HIGH COURT OF JUDICATURE AT ALLAHABAD AMENDMENT (Admin. 'G-II') SECTION NOTIFICATION

NO...(DG3.../VIII(a) (Correction Slip No.127)

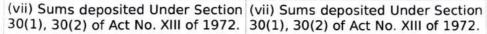
Dated: 21-11-2023

In exercise of the power conferred by the Article 227 of the Constitution of India and Section 122 of the Code of Civil Procedure, 1908 read with Section 21 of General Clauses Act, 1897, the High Court of Judicature at Allahabad with the previous publication of Government of Uttar Pradesh, is pleased to make the following amendments in General Rules (Civil), 1957 with effect from the date of their publication in the Uttar Pradesh Gazette.

DRAFT RULES THE GENERAL RULES (CIVIL) (AMENDMENT), 2022.

- 1. Short title and Commencement.- (1) These rules shall be called "The General Rules (Civil) (Amendment), 2022."
- (2) These rules shall come into force on the date of their final publication in the Official Gazette.
- 2. Definitions.- The Rule means 'The General Rules (Civil), 1957'.
- 3. Amendment in Rule 273 of Chapter XI The existing rule 273 of chapter XI of the rules shall be substituted as follows:

EXISTING	PROPOSED AMENDMENTS/SUBSTITUTION
273. Head of Account -The following are the heads of account under which the money received and paid under this chapter is classified:	273. Head of Account-The following are the heads of account
(1) Civil Court Deposits and Repayments including-	(1) Civil Court Deposits and Repayments including-
(i) Sums paid under decrees and orders;	(i) Sums paid under decrees orders and awards including interim awards;
AA, Nule 14, and Order XXIV Rille	(ii) Sums deposited under Order XX, Rule 14, and Order XXIV Rule. 1 of the Code, and Section 83 of the T.P. Act (No. IV of 1882);
(iii) Sums deposited under Order XXI, Rule 34, or paid under Order XXI, Rule 85;	(iii) Sums deposited under Order XXI, Rule 34, or paid under Order XXI, Rule 85;
(iv) Sums deposited under Section 379 (1) of Act XXXIX of 1925;	(iv) Sums deposited under Section 379 (1) of Act XXXIX of 1925;
(v) Sums deposited in lieu of security, and	(v) Sums deposited in lieu of security, and
(vi) Sums deposited under the Land Acquisition Act (1 of 1894).	(vi) Sums deposited under the Land Acquisition Act (1 of 1894).



(viii) Sums deposited Under Order (viii) Sums deposited Under Order 15 Rule V of Civil Procedure Code.

XV Rule 5 of Civil Procedure Code.

- (ix) Deposition Fees
- (ix) Deposition Fees
- (2) Cash and proceeds of sale of (2) Cash and proceeds of sale of Intestate Property Repayments.
 - and Intestate Property and Repayments.
- (3) Payments and refunds under-
- (3) Payments and refunds under-
- 1898;
- (i) Fines, Section 480 of Act V of (i) Fines, Section 480 of Act V of 1898:
- section 35 of Act II of 1899;
- (ii) Stamp duties and penalties, (ii) Stamp duties and penalties, section 35 of Act II of 1899;
- (4) Petty cash accounts, including- (4) Petty cash accounts, including-
- witnesses.
- (i) Travelling and other expenses of (i) Travelling and other expenses of witnesses,
- (ii) Subsistence money judgment-debtors;
- for money for (ii) Subsistence judgment-debtors;
- framed by the State Government framed by the State Government under Section 27 Act XVIII of 1876 under Section 27 Act XVIII of 1876 and Order XXI. Rule 43:
- (iii) Sums paid under the rules (iii) Sums paid under the rules and Order XXI. Rule 43;
- (iv) Incidental charges Commissioners, Amins Arbitrators, etc.;
- of (iv) Incidental charges of and Commissioners, Amins and Arbitrators, etc.;
- (v) Commission fees received from (v) Commission fees received from or for other Courts;
 - or for other Courts;
- (other than fixed postal fees);
- (vi) Postage and registration fees (vi) Postage and registration fees (other than fixed postal fees);
- publication Costs of proclamations and orders,
- of of (vii) Costs of publication proclamations and orders,
- execution of warrants of arrest;
- (viii) Carriage hire for the Bailiff, (viii) Carriage hire for the Bailiff, Small Cause Court, City Lucknow, Small Cause Court, City Lucknow, for service of processes and for service of processes and execution of warrants of arrest;
- and
- (ix) Copying charges received by (ix) Copying charges received by money order under these rules; money order under these rules; and
- (x) Money deposited by a party or (x) Money deposited by a party or for applying expenses.
- for local parties applying inspection by the Presiding Officer inspection by the Presiding Officer towards his travelling and other towards his travelling and other expenses.

