

CHAPTER XXV

RECEIPTS AND PAYMENTS BY OFFICERS OF THE COURT

365. Time for making cash deposits in Court:- Deposit in cash will not be accepted by any of the officers of the High Court after 1-00 p.m. on week days and after 12-00 noon on Saturdays.

366. Applications for withdrawals of securities or moneys lying with High Court Officers:- Every application for an order for withdrawal of Government and other securities or for withdrawal of moneys in the hands of the Prothonotary and Senior Master, the Commissioner for taking accounts, the Accounts Officer, High Court, the Sheriff or a Receiver shall be supported by an affidavit, instituted in the suit or matter, showing the right and interest of the party applying, and shall be accompanied by the certificate of the Officer in whose hands such securities or moneys may be, certifying the amount of cash and particulars of the securities in his hands.

367. Application for issue of Certificate:- The certificate mentioned in the last preceding rule may be obtained on addressing a letter to such officer, requesting the issue of such certificate and stating the interest of the party and the object for which the certificate is required. The letter shall be signed by the party interested in such securities or moneys or by his Advocate on record.

***[R. 367-A. Withdrawal of the amount by minors permanently residing outside, Bombay on attaining majority and in certain other cases:-** (1) A Minor, who permanently reside outside Bombay, may, on attaining majority, send to the Office of the Accounts Officer. an Affidavit in English duly affirmed by him or her at the place where he or she resides, annexing thereto the proof of his or her date of birth and also an advance receipt duly signed by him or her and identified by an Advocate practicing in the locality where he or she resides or by a Notary for payment of the amount due and payable to him or her provided such amount does not exceed Rs10,000.

The Accounts Officer shall, on receipt of such affidavit, make a report to the Chamber Judge who may pass such orders thereon for payment on such terms and conditions as he deems fit and proper.

The Accounts Officer shall, immediately upon the Order of payment being made by the Chamber Judge, send the payment by an Account Payee Cheque drawn in the name of the Applicant by Registered Post, acknowledgment Due, after deducting there from the requisite registration charges.

(2) The Chamber Judge may, in exercise of his discretion, permit withdrawal of amounts not exceeding Rs.10,000 to applicants other than a minor by following the procedure prescribed in sub-rule (1).

(3) The procedure prescribed in sub-rule (1) shall also be applicable to applications for withdrawal of monies in hands of the Prothonotary and Senior Master, Commissioner for Taking Accounts, Official Assignee, Court Receiver, Sheriff of Bombay or any other Department of the High Court where the amount involved does not exceed Rs. 10,000. On receipt of the necessary affidavit from the applicant concerned, the Head of the concerned Department of the High Court and the Sheriff of Bombay shall make a report to the Chamber Judge, and the Chamber Judge may, by order, permit withdrawal of the amount due to the applicant, on such terms and conditions as he deems fit.]

* Rule 367-A was inserted by G .N .No. G/Amend/4504, dated 22.6.1992. See 1992 M.G.G. Pt. IV-Ka, Pg. 386.

368. Written authority of client requisite for payment to advocate on record:- Unless otherwise ordered by the Court or the Judge in Chambers no payment in a suit or matter, save and except when it is in respect of costs, shall be made to an or Advocate on record on behalf of his client without the written authority of the client for such payment properly attested.
