executors, to pay to the said Court, at  
the time and in the amount of money that may be adjudged against the said defendant in the said suit.

and my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

(Signed.)

No. 3.

DEFENDANT TO APPEAR ON SURETY'S APPLICATION FOR DISCHARGE. (O. 38, r. 3.)

(Title.)

\_\_\_\_\_ who is a party to the above suit, has applied to the Court for his discharge on the ground that \_\_\_\_\_  
has become surety for his appearance. The Court has ordered that \_\_\_\_\_  
shall be discharged on the condition that \_\_\_\_\_  
shall be bound to pay to the said Court, at the time and in the amount of money that may be adjudged against the said defendant in the said suit.



(The First Schedule.—Appendix F.—Supplemental Proceedings.)

No. 7.

ATTACHMENT BEFORE JUDGMENT, ON PROOF OF FAILURE TO FURNISH SECURITY. (O. 38, r. 6.)

(Title.)

The Bailiff of the Court.

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

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

Judge.

No. 8.

TEMPORARY INJUNCTIONS. (O. 39, r. 1.)

(Title.)

Upon motion made unto this Court by, Pleader of [or Counsel for] the plaintiff, and upon reading the petition of the said plaintiff in this matter filed [this day] [or the plaint filed in the said suit on the day of], or the written statement of the said plaintiff filed on the day of, and upon hearing the evidence of and in support thereof [if after notice and defendant not appearing: add, and also evidence of as to service of notice of this motion the defendant C. D.]. This Court doth order that an injunction be awarded to restrain the defendant, his servants, agents and workmen, from pulling down, or suffering to be pulled down, the house in the said suit of the plaintiff mentioned [or, in the written statement, or petition, of the plaintiff mentioned at the hearing of this motion mentioned] being No. 9, Oilmongers Street, Hindupur, in the district of, and from selling the materials whereof the said house is composed, until the further order of this Court.

Dated this day of 19.

Judge.

Where the injunction is sought to restrain the negotiation of a note or bill, the ordering part of the injunction may run thus:—] the defendants and from with out of the custody of them or any of them or endorsing, assigning or negotiating the promise [or bill of exchange] in question, dated on or about the, etc., mentioned in the plaintiff's plaint [or petition] and the evidence heard in support of the motion until the hearing of this suit, or until the further order of this Court.

[Copyright cases] to restrain the defendant C. D., his servants, agents or workmen, from printing, publishing or vending a book, called, or any part thereof,

[Where part only of a book is to be restrained] to restrain the defendant C. D., his servants, agents or workmen, from printing, publishing, selling or otherwise disposing of such parts of the book in the plaintiff [or petition and evidence, etc.] mentioned to have been printed by the defendant as hereinafter specified, namely, that part of the said book which is entitled and also that part which is entitled both inclusive] until, etc.

[Patent cases] to restrain the defendant C. D., his servants and workmen, from making or vending any perforated bricks [or as the case may be] upon any of the inventions in the plaintiff's plaint [or petition, etc., or written statement, etc.] mentioned, or to the plaintiffs, or either of them, during the remainder of the respective terms of the patents mentioned in the plaintiff's plaint [or as the case may be] mentioned, and from counterfeiting, imitating or resembling any of the inventions, or either of them, or making any addition thereto, or subtraction therefrom, until the further order of this Court.

[Cases of Trade marks] to restrain the defendant C. D., his servants, agents or workmen, from selling, or exposing for sale, or procuring to be sold, or using in any position or blacking [or as the case may be] described as or purporting to be blacking manufactured by the plaintiff A. B., in bottles having affixed thereto such labels as in the plaintiff's plaint [or petition, etc.] mentioned, or any other labels so contrived or expressed as, by colourable imitation or

(The First Schedule.—Appendix F.—Supplemental Proceedings.)

otherwise, to represent the composition or blacking sold by the defendant to be the same as the composition or blacking manufactured and sold by the plaintiff A. B., and from using trade-cards so contrived or expressed as to represent that any composition or blacking sold or proposed to be sold by the defendant the same as the composition or blacking manufactured or sold by the plaintiff A. B., until the, etc.

