

**NOTIFICATION BY THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

No. P. 0102 (III)/77.

(For insertion in the Maharashtra Government Gazette Part IV-C)

In the exercise of the powers conferred under Section 122 of the Code of Civil Procedure, 1908 (V of 1908) and with the previous approval of the Government of Maharashtra the Hon'ble Chief Justice and Judges of the High Court of Judicature at Bombay hereby make the following amendment to Rules 39 of Order XXI in the First Schedule of the Code of Civil Procedure, 1908 in its application to the State of Maharashtra, the same having been previously published as required by said section 122, namely:-

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.

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(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.”

HIGH COURT OF JUDICATURE AT BOMBAY.

Dated 6th March, 2013.


(S.B. SHUKRE)
REGISTRAR GENERAL

The above amendment shall come into force with effect from 8th March, 2013.