

**HIGH COURT OF MANIPUR
AT IMPHAL**

NOTIFICATION
Imphal, the 10th of November, 2023

No. HCM/A-68/2013-RC/ 20419

The Hon'ble Supreme Court of India, in its order dated 22nd April, 2021 in Civil Appeal Nos. 1659 – 64 of 2021 (*Rahul S. Shah Vs. Jinendra Kumar Gandhi and Others*) has issued directions to all High Courts to reconsider and update all the Rules relating to execution of decrees with an endeavor to expedite the process of execution. Accordingly, the High Court of Manipur, in exercise of its powers under Article 227 of the Constitution of India and Section 122 of the Code of Civil Procedure, amends the Civil Courts Rules and Orders of the Gauhati High Court, which is still in force in the State of Manipur in terms of Section 28E of the North-Eastern Areas (Reorganisation) Act, 1971(as amended), as follows:

**CIVIL COURT RULES AND ORDERS OF THE GAUHATI HIGH COURT
(MANIPUR AMENDMENT), 2023**

1. Short Title, Applicability and commencement :

- (1) These Rules will be called CIVIL COURT RULES AND ORDERS OF THE GAUHATI HIGH COURT (MANIPUR AMENDMENT) 2023.
- (2) The Rules will be applicable to the Trial Courts and Executing Courts of civil cases over which it has supervisory jurisdiction.
- (3) These Rules shall come into effect from the date of its notification in the Official Gazette and shall apply to all Civil Courts in the State of Manipur.
- (4) *These Rules amend and consolidate the existing Rules and Practice Directions.*

2. Amendment in Part – I Chapter – 1 .

- (1) In this Chapter, after Rule 22, the following Rule shall be inserted :

“(i) Rule 22A – Unambiguous disclosure of the status of the suit property in the plaint.

*While filing a plaint before the Court with respect to immovable property, the plaintiff shall disclose **clear description and status of***

the suit property in the schedule of the plaint and the Court, upon presentation of such plaint, shall be satisfied about the compliance of this provision by the plaintiff prior to the institution of the suit. For this purpose, the description of the suit property shall be compared by the Court with documents submitted by the plaintiff along with the plaint."

3. Amendment of Part – I Chapter – 2

- (1) In this chapter, in Rule 49(1), the following Clause shall be inserted:

"Rule 49(1)(xi) –

Whether the status of the suit property in the plaint has been described accurately."

4. Amendment of Part – I Chapter – 8

- (1) In this chapter, after Rule 118 of the Principal Rules, the following Rules shall be inserted:

"Rule 118A – Mandatory examination of parties to a suit relating to delivery of possession under Order X of the Code with respect to third party interest.

*In suits relating to delivery of possession, the Trial Courts shall examine the parties under Order X of CPC in relation of third-party interest and also exercise its powers under Order XI Rule 14 relating to production of documents including declaration pertaining to third party interest in the suit properties. For this purpose the Trial Courts may publish a general notice drawing attention of the public to make disclosure of third party interest in the suit property (Form of the Notice is provided at **Appendix A**).*

Such notice shall be affixed on the suit property and also publish in the official website of the Court.

Rule 118B – Appointment of Commissioner by the Courts to assess accurate description and status of suit property.

- (1) *If the possession of the suit property is undisputed and not a question of fact for adjudication, the Trial Courts may consider for appointment of Commissioner in appropriate cases only for assessment of accurate description and status of the suit property.*

- (2) *The Commissioner's report in such cases should be obtained prior to the stage of framing of issues by the*

Court so as to avoid inclusion of further issues at the later stage of the trial.”

Rule 118C – Mandatory steps by the Court for addition of all necessary or proper parties and joinder of multiple cause of action.

On completion of the examination of the parties under Order X, production of documents by the parties under Order XI or receipt of Commissioner’s report, as the case may be, the Trial Court shall, on its own motion or on an application being made in this regard, add all necessary or proper parties to the suit and also to make joinder of cause of action, if any, in the same suit.

“Rule 118D – Disclosure of assets of the defendant in a money suit.

In money suits, the Trial Court shall require the defendant to disclose his assets, both movable and immovable **to the extent he is being made liable**, on oath prior to the settlement of issues.”

5. Amendment in Part – I Chapter – 10

- (1) In this chapter, after Rule 148A, the following Rule shall be inserted:

“Rule 148AA – Executing Courts to dispose of petitions for execution of decree within six months.

- (1) Executing Courts shall dispose of an execution case within six months from the date of its filing and on failure to do so proper reason in writing may be recorded for extension of the aforementioned period of disposal.
- (2) High Court may, on its administrative side, call for periodical reports from the executing Courts regarding pendency of execution cases and also indicating those cases which are pending for more than six months along with reasons for pendency so that special drive may be taken for reduction of such pendency.”

- (2) In this chapter, after Rules 150, the following Rule shall be inserted:

“Rule 150A – Recording of evidence by executing Courts in rare and exceptional cases.

The executing Court may record evidence in an execution proceeding to determine a question of fact only in exceptional and rare cases where the question of fact could not be decided by resorting to any other expeditious method like appointment of Commissioner or calling for electronic materials including photographs or video with affidavits.”

- (3) In this chapter, after Rule 155, the following Rule shall be inserted:

“Rule 155A – Mandatory compliance to the provision of Order XXI Rule 11 of the Code in execution of money decree.

In execution of money decree, the executing Courts shall execute the decree as per Order XXI Rule 11 of the Code on the basis of oral application of the decree holder.”

- (4) In this chapter, after Rule 167, the following Rule shall be inserted:

“Rule 167A – Section 60(1) of the Code shall remain to include beneficiaries of Judgment Debtor.

The expression “In the name of the judgment – debtor or by any other person in trust for him on his behalf” appearing in Section 60(1) of the Code shall mean and include any other person from whom the judgment – debtor may have the ability to derive, share profit or property.”

- (5) In this chapter, after Rule 203(2), the following Rules shall be inserted:

“203(3): Notwithstanding anything contained in sub rule (1) and sub rule (2) of above, the Executing Court may, on satisfaction of the fact that it is not possible to execute the decree without police assistance, direct the concerned Police Station to provide