[To restrain a partner from in any way interfering in the business]

to restrain the defendant C. D., his servants and agents, from entering into contract, and from accepting, drawing, endorsing or negotiating any bill of exchange, note or security in the name of the partnership-firm of B. and D., and from contracting any debt, buying and selling any goods, and from making or entering into any verbal or written promise, agreement or undertaking and from doing, or causing to be done, any act, in the name or on the credit of the said partnership of B. and D., or whereby the said partnership-firm can or may in any manner become or be made liable or for the payment of any sum of money, or for the performance of any contract, promise or undertaking until the, etc.

No. 6.

APPOINTMENT OF A RECEIVER. (O. 40, r. 1.)

(Title.)

To

WHEREAS has been attached in execution of a decree in the above suit on the day of 19, in favour of ; You are hereby (subject to your giving security to the satisfaction of the Court) appointed receiver of the said property under Order XL of the Code of Civil Procedure, 1908, with full powers under the provisions of that Order.

You are required to render a due and proper account of your receipts and disbursements in respect of the said property on . You will be entitled to remuneration at the rate of per cent. upon your receipts under the authority of this appointment.

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

Judge.

No. 7.

BOND TO BE GIVEN BY RECEIVER. (O. 40, r. 3.)

(Title.)

KNOW all men by these presents, that we and are jointly and severally bound to of the Court of in Rs. to be paid to the said or his successor in office for the time being. For which payment to be made we bind ourselves, and each of us, in the whole, our and each of our heirs, executors and administrators jointly and severally, by these presents.

Dated this day of 19 .

Whereas a plaint has been filed in this Court by against for the purpose of [here insert the object of suit].

And whereas the said has been appointed, by order of the above-named Court, to receive the rents and profits of the immovable property and to get in the outstanding property of in the said plaint named :

Now the condition of this obligation is such, that if the above-bounden shall receive on account of the rents and profits of the immovable property, and in respect of the moveable property, of the said at such periods as the said Court shall appoint, and shall duly pay the balances which shall from time to time be certified to be due from him as the said Court hath directed or shall hereafter direct, then this obligation shall be void, otherwise it shall remain in full force.

Signed and delivered by the above-bounden in the presence of

Note.—If deposit of money is made, the memorandum thereof should follow the terms of the bond.

APPENDIX G.

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APPEAL, REFERENCE AND REVIEW.

No. 1.

MEMORANDUM OF APPEAL. (O. 41, r. 1.)

(Title.)

Court at \_\_\_\_\_ above-named appeals to the \_\_\_\_\_ from the decree of \_\_\_\_\_ in Suit No. \_\_\_\_\_ of 19 \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, and sets forth the following grounds of objection to the decree appealed from, namely :—

No. 2.

SECURITY BOND TO BE GIVEN ON ORDER BEING MADE TO STAY EXECUTION OF DECREE. (O. 41, r. 5.)

(Title.)

To \_\_\_\_\_ witnesseth :— This security bond on stay of execution of decree executed by \_\_\_\_\_, the plaintiff in Suit No. \_\_\_\_\_ of 19 \_\_\_\_\_, having sued \_\_\_\_\_, the defendant, in this Court and a decree having been passed on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ in favour of the plaintiff, and the defendant having preferred an appeal from the said decree in the \_\_\_\_\_ Court, the said appeal is still pending.

Now the plaintiff decree-holder having applied to execute the decree, the defendant has made an application praying for stay of execution and has been called upon to furnish security. Accordingly I, of my own free will, stand security to the extent of Rs. \_\_\_\_\_, mortgaging the properties specified in the schedule hereunto annexed, and covenant that if the decree of the first Court be confirmed or varied by the Appellate Court the said defendant shall duly act in accordance with the decree of the Appellate Court and shall pay whatever may be payable by him thereunder, and if he should fail therein then any amount so payable shall be realized from the properties hereby mortgaged, and if the proceeds of the sale of the said properties are insufficient to pay the amount due, I and my legal representatives will be personally liable to pay the balance. To this effect I execute this security bond this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Schedule.

Witnessed by

(Signed)

- 1.
2.

No. 3.

