



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग चार-क

वर्ष ४, अंक ४३]

शनिवार, जानेवारी १९, २०१३/पौष २९, शके १९३४

[पृष्ठे २

किंमत : रुपये १३.००

असाधारण क्रमांक २

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले (भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर) वैधानिक नियम व आदेश ; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हादंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

**HIGH COURT OF JUDICATURE AT BOMBAY**

Hutatma Chowk, Mumbai 400 032, dated the 18th January 2013

*NOTIFICATION*

CODE OF CIVIL PROCEDURE, 1908.

No. P. 0102 (II)/77.—The following draft of the rules further to amend the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), in its application to the State of Maharashtra, which the High Court of Judicature at Bombay proposes to make in exercise of the powers conferred by section 122 read with section 126 of the said code, and of

(१)

all other powers enabling it in that behalf, with the previous approval of the Government of Maharashtra, is hereby published, as required by the said section 122, for the information of all persons likely to be affected thereby ; and notice is hereby given that the said draft will be taken into consideration by the High Court of Judicature at Bombay on or after the 10th February 2013.

2. Any objections or suggestions which may be received by the Chief Justice of the High Court of Judicature at Bombay, from any person with respect to the said draft on or before the aforesaid date, will be considered by the High Court.

#### DRAFT RULES

1. These rules may be called the Code of Civil Procedure (Maharashtra\*\* Amendment) Rules, 2012.

2. In the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), in its application to the State of Maharashtra, in Order XXI, in rule 39, for sub-rules (1) and (2), the following sub-rules shall be substituted namely :—

“(1) No judgment-debtor shall be arrested in execution of a decree, other than a decree for maintenance, unless and until the decree-holder pays into Court such sum as the Judge thinks sufficient for the subsistence of the judgment-debtor from the time of his arrest until he can be brought before the Court and for the cost of conveyance of the judgment-debtor from the place of his arrest to the Court-house.

(2) Where a judgment-debtor is committed to the civil prison in execution of a decree, other than a decree for maintenance, the Court shall fix for his subsistence such monthly allowance as he may be entitled according to the scales fixed under section 57 or, where no such scales have been fixed, as it considers sufficient with reference to the class to which he belongs.”

Bombay,  
dated 18th January 2013.

S. B. SHUKRE,  
Registrar General.