

## CHAPTER XXI

### ARREST AND ATTACHMENT BEFORE JUDGMENT

**307. Arrest and attachment before judgment.** – Application for arrest or attachment before judgment under Order XXXVIII of the Code of Civil Procedure shall be made by Notice of Motion supported by affidavit, stating distinctly the ground on which the warrant is sought and the reason for believing such ground to exist.

A party applying under this rule shall give an undertaking in writing, or through his Advocate to pay such sum by way of damages as the Court may award as compensation in the event of a party affected sustaining prejudice by such order.

**308. Conditional attachment duration of.** - When a conditional attachment before judgment is granted under Order XXXVIII, rule 5 of the Code of Civil Procedure, it shall only continue until the day named in the warrant or until the further order of the Court. (Form No. 43).

**309. Rule 332 and 333 to apply.** – Rule 332 and 333 shall respectively apply, with any necessary modifications, to warrants of arrest and attachment before judgment.

**310. Procedure on the surety rendering the principal or principal surrendering himself.** – If the surety be desirous of rendering the principal or if the principal be desirous of surrendering himself, such surety or principal shall give notice to the Sheriff to attend before the Judge in Chambers at the time of the render or surrender, in order that the Sheriff or his Deputy may take immediate charge of the principal.

**311. When principal may be rendered.** – Sureties shall be at liberty to render the principal at any time during the last day for rendering provided such render is made before the prison doors are closed for the night.

**312. Stay of proceedings.** – A party shall not be at liberty to proceed on the bond, pending a rule to bring in the body of the principal.

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