SECURITY BOND TO BE GIVEN DURING THE PENDENCY OF APPEAL. (O. 41, r. 6.)

(Title.)

To \_\_\_\_\_ witnesseth :— This security bond on stay of execution of decree executed by \_\_\_\_\_, the plaintiff in Suit No. \_\_\_\_\_ of 19 \_\_\_\_\_, having sued \_\_\_\_\_, the defendant, in this Court and a decree having been passed on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ in favour of the plaintiff, and the defendant having preferred an appeal from the said decree in the \_\_\_\_\_ Court, the said appeal is still pending.

Now the plaintiff decree-holder has applied for execution of the said decree and has been called upon to furnish security. Accordingly I, of my own free will, stand security to the extent of Rs. \_\_\_\_\_ mortgaging the properties specified in the schedule hereunto annexed, and covenant that if the decree of the first Court be reversed or varied by the Appellate Court, the plaintiff shall restore any property which may be or has been taken in execution of the said decree and shall duly act in accordance with the decree of the Appellate Court and shall pay whatever may be payable by him thereunder, and if he should fail therein then any amount so payable shall be realized from the properties hereby mortgaged, and if the proceeds of the sale of the said properties are insufficient to pay the amount due, I and my legal representatives will be personally liable to pay the balance. To this effect I execute this security bond this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Schedule.

Witnessed by

(Signed)

- 1.
2.

No. 4.

SECURITY FOR COSTS OF APPEAL. (O. 41, r. 10.)

(Title.)

To \_\_\_\_\_ witnesseth :— This security bond for costs of appeal executed by \_\_\_\_\_, against the respondent, and has been called upon to furnish security. Accordingly I, of my own free will, stand security for the costs of the appeal, mortgaging the properties specified in the schedule hereunto

(The First Schedule.—Appendix G.—Appeal, Reference and Review.)

annexed. I shall not transfer the said properties or any part thereof, and in the event of any default on the part of the appellant I shall duly carry out any order that may be made against me with regard to the payment of the costs of appeal. Any amount so payable shall be realized from the properties hereinafter mortgaged, and if the proceeds of the sale of the said properties are insufficient to pay the amount of the debt and my legal representatives will be personally liable to pay the balance. To this effect I execute security bond this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Schedule.

Witnessed by

- 1.
2.

(Signed)

No. 5.

INTIMATION TO LOWER COURT OF ADMISSION OF APPEAL. (O. 41, r. 13.)

(Title.)

To

You are hereby directed to take notice that \_\_\_\_\_ the above suit, has preferred an appeal to this Court from the decree passed by you therein on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

You are requested to send with all practicable despatch all material papers in the suit.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Judge.

No. 6.

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL. (O. 41, r. 14.)

(Title.)

APPEAL from the \_\_\_\_\_ of the Court of \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

To

Respondent.

TAKE notice that an appeal from the decree of \_\_\_\_\_ in this case has been presented by \_\_\_\_\_ and registered in this Court and that the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, your pleader, or by some one by law authorized to act for you in this appeal, it will be heard and decided in your absence.

GIVEN under my hand and the seal of the Court, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Judge

[Note.—If a stay of execution has been ordered, intimation should be given of the fact of the stay.]

No. 7.

NOTICE TO A PARTY TO A SUIT NOT MADE A PARTY TO THE APPEAL BUT JOINED BY THE COURT AS A RESPONDENT. (O. 41, r. 20.)

(Title.)

WHEREAS you were a party in suit No. \_\_\_\_\_ of 19 \_\_\_\_\_, in the Court of \_\_\_\_\_, and whereas the \_\_\_\_\_ has preferred an appeal from the decree passed against him in the said suit and it appears to this Court that you are interested in the result of the said appeal:

This is to give you notice that this Court has directed you to be made a respondent in the said appeal has adjourned the hearing thereof till the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ A.M. If no appearance is made on your behalf on the said day and at said hour, the appeal will be heard and decided in your absence.  
 GIVEN under my hand and the seal of the Court, this \_\_\_\_\_ day of \_\_\_\_\_

Judge.

No. 8.

