

राजस्व मण्डल की प्रक्रिया से संबंधित
नियम

(पूर्व धारा 41 के अधीन निर्मित)

अधिसूचना क्रमांक 364 दिनांक 26.02.
1960 एवं क्रमांक 393 05.11.1962 जो
कि अधिसूचना दिनांक 29.01.1974, 23.
07.1977 एवं 12.09.1989 द्वारा संशोधित

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RULES REGARDING THE PRACTICE AND PROCEDURE OF THE BOARD

(Under Section 41)

[Notification No. 364, dt. 26-2-60 and No. 3953, dt. 5-11-1962].

As amended subsequently by following notifications:—

1. No. 104, dt. 29-1-74, Pub. in M.P. Raj. Pt. 4(Ga), dt. 8-2-1974, p. 57.
2. No. 1880, d.23.7.1977, Published in M.P.Rajpatra, pt.4(ga), dated 3.2.78, p. 37; and
3. No.2722-23-42-Estt. dated 12-9-89, Published in M.P.Rajpatra, pt. 4(ga), dated 13-10-89, p.187.

¹[**1. Court hours of the Board.**- The court hours of the Board shall be such as may be fixed by the President from time to time. They shall be notified in the Government Gazette and on the notice board in the office of the Board.]

2. Presentation of Appeals, Review and Revision Application and other Application.-All appeals, review and revision applications

1 Subs. by Notfn. dt. 29-1-1974.

and other applications to the Board shall be in the official language of the Board.

3. (1) Where a document filed is in any Indian language other than Hindi, it shall be accompanied by a transliteration in the Devanagari script and also by a translation either in English or in Hindi.

(2) Where a document filed is in a language other than an Indian language or English, it should be accompanied by a translation in official language of the Board.

4. Every appeal, review and revision application shall be preferred in the form of a memorandum, signed and dated by the appellant or applicant or his recognised agent or his counsel, or if the petitioner or applicant is illiterate, his thumb-mark attested by the signature of one literate person. Each such appeal or application for revision shall be accompanied by a certified copy of the order appealed against or of which revision is sought. Where such order is not complete in itself and refers, for its reason, to or is otherwise founded on, some other report or order, a certified copy of such report or order shall also be filed along with that of the order itself.

¹[5.(1) Appeals, applications review or revision and other applications shall be presented:—

at the Board's Headquarters—to the clerk of Court,

at the District Headquarters—to the Superintendent of the District Office concerned, and

at the Divisional Headquarters—to the Superintendent of the Office of the Commissioner of the concerned Division.]

(2) They shall be presented in person by an appellant or applicant, his recognised agent or counsel:

Provided that, if the memorandum is signed by the counsel, they may be presented by his recognised clerk.

6. The official receiving the appeal, review or revision application or other application shall immediately make an endorsement on it under his signature and name of office, showing who presented it and the date of presentation. If the question of time appears likely to be relevant, he shall also endorse the time at which he received it.

7. When a Superintendent of District Office receives an appeal or a revision application he shall prepare a receipt in Form XX-A- 158-R.E.C.P. in triplicate. One copy shall be retained as counterfoil, one copy given to the person presenting the appeal or revision, and one copy sent to Clerk of Court who shall return it duly acknowledged.

8. The Superintendent shall verify that each memorandum of an appeal or revision application is accompanied by certified copies referred to in rule 4. He shall note the value of the court-fee stamps affixed to the memorandum of appeal or revision application, as the case may be, and to the certified copies and the Vakalatnama, if any, but shall not punch them. The Clerk of Court shall check the correctness of the court-fee stamps affixed, and shall punch and cancel them.

¹ Subs. by Notfn d. 12.9.89.

9. All appeals and revision applications shall be forwarded by the Superintendent within three days of their presentation. All necessary records shall be sent with appeals. No records shall be sent with applications for revision.

10. A prayer for stay of execution of an order shall not be embodied in the memorandum of appeal or application for review or revision, but shall be made by a separate application. Such application shall state whether an application for stay of execution of the order was made to the lower court, and if so, with what result.

The application may be presented in any manner in which an appeal may be presented.

11. An application for the exercise of the powers of revision of appellate orders in cases, arising under section 50 of the Madhya Pradesh Land Revenue Code, 1959, shall set out clearly how and in what manner the appellate court has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or particular illegality or irregularity complained of, as the case may be.

