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(NO.PATNA 484) PATNA, THURSDAY, 13TH SEPTEMBER 2012

LAW DEPARTMENT

NOTIFICATION

The 12th September 2012

S. O. 166, dated 13th September 2012—In exercise of the powers conferred under section 122 of the Code of Civil Procedure, 1908 the Hon'ble High Court of Judicature at Patna is pleased to propose the following substitution of new Rule as "4A" after Rule 4 of order XVIII of the Code of Civil Procedure, 1908, The draft of which is hereby Published in the Official Gazette for information of general public and inviting objections if any.

Objections if any, may be submitted before the Secretary, Law Department, Government of Bihar, Old Secretariat, Patna-15 within 15 days of its publication in the Official Gazette. After disposal of objections if any, final publication of Notification relating to the additon of the Rule "4A" in order XVIII of the Code of Civil Procedure, 1908 shall be made.

Draft of proposal sent by the Hon'ble High Court, Patna is hereby annexed.

(File no. B/Estt.(H.C.)-6-37/08-6816/J.)

By Order of the Governor of Bihar,

VINOD KUMAR SINHA,

Secretary to Government.

AMENDMENT IN ORDER XVIII RULE 4 C.P.C.

In exercise of power conferred u/s 122 the CODE OF CIVIL PROCEDURE, the HIGH COURT of JUDICATURE at PATNA, hereby, frames the following rules-namely. THE PATNA Amendment of the Code of the CIVIL PROCEDURE RULES.

[Insert the following Rule-4A in ORDER XVIII OF THE CODE OF CIVIL PROCEDURE]

Rule-4A**Panel of Commissioners for all Courts within the DISTRICT**

- 1.) (i) The District Judge shall prepare a panel of Commissioners for all the courts within the District. There shall be separate panels of such Commissioners for each sub-division of the District.
 - (ii) For preparing the panel, the District Judge shall conduct an examination in the subject of Code of Civil Procedure and Evidence Act. Such examination may be conducted every five years. A lawyer having practice of minimum five years shall be eligible to appear in the examination. The lawyers shall be selected and included in the panel according to the marks secured by them. Additional marks upto 10% may be given for good handwriting. For good reasons the name of a lawyer may be struck off from the panel by the District Judge. The panel shall consist of such number of lawyers as deemed necessary by the District Judge.
 - (iii) The selected commissioners shall undergo training in the relevant provisions of the Code of the Civil Procedure and the Evidence Act. Such training shall be conducted under the supervision of the District Judge or a Civil Judge of the Sub-division nominated by the District Judge, in a manner found suitable by the District Judge or at Bihar Judicial Academy, Patna as per direction of the High Court.
- 2) A Commissioner shall file an undertaking in the Court, upon his appointment, that he will take suitable care for the safety of the records handed over to him or filed before him and shall not allow a party to inspect the records in the absence of the other party.
 - 3) All the Commissioners will work usually in the Court premises during Court hours at a place specified by the Court. After each day's sitting, the Commissioner shall handover the records and the documents to the officer of the Court, especially assigned with such duty to take charge of the records and the documents, which shall again be handed over, if required, to the Commissioner on the next date fixed in the case.
 - 4) The Commissioner shall maintain a day-to-day order sheet regarding the progress of the case which shall include names of witnesses cross-examined and the objections raised during their cross-examinations for decision by the Court at the time of arguments, records of the documents exhibited and demeanor of any witness considered necessary to be recorded.
 - 5) The remuneration to be paid to the Commissioner shall be fixed by the Court which may vary from case to case between Rs. 100-300 per witness depending upon the nature of evidence. Such payment shall be made every month for which the State Government shall provide fund to the District Judge. The above rate of fee shall be revised every 3 years by the State Government through notification.

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