MEMORANDUM OF CROSS OBJECTION. (O. 41, r. 22.)

(Title.)

WHEREAS the \_\_\_\_\_ has preferred an appeal to the \_\_\_\_\_ Court at \_\_\_\_\_ from the decree of \_\_\_\_\_ in Suit No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and whereas notice of the day for hearing the appeal was served on the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ the \_\_\_\_\_ files this memorandum of cross objection under rule 22 of Order XLI of Code of Civil Procedure, 1908, and sets forth the following grounds of objection to the decree appealed namely:—

No. 9.

DECREE IN APPEAL. (O. 41, r. 35.)

(Title.)

Appeal No. \_\_\_\_\_ of 19\_\_\_\_ from the decree of the Court of \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
*Memorandum of Appeal.*  
 Plaintiff.  
 Defendant.

The \_\_\_\_\_ above-named appeals to the \_\_\_\_\_ Court at \_\_\_\_\_ the decree of \_\_\_\_\_ in the above suit, dated the \_\_\_\_\_ day of \_\_\_\_\_ for the following reasons, namely:—

This appeal coming on for hearing on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, in the presence of \_\_\_\_\_ for the appellant and of \_\_\_\_\_ for respondent, it is ordered—

The costs of this appeal, as detailed below, amounting to Rs. \_\_\_\_\_, are to be paid by \_\_\_\_\_ costs of the original suit are to be paid by \_\_\_\_\_

GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Judge.

Costs of Appeal.

Appellant,	Amount,			Respondent,	Amount,		
	Rs.	a.	p.		Rs.	a.	p.
Stamp for memorandum of appeal.				Stamp for power			
Stamp for power				Do. for petition			
Service of processes				Service of processes			
Plader's fee on Rs.				Pleader's fee on Rs			
Total				Total			

(The First Schedule.—Appendix G.—Appeal, Reference and Review.)

No. 10.

APPLICATION TO APPEAL IN FORMÂ PAUPERIS. (O. 44, r. 1.)

(Title.)

I the above-named, present the accompanying memorandum of appeal from the decree in the above suit and apply to be allowed to appeal as a pauper.

Annexed is a full and true schedule of all the moveable and immoveable property belonging to me with the estimated value thereof.

Dated the day of 19 .

(Signed.)

Note.—Where the application is by the plaintiff he should state whether he applied and was allowed to sue in the Court of first instance as a pauper.

No. 11.

NOTICE OF APPEAL IN FORMÂ PAUPERIS. (O. 44, r. 1.)

(Title.)

WHEREAS the above-named has applied to be allowed to appeal as a pauper from the decree in the above suit dated the day of 19 and whereas the day of 19 has been fixed for hearing the application, notice is hereby given to you that if you desire to show cause why the applicant should not be allowed to appeal as a pauper an opportunity will be given to you of doing so on the afore-mentioned date.

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

Judge.

No. 12.

NOTICE TO SHOW CAUSE WHY A CERTIFICATE OF APPEAL TO THE KING IN COUNCIL SHOULD NOT BE GRANTED. (O. 45, r. 3.)

(Title.)

To

TAKE notice that has applied to this Court for a certificate that as regards amount or value and nature the above case fulfils the requirements of section 110 of the Code of Civil Procedure, 1908, or that it is otherwise a fit one for appeal to His Majesty in Council.

The day of 19 is fixed for you to show cause why the Court should not grant the certificate asked for.

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

Registrar.

No. 13.

NOTICE TO RESPONDENT OF ADMISSION OF APPEAL TO THE KING IN COUNCIL. (O. 45, r. 8.)

(Title.)

To

WHEREAS in the above case, has furnished the security and made the deposit required, the XLV, rule 7, of the Code of Civil Procedure, 1908 :

Take notice that the appeal of the said to His Majesty in Council has been admitted on the day of 19 .

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

Registrar.

No. 14.

NOTICE TO SHOW CAUSE WHY A REVIEW SHOULD NOT BE GRANTED. (O. 47, r. 4.)

(Title.)

To

TAKE notice that has applied to this Court for a review of its decree passed on the day of 19 in the above case. The day of 19 is fixed for you to show cause why the Court should not grant a review of its decree in this case.