12. **Affidavits.**—The following petitions shall be accompanied by an affidavit made by the petitioner or his counsel, unless the Member hearing the case dispenses with this requirement—

- (i) for review made on the ground of the discovery of new and important evidence;
- (ii) for re-admission or restoration of an appeal or application dismissed in default of appearance;
- (iii) for substitution of parties.

13. Nothing in rule 12 above shall be deemed to limit the right of any Member to call for an affidavit in any other matter in respect of which he has power to exercise his discretion or make any order.

14. **Appearance by Legal practitioners.**—Appearance before the Board shall be made only by the legal practitioner entitled to practice in the High Court of Madhya Pradesh at Jabalpur, Indore and Gwalior. Provisions of this rule may be relaxed by the President or the Member of the Board, when hearing a case outside Gwalior, Indore and Jabalpur:

Provided that nothing in this rule shall apply to such Revenue agents, who, before the date of coming into force of these rules, have filed their powers of attorney in respect of case pending before the Board:

Provided further that Chartered Accountants may appear before the Board in cases under the Madhya Pradesh General Sales Tax Act, 1958.

15. **Legal Practitioner's Clerks.**—The expression "recognised clerk" means a clerk employed by a legal practitioner entitled to appear before the Board and permitted as such to have access to the offices of the Board.

16. The Clerk of Court shall maintain in the following form a register of all recognised clerks registered with the Board:—

"Register of recognised clerks"

- (1) Serial No.
- (2) Name.
- (3) Father's name.

- (4) Residence.
- (5) Date of Registration
- (6) Name of legal practitioner under whom employed.
- (7) Courts in which the legal practitioner is authorised to practice.....
- (8) Date of removal from the register with cause of removal in brief.....
- (9) Remarks.....

Note.- The register will be open for inspection on payment of the usual fees prescribed for inspection of registers.

17. Every application for recognition shall be made by a legal practitioner by a letter addressed to the Board in the following form:—

"I beg that (name)....., son of.....aged..... resident of.....may be recognised as my clerk.

I have made due enquiries with regard to the character and qualifications of the candidate and certify that in my opinion he is a fit and proper person to be recognised as a legal practitioner's clerk, under the rules made by the Board. I also certify that he will be employed bona fide in any service for clerical work."

18. An application for renewal of recognition shall be made by the legal practitioner before the 15th January of each year.

19. A fee of Re. 1 for recognition and an annual fee of Re. 1 for the renewal of the recognition shall be payable in respect of each clerk. These fees shall be paid in the shape of court-fee stamps affixed to the applications.

20. No person shall be registered as a recognised clerk unless he has an adequate elementary education in Hindi and also in English.

21. No person shall be admitted or continued as recognised clerk if he is, or acts as, a recognised agent (mukhtyar) either under a special or general power-of-attorney of any person other than the legal practitioner whose employee he is.

22. No clerk recognised as the clerk of one legal practitioner shall do business in the Board's office on behalf of any other legal practitioner, unless permitted in writing to do so by his master on special occasions.

Note.-Two legal practitioners' shall not be allowed to engage a single clerk. If a legal practitioner cannot employ a separate clerk, he should do his own work. One clerk may, however, be allowed for two closely related legal practitioners, such as, father and son or brothers.

23. No clerk employed by a legal practitioner shall be allowed access to the Board's Office, unless he is a recognised clerk.

24. (1) A recognised clerk may act in all matters of a routine nature which do not require the personal attendance of a legal practitioner in addition to those mentioned in the proviso to rule 5, such as—

- (i) to present applications signed by his master for—
 - (a) copies of records.
 - (b) return of documents,
 - (c) issue of processes,

- (d) payment of incidental costs,
- (ii) to inspect records, if authorised by his master and sanctioned by a member or the Clerk of Court,
- (iii) to file power-of-attorney in favour of his master,
- (iv) to identify, if required, and if in a position to do so, persons making inspection of records.

(2) Acts, which the law or these rules require to be done by a party or his recognised agent, or by the legal practitioner duly appointed on his behalf, shall not be allowed to be done by a recognised clerk.

