

CHAPTER 7

CODE OF CIVIL PROCEDURE, 1908

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If no appearance is made on your behalf by yourself, your Advocate or by some one by law authorized to act for you in this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the Court, this _____ day of _____

Judge

Note.—If a stay of execution has been ordered, intimation should be given of the fact on the notice.

29. NOTICE TO SHOW CAUSE UNDER ORDER XXI, RULE 2

Before the Court of _____ SJIC

O.S. No. _____ of _____ (District _____)

Shri _____ s/o _____ r/o _____ Plaintiff

vs.

Shri _____ s/o _____ r/o _____ Defendant

Whereas in execution of the decree in the above named suit has applied to this court that the sum of ₹ _____ recoverable under the decree has been paid/adjusted and should be recorded as certified, this is to give you notice that you are to appear before the Court on the day of _____ to show cause why the payment/adjustment aforesaid should not be recorded as certified.

Given under my hand and seal of the Court, this _____ day of _____

Judge

30. NOTICE TO SHOW-CAUSE (GENERAL FORM)

(Title)

To,

Whereas the above-named _____ has made application to this Court that _____

You are hereby warned to appear in this Court in person or by an Advocate duly instructed on the _____ day of _____ 'O' Clock in the forenoon, to show-cause the application failing wherein, the said application will be heard and determined *ex parte*.

Given under my hand and the seal of the Court, this _____ day of _____

Civil Judge.

27. NOTICE OF RETURN TO CONTRIBUTORIES**FORM No. 141****(See Rule 279)**

(Heading as in Form No. 1)

Company Petition No. _____ of _____

To,

Notice is hereby given that a first/final return of _____ per share has been declared. The amount payable to you is ₹ _____ and the same will be payable at my office on the _____ day of _____ and the subsequent working days up to the day of _____ between the hours of _____

Upon applying for payment this notice must be produced entire together with the share certificate. If you do not attend personally you must forward the share certificate and fill up and sign the enclosed forms of receipt and authority for delivery.

Official Liquidator

Dated _____

Note : The receipt should be signed by the contributory personally, or in the case of joint contributories, by each of them and in the case of a limited company, by an officer of the company so described.

Enclosure :

(1) Receipt

(Heading as in Form No.1)

Received from the Official Liquidator of the above company the sum of ₹ _____ being the amount payable to me/us in respect of the first/second/final return of _____ per share held by me/us in the above company.

₹ _____

Dated _____

Signature/Signatures _____

Address _____

(2) Authority for delivery

(Headings as in Form No.1)

Address _____

Date _____

Sir,

Please deliver to the bearer _____ (name of bearer) (or send to me/us by cheque by post or by postal money order at my/our expense and risk) the first/second/final return of ₹ _____ payable to me/us.

Please note that the following bills accepted by you and which fell due on _____ are not paid.

We must hold you responsible for any loss or charges which the bank, or any other party interested in the bills may be put to or incur on account of dishonour.

Yours faithfully

Accountant

Manager

(_____ Bank)

F.B.C. No.

Account

Drawn by

3. LEGAL NOTICE FOR THE DISHONOURMENT OF THE CHEQUE

M/s. _____ through it's partner

From :

Shri _____ s/o _____ r/o _____

To,

Shri _____ s/o _____ r/o _____

Dear Sir,

I, _____ give you the following notice.

1. That I am the partner of the firm M/s _____ and duly authorized to give you this notice. The said firm is carrying on the business of the sale of _____
2. That you had purchased _____ worth ₹ _____ from the aforesaid firm on _____ and had delivered an account payee cheque No. _____ drawn on _____ Bank dated _____ of the aforesaid amount of rupees _____
3. That the said firm had deposited the cheque in his account in the said _____ Bank during the period of its validity on _____ which was returned to the firm by the _____ Bank on _____ on the ground that there was no money into your account with the said Bank.
4. That you had issued the said cheque despite your knowledge that you had no funds in your account. You have cheated the said firm and it seems that you do not want to pay the amount of ₹ _____ to the firm.

Through this notice you are called upon to pay the aforesaid firm an amount of ₹ _____ within fifteen days of the receipt of this notice failing which

the said firm shall be compelled to initiate recovery proceeding against you in a Court of law and shall also initiate proceedings under section 138 of the Negotiable Instrument Act, 1881 and then you shall also be liable to the costs of these proceedings.

Yours faithfully

Date _____

Place _____

N.B. : Notice is to be given within 15 days of the dishonour of the cheque.

4. LEGAL NOTICE TO FIRM

M/s. _____

Subject : Legal notice under Section 138(b) of the Negotiable Instrument Act, 1881

Dear Sir

Under instructions and authority from my clients M/s. _____ I hereby serve upon you this legal notice :—

1. That my clients above mentioned carry on wholesale business of _____ at _____
2. That you are running a shop at _____ dealing in _____ and allied items as retailer.
3. That you have been purchasing _____ and other _____ items from my clients on credit for the last several years. During the financial year _____ your accounts were made upto date in the ledger book after posting all bills issued against you and giving credit if all your payments on _____ and a debit balance of ₹ _____ was confirmed by you *vide* your letter, dated _____ wherein you promised to pay the entire amount of ₹ _____ by _____
4. That my clients approached you on _____ and reminded you of your promise whereupon you issued an account payee cheque of ₹ _____ in part payment of the outstanding amount *vide* Cheque No. _____ dated _____ drawn on _____
5. That my clients deposited the cheque with their bankers M/s _____ for collection of the proceeds of the cheque and giving credit of the amount to their account on _____
6. That my clients had gone to their bankers _____ for withdrawal of some money from their account when they were told by the manager of the Bank that the cheque of the amount of ₹ _____ given to them for collection has bounced and as per cheque of the amount of ₹ _____ given to them for collection has bounced and as per