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

(The First Schedule.—Appendix H.—Miscellaneous.)

APPENDIX H.

MISCELLANEOUS.

No. 1.

AGREEMENT OF PARTIES AS TO ISSUES TO BE TRIED. (O. 14, r. 6.)

(Title.)

WHEREAS we, the parties in the above suit, are agreed as to the question of fact [or of law] to be decided between us and the point at issue between us is whether a claim founded on a bond, dated the day of 19 and filed as Exhibit in the said suit, is or is not beyond the statute of limitation (or state the point at issue whatever it may be): We therefore severally bind ourselves that, upon the finding of the Court in the negative [or affirmative] of such issue will pay to the said the sum of Rupees (or such sum as the Court shall hold to be due thereon) and I, the said will accept the said sum of Rupees (or such sum as the Court shall hold to be due) in full satisfaction of my claim on the bond aforesaid [or, that upon such finding I, the said will do or abstain from doing, etc., etc.].

Plaintiff.  
Defendant.

Witnesses.--

- 1.
- 2.

Dated the day of 19 .

No. 2.

NOTICE OF APPLICATION FOR THE TRANSFER OF A SUIT TO ANOTHER COURT FOR TRIAL. (SECTION 24.)

In the Court of the District Judge of No. of 19 .

To WHEREAS an application dated the day of 19 has been made to this Court by the in Suit No. of 19 now pending in the Court of the at in which is plaintiff and is defendant, for the transfer of the suit for trial to the Court of the at :-

You are hereby informed that the day of 19 has been fixed for the hearing of the application, when you will be heard if you desire to offer any objection to it.

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

Judge.

No. 3.

NOTICE OF PAYMENT INTO COURT. (O. 24, r. 2.)

(Title.)

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

X Y, Pleader for the defendant.

To Z, Pleader for the plaintiff.

No. 4.

NOTICE TO SHOW CAUSE. (GENERAL FORM.)

(Title.)

WHEREAS the above-named made application to this Court that are hereby warned to appear in this Court in person or by a pleader duly instructed on the day of 19 at o'clock in the forenoon, to show cause against the application, failing wherein, the said application will be heard and disposed of ex parte.

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

day of

Judge.

No. 5.

LIST OF DOCUMENTS PRODUCED BY PLAINTIFF DEFENDANT (O. 13, r. 1.)

(Title.)

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

No. 6.

NOTICE TO PARTIES OF THE DAY FIXED FOR EXAMINATION OF A WITNESS ABOUT TO LEAVE THE JURISDICTION. (O. 18, r. 16.)

(Title.)

To

plaintiff (or defendant).

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

Take notice that the examination of the said witness taken by the Court on the day of 19 . . . will be

Dated the day of . . . 19 . . .

Judge.

No. 7.

COMMISSION TO EXAMINE ABSENT WITNESSES. (O. 26, rr. 4, 18.)

(Title.)

To

WHEREAS the evidence of in the above suit; and whereas requested to take the evidence on interrogatories [or viva voce] of such witness and you are hereby appointed Commissioner for that purpose. The evidence will be taken in the presence

of the parties or their agents if in attendance, who will be at liberty to question the witness on the points specified; and you are further requested to make return of such evidence as soon as it may be taken.

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

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

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

Judge.

No. 8.

LETTER OF REQUEST. (O. 26, r. 5.)

(Title.)

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

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

(abstract of claim) ;

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

- E. F., of \_\_\_\_\_
  - G. H., of \_\_\_\_\_
  - I. J., of \_\_\_\_\_
- and \_\_\_\_\_

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

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

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

(Note.—If the Request is directed to a Foreign Court, the words "through His Majesty's Secretary of State for Foreign Affairs for transmission" should be inserted after the words "other witnesses" in the penultimate line of this form.)

No. 9.

COMMISSION FOR A LOCAL INVESTIGATION, OR TO EXAMINE ACCOUNTS. (O. 26, rr. 9, 11.)

(Title.)

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

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

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

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

(The First Schedule.—Appendix H.—Miscellaneous.)

No. 10.