4. Amendment in Rule 275 of Chapter XI - The existing rule 275 of Chapter XI of the rules shall be substituted as follows:

275. Payments to or through a 275. Payments to or through a Court-Payments of money to, or through, a Civil Court shall be or through, a Civil Court shall made in cash or by postal money- preferably be made through order or by cheques drawn on a electronic recognized bank or by credit of drafts/bankers cheques drawn some kind upon the treasury or on a recognized bank or by payment through electronic mode. credit upon the treasury, in Currency notes of any circle in the cash. Union of India shall be received in permitted such deposit may be payment of Government dues, made through postal order. sums payable to Government under decrees and the Union of India shall be deposited under received sums section 379(1) of Act No. XXXIX of Government dues, e.g., sums 1925 and duties and penalties paid payable to the Government under section 35 of Act No. II of under decrees and order, sums 1899. It shall not be obligatory to deposited receive a currency note of any 379(1) of Act No. XXXIX of circle if it is necessary to give 1925 and duties and penalties change.

Note 1-The directions contained in **obligatory** paragraphs 23, 24, 25 and 26 of currency note of any circle if it the Financial Hand Book Volume V, is necessary to give change. Part I shall be strictly followed if deposit is accepted by cheques. Provided: No amount in excess Also see paragraphs 25A and 25B of Rs. 2000 may be deposited of the Financial Hand Book, Vol V, through Postal Orders. Part 1.- Ed.

Note 2- Postage stamps shall not Note 1-The directions contained in be received.

reimbursed in denominations of rupees fractions of rupees shall rounded off.

mode/demand Where specifically the Currency notes of any circle in in payment under section paid under section 35 of Act No. II of 1899. It shall not be to receive

paragraphs 23, 24, 25 and 26 of the Financial Hand Book Volume V, Note 3- Money shall be deposited Part I shall be strictly followed if full deposit is accepted by cheques. and Also see paragraphs 25A and 25B be of the Financial Hand Book, Vol V. Part 1.- Ed.

> Note 2- Postage stamps shall not be received.

> Note 3- Money shall be deposited reimbursed in full denominations of rupees and fractions of rupees shall rounded off.

> Note 4- Any amount deposited under clauses (i) to (viii) of Rule 273(1) shall be received in a designated bank account with an approved bank and each deposit shall be retained in a case specific, interestbearing term deposit.

Explanation:

In this Chapter, the words: -

- 'approved bank' mean a bank included in the Second Schedule to the Reserve Bank of India Act, 1934, authorized business with do Government of India and/or of Government by the Pradesh, approved Chief Justice from to time to
- 2. 'designated bank account' mean the respective bank account at each 'approved bank' so designated by the Registrar General of the High Court of Judicature Allahabad, from time to time, to receive deposits.
- specific interest-3. 'case bearing term deposit' mean the term deposit prepared, bearing the details of the case in which the money may have been received in a designated bank account, to be renewed periodically subject to final order of the Court.
- 5. Amendment in Rule 276 of Chapter XI The existing rule 276 of Chapter XI of the rules shall be substituted as follows:
- Remittance by money 276. 276. order-In the case of remittance of Court or Tribunal to another money from one Court to another All moneys shall be remitted by postal money order, the title of from one Court or Tribunal to the case and the nature of the another Court or Tribunal only remittance shall be entered in the through electronic mode. coupon, all the requisite entries in the form of application for the money-order being prepared free of charge by the Receiving Officer. shall money-order The addressed to the Munsarim of a District Court, or the clerk of a Court of Small Causes, and in other cases to the Presiding Judge:

Provided that the money shall be remitted through electronic mode if the account number of the receiving court or establishment is available.

Remittance from

- 6. Amendment in Rule 277 of Chapter XI The existing rule 277 of Chapter XI of the rules shall be substituted as follows:
- 277. Deposits in cash-Direct 277. Deposits in cash-Direct

receipts of money which fall under receipts of money which fall under head of Account (1) of Rule 273 head of Account (1) of Rule 273 shall, as far as possible, be shall, as far as possible, be avoided by courts, but where the avoided by courts, but where the distance between the court and distance between the court and the treasury is such that, in the the treasury is such that, in the opinion of the District Judge, opinion of the District Judge, inconvenience to applicants would inconvenience to applicants would arise, he may sanction the receipt arise, he may sanction the receipt by the Receiving Officer of cash by the Receiving Officer of cash deposits not exceeding Rs. 50 deposits not exceeding Rs. 5000 each: each:

where Provided that single deposit shall be Rs. 10.

where Provided that remittances to the nearest sub-remittances to the nearest subtreasury are not made daily by the treasury are not made daily by the Receiving Officer of any court, the Receiving Officer of any court, the limit of cash receivable under a limit of cash receivable under a single deposit shall be Rs. 1000/-.

Cash, however, must be received when tendered under received when tendered under Head of Account (1) in the Head of Account (1) following cases-

must be Cash, however, in the following cases-

- from the nearest treasury.
- (1) When the court is over 5 miles (1) When the court is over 5 miles from the nearest treasury.
- hour prescribed in Rule 279.
- (2) When the money is payable (2) When the money is payable into court under any of the into court under any of the following provisions of law, following provisions of law, namely, Section 55, Order XX, namely, Section 55, Order XX, Rules 11 and 14, and Order XXI, Rules 11 and 14, and Order XXI, Rules 84 and 85 of the Code, and Rules 84 and 85 of the Code, and Section 379 (1) of Act XXXIX of Section 379 (1) of Act XXXIX of 1925, and is tendered after the 1925, and is tendered after the hour prescribed in Rule 279.

(3) When the proceeds of movable (3) When the proceeds of movable sale.

property, sold in execution through property, sold in execution through the officer of a civil court, under the officer of a civil court, under Order XXI, Rule 77, cannot be paid Order XXI, Rule 77, cannot be paid into the treasury on the day of into the treasury on the day of sale.

Repayments of money falling under Head of Account (1) shall be under Head of Account (1) shall be made through the treasury.

Repayments of money falling made through the treasury.

Part I.

N.B.-Also consult Appendix XVII of N.B.-Also consult Appendix XVII of Financial Hand Book, Volume V, Financial Hand Book, Volume V, Part I.

- Amendment in Rule 279 of Chapter XI The existing rule 279 of Chapter XI of the rules shall be substituted as follows:
- receipt of 279. 279. for Time for receipt Time deposits-The time during which deposits-The time during which cash payable into court may be cash payable into court may be received is from the opening of the received is from the opening of the court until a time which shall, court until a time which shall, except as hereinafter provided, be except as hereinafter provided, be

one hour in advance of the time one hour in advance of the time fixed for the closing to the public fixed for the closing to the public of the treasury; and the accounts of the treasury; and the accounts for the day shall then be made up. for the day shall then be made up. But even after this hour cash But even after this hour cash payable under Head of Account (1) payable under Head of Account (1) must be received in the cases must be received in the cases mentioned in Rule 277; such mentioned in Rule 277; such transactions shall be entered in transactions shall be entered in the accounts bearing date of the the accounts bearing date of the next open day; but the receipts next open day; but the receipts given to the payer shall also show given to the payer shall also show (as a denominator) the actual date (as a denominator) the actual date of payment, e.g., November 7/6:

of payment, e.g., November 7/6:

Provided that the District Judge, having regard to local Judge, having regard to local circumstances, may prescribe the circumstances, may prescribe the hours during which money may be hours during which money may be received in any court within his received in any court within his jurisdiction.

Provided that the District jurisdiction.

Provided further, money may be deposited through mode, electronic Standard midnight(Indian Time) of the last date of such deposit.

8. Amendment in Rule 283 of Chapter XI - The existing rule 283 of Chapter XI of the rules shall be substituted as follows:

283. enter in the Court language the a tender upon particulars required in columns 1 triplicate form. to 4 of the triplicate Form of Tender The applicants shall enter in (Form No. 44) and shall affix to one the Court language of the tenders, herein called the particulars used shall be No. 45.

Mode of payment of 283. Mode of payment of money into Court-Payment of money into Court-Payment of money into Court shall ordinarily money into Court under be made by electronic mode, or, clauses (i) to (viii) of Rule 273 with the permission of the concern (1) shall ordinarily be made by court or authority, by means of a electronic mode, or demand tender upon a printed triplicate draft or bankers' cheque. With (These forms may be permission of the concerned obtained from licensed stamp Court such money may be vendors). The applicants shall deposited in cash, by means of a printed

reauired in Original Tender, the Court fee columns 1 to 4 of the triplicate stamp, if any, required by law. The Form of Tender (Form No. 44) applicant shall then hand over the and shall affix to one of the tender to the Munsarim or clerk of tenders, herein called the Court. When a judgment Original Tender, the Court fee debtor pays decree money into stamp, if any, required by law. Court, the form of tender to be The applicant shall then hand over the tender to clerk of the Munsarim or Court. When a judgment debtor pays decree money into Court, the form of tender to be used shall be No. 45.

Note (1) No stamp is required for Note (1) No stamp is required for a tender of money which a party is a tender of money which a party is bound to pay into Court in the bound to pay into Court in the progress of a suit or to complete a progress of a suit or to complete a purchase in cases payment is voluntary, as in the payment is voluntary, as in the case of deposits made under Order case of deposits made under Order XXIV, Rule 1, or by a morigagor XXIV, Rule 1, or by a morigagor and the like, a stamp is required and the like, a stamp is required unless the tender be accompanied unless the tender be accompanied by a duly stamped application by a duly stamped application giving particulars of the payment. giving particulars of the payment. Also see G.L 3147/4418(5) of 11- Also see G.L 3147/4418(5) of 11-11-1919.

(ii) In the case of sums deposited (ii) In the case of sums deposited under section 379(1) of Act No. under section 379(1) of Act No. XXXIX of 1925, the tender shall XXXIX of 1925, the tender shall show that the amount is deposited show that the amount is deposited to the credit of the Judge.

where the purchase in cases where 11-1919.

to the credit of the Judge.

9. Amendment in Rule 289 of Chapter XI - The existing rule 289 of Chapter XI of the rules shall be substituted as follows:

treasury-Except hereinafter in this rule provided, hereinafter in this rule provided, the sums entered in the pass-book the sums entered in the pass-book Rule 279 has expired, be forward Rule their receipts in Nyayalaya', Court Gram and 'Outlying Court to the Nyayalaya' shall be made twice in the week shall be made twice in the week instead of daily.

1-For every committed to the custody of the committed to the custody of the pound keeper as aforesaid, a pound keeper as aforesaid, a charge shall be lived, as rent for charge shall be lived, as rent for the use of the pound for each 15 the use of the pound for each 15 or part of 15 days during which or part of 15 days during which such custody continues According such custody continues According to the scale prescribed under to the scale prescribed under section 12 of Act No. 1 of 1871.

sent to the treasury for credit to sent to the treasury for credit to

289. Remittance of receipts to 289. Remittance of receipts to treasury-Except as the shall as soon as possible after the shall as soon as possible after the time for receiving money under time for receiving money under expired, 279 has on the day of receipt to the forwarded on the day of receipt to treasury, together with the Pass- the treasury, together with the book and an extract there from, Pass-book and an extract there showing the several classes of from, showing the several classes appropriate of receipts in their appropriate columns. The extract shall be columns. The extract shall be retained by the Treasury Officer, retained by the Treasury Officer, who shall return the passbook with the acknowledgement thereon of the acknowledgement thereon of receipt of the remittance. Provided receipt of the remittance. Provided that when there is no sub treasury that when there is no sub treasury in the same town as an 'Outlying in the same town as an 'Outlying Nyayalaya', and Gram remittances of cash from such remittances of cash from such and Gram 'Outlying Court treasury, Nyayalaya' the treasury, to accompanied by the Pass-book, accompanied by the Pass-book, instead of daily.

> animal Note 1-For every section 12 of Act No. 1 of 1871.

And the sums so levied shall be And the sums so levied shall be

the Municipal or District Board, as the Municipal or District Board, as the case may be, under whose the case may be, under whose jurisdiction the pound is. All such jurisdiction the pound is. All such sums shall be applied in the same sums shall be applied in the same manner as fines levied under manner as fines levied under section 12 of the said Cattle section 12 of the said Cattle Trespass Act.

Note 2-Proceeds of sales effected Note 2-Proceeds of sales effected under orders of the Commissioner under orders of the Commissioner under the last para of Sec. 7 of under the last para of Sec. 7 of Regulation V of 1799 as amended Regulation V of 1799 as amended by Act No. IV of 1914 and Act No. by Act No. IV of 1914 and Act No. XII (Local) of 1922 shall be entered XII (Local) of 1922 shall be entered in column 12 of the Pass book.

Note 3-Sums entered in columns Note 3-Sums entered in columns 11 to 19 of the Pass book shall not 11 to 19 of the Pass book shall not be brought into the Cash-book.

Trespass Act.

in column 12 of the Pass book.

be brought into the Cash-book.

Note 4- The money receivable under clauses (i) to (viii) of Rule 273 (1) shall be deposited in an approved bank.

Wherever, money 5-Note deposited under clauses (i) to (viii) of Rule 273 (1) is not or disbursed cannot be be shall immediately, it retained in a case specific interest-bearing term deposit.

10. Amendment in Rule 291 of Chapter XI - The existing rule 291 of Chapter XI of the rules shall be substituted as follows:

291. Advice List.- Every receipt 291. Advice List.- Every receipt of deposit, either director by of deposit, either direct transfer, at the treasury, shall be transfer, at the treasury, shall be recorded in an Advice List (Form recorded in an Advice List (Form No. 46) along with a soft copy No. 46) along with a soft copy thereof which shall be forwarded thereof which shall be forwarded at the close of the day (or where at the close of the day (or where so maintained.

the treasury banks with the State the treasury banks with the State Bank, as soon after as possible) to Bank, as soon after as possible) to the Receiving Officer of the Court the Receiving Officer of the Court concerned. The Advice List when concerned. The Advice List when received shall be filed in a book received shall be filed in a book kept for the purpose along with a kept for the purpose along with a soft copy. Items receives under soft copy. Items received under cover of the Receiving Officer's cover of the Receiving Officer's Pass-book shall be entered in a Pass-book shall be entered in a lump sum the Treasury Advice List lump sum the Treasury Advice List so maintained.

N.B. See also Rule 310, post-Ed.

Provided : Every receipt of deposit made under clauses (i) to (viii) of Rule 273 shall be compared by the receiving officer of the Court, at the end

of each month, register of deposits, to be maintained for that purpose.

N.B. See also Rule 310, post-Ed.

11. Insertion of Second Proviso in Rule 295 in Chapter XI-Second Proviso shall be inserted in Rule 295 of Chapter XI as follows-

Provided that any amount deposited under clause (I) to (viii) of Rule 273 (1) Shall be paid out to the account of person entitled through electronic mode or as provided by the order of the court.

12. Insertion of Rule 296-A in Chapter XI.- Rule 296-A shall be inserted in Chapter XI of the Rules as follows:

296-A. All money lying in deposit under head (1)(i) to (1)(viii) of Rule 273 of this Chapter, from a date before the enforcement of The General Rules Civil (Amendment) Rules, 2022, shall be drawn from the Treasury and placed in 'case specific interest-bearing term deposit' with the 'approved bank'.

By order of the Court

(Rajeev Bharti) Registrar General

No. | 5 | 2 | /VIII(a)/ Admin G-II/ Allahabad: Dated: 21 / 11 /2023

Copy forwarded for information & necessary action to:-

- 1. The Principal Secretary, (Law) & L.R., Government of U.P. Lucknow
- 2. All the District Judges, State of Uttar Pradesh.
- 3. The Director, Institute of Judicial Training and Research, Vineet Khand, Gomti Nagar, Lucknow.
- 4. The Senior Registrar, High Court of Judicature, Lucknow Bench,
- 5. The Member Secretary, U.P. State Legal Service Authority, III Floor, Jawahar Bhawan, Annexe Lucknow.
- 6. P.S. To All the Hon'ble Judges at Allahabad and also at Lucknow Bench, Lucknow.
- 7. The Chief Documentation Officer cum Chief Librarian, High Court of Judicature at Allahabad.
- 8. Section Officer, Admin-H Section.

By order of the Court

(Raieev Bharti) Registrar General