(3) When a recognised clerk receives any money from his master's employer he shall give to the employer a receipt for the amount received by him, specifying exactly what the money was received for, e.g., memorandum of appeal, process fee, legal practitioner's fee, etc. The details shall be set out separately either in the receipt itself or on a separate piece of paper attached to it.

25. (1) A member, for reasons to be recorded in writing and after hearing the clerk in his defence if he so desires may order the removal of any recognised clerk and strike his name off the register, and on the passing of such order, the clerk shall cease to be recognised clerk.

(2) A member may at any time revise the order passed by him under sub-rule (1), and may, for reasons to be recorded in writing, reinstate the person removed or declare him eligible for registration.

Note.-Proceedings under this rule are administrative and not revenue proceedings.

26. No person removed under sub-rule (1) of rule 25 shall be recommended for registration by any legal practitioner at Gwalior or at any other station, unless he has been declared to be eligible for registration under sub-rule (2) of rule 25.

27. The name of a recognised clerk, found on enquiry under sub-rule (1) of rule 25 using the premises of the Board for private purposes, such as, preparation of documents unconnected with any case in which his master has been engaged, may be struck off the register.

28. Whenever a legal practitioner ceases to employ a recognised clerk, he shall notify the fact to the Clerk of Court, and shall also briefly state the reason why he has ceased to employ him. On receipt of his information, the name of the clerk shall be struck off the register.

29. **Registration of Cases.**-(1) All memoranda of appeals, review and revision applications shall, after presentation in the proper form and bearing proper court-fee stamps, be registered in the register of appeals or petitions.

(2) A separate register shall be maintained of cases to be heard by a Bench.

30. **Issue of Notices.**-(1) All appeal, review and revision applications if found in order, shall be submitted to a Member for ordering the issue of notice for hearing appellant or applicant or both parties. A date shall be fixed, and intimation of the date shall be given to the appellant or his counsel or to the parties.

(2) Cases shall ordinarily be fixed in order of institution.

31. If any party to a case or proceedings before the Board does not appear on the date fixed for hearing, the case may be heard and determined in his absence or may be dismissed in default.

¹[31-A. If the date fixed for hearing under sub-rule (1) of rule 30 or the date to which hearing is adjourned, happens to be a holiday, the hearing so fixed or adjourned shall stand fixed or adjourned to the next working day immediately following such holiday.

32. The party against whom any order is passed under rule 31 or 34 may apply within thirty days from the date of such order to have it set aside on the ground that he was prevented by any sufficient cause from appearing at the hearing or paying process-fee within the prescribed period, and the Board may, after notice to the opposite party which was present on the date on which such order was passed and making such inquiry as it considers necessary, set aside the order so passed.

33. **Obtaining Records of the lower Court.**-(1) After a date for hearing has been fixed, the records of the lower court will be immediately sent for, if not already received.

(2) When records of proceedings pending in the lower court are sent for they should be retained with the Board only, as long as it is absolutely necessary and returned to the lower court and called back as convenience permits.

34. **Process Fees.**-Once a case is admitted, process-fee for issue of notice to the opposite party shall be paid within twenty days or such shorter period as the Board may direct, failing which, the case shall be liable to be dismissed in default.

35. **Cause-list.**-(1) A copy of the cause-list showing all cases fixed for hearing by the board in any month, shall be supplied to the High Court Bar Association, Gwalior, six weeks before the first day of the month to which the cause-list relates.

(2) A copy of the cause-list shall also be maintained in the office of the Board, and shall be kept during office hours in a conspicuous place within the office accessible to the public.

36. A list of cases fixed for hearing for the day before each member shall be affixed to the notice board of the court-room concerned by 4 p.m. on the previous day.

37. Requests for adjournments or alteration of date of hearing of any case shown in the monthly cause-list should be made as soon as possible after receipt by the Bar Association of the copy of the cause-list. In cases for full hearing, such applications must be made jointly by both parties or counsel. Ordinarily all cases shown in a monthly cause-list will be disposed of in that month after readjustment of dates, if necessary, as shown above. For adjournments sought after the cause-list has been finalised, counsel concerned should make a personal application to the Member of the Board who is to hear the case.

38. The court reader shall notify daily on the notice board in the tabular form given below the result of a case decided by a Member or a Bench:—

1 Ins. by Notfn. dated 23-7-77.