COMMISSION TO MAKE A PARTITION (O. 26, r. 13.)

(Title.)

To

WHEREAS it is deemed requisite for the purposes of this suit that a commission should be issued to make the partition or separation of the property specified in, and according to the rights as declared in the decree of this Court, dated the day of 19 ; You are hereby appointed Commissioner for the said purpose and are directed to make such inquiry as may be necessary, to divide the said property according to the best of your skill and judgment in the shares set out in the said decree, and to allot such shares to the several parties. You are hereby authorised to award sums to be paid to any party by any other party for the purpose of equalizing the value of the shares.

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

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

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

Judge.

No. 11.

NOTICE TO MINOR DEFENDANT AND GUARDIAN. (O. 32, r. 3.)

(Title.)

To

Minor Defendant.

Natural Guardian.

WHEREAS an application has been presented on the part of the plaintiff in the above suit for the appointment of a guardian for the suit to the minor defendant, you, the said minor, and you (1)

(1) Here insert the name of guardian, are hereby required to take

notice that unless within days from the service upon you of this notice, an application is made to this Court for the appointment of you (1) or of some friend of you, the minor, to act as guardian for the suit, the Court will proceed to appoint some other person to act as a guardian to the minor for the purposes of the said suit.

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

Judge.

No. 12.

NOTICE TO OPPOSITE PARTY OF DAY FIXED FOR HEARING EVIDENCE OF PAUPERISM. (O. 33, r. 6.)

(Title.)

To

WHEREAS applied to this Court for permission to institute a suit against pauperis under Order XXXIII of the Code of Civil Procedure, 1908 ; and whereas the Court sees no reason to reject the application; and whereas the day of 19 has been fixed for receiving such evidence as the applicant may adduce in proof of his pauperism and for hearing any evidence which may be adduced in disproof thereof;

Notice is hereby given to you under rule 6 of Order XXXIII that in case you may wish to offer any evidence to disprove the pauperism of the applicant, you may do so on appearing in this Court on the said day of 19

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

(The First Schedule.— Appendix H.— Miscellaneous.)

No. 113.

NOTICE TO SURETY OF HIS LIABILITY UNDER A DECREE. (Section 145.)

(Title)

To

WHEREAS you did on become  
 liable as surety for the performance of any decree which might be passed against the said  
 defendant in the above suit ; and whereas a decree was passed on the  
 day of 19 against the said defendant for the  
 payment of , and whereas application has been made for execution  
 of the said decree against you :

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

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

Judge.

The Code of Civil Procedure 1908.  
(The First Schedule.—Appendix H.—Miscellaneous.)

No. 14.  
REGISTER OF CIVIL SUITS. (O. 4, r. 2.)  
COURT of the \_\_\_\_\_ at \_\_\_\_\_  
REGISTER OF CIVIL SUITS in the year 19 \_\_\_\_\_

PLAINTIFF.			DEPENDANT.			CLAIM.			APPEARANCE.			JUDGMENT.			APPEAL.			EXECUTION.					RETURN OF EXECUTION.	
Name.	Description.	Place of residence.	Name.	Description.	Place of residence.	Particulars.	Amount or value.	When the cause of action accrued.	Day for parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or amount.	Date of decision of appeal.	Judgment in appeal.	Date of application.	Date of order.	Against whom.	For what, and amount if money.	Amount of costs.	Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and date of every Return.

Where there are numerous plaintiffs or numerous defendants, the names of the first plaintiff only, or the first defendant only, as the case may be, need be entered in the register

COURT (OR HIGH COURT) AT  
REGISTER OF APPEALS FROM DECREES in the year 19 .

Date of nuncupandum.		No. of appeal.	
APPELLANT.		Name.	
		Description.	
		Place of residence.	
RESPONDENT.		Name.	
		Description.	
		Place of residence.	
DECREE APPEALED FROM.		Of what Court.	
		No. of Original Suit.	
		Particulars.	
		Amount or Value.	
APPEARANCE.		Day for parties to appear.	
		Appellant.	
		Respondent.	
JUDGMENT.		Date.	
		Confirmed, reversed or varied.	
		For what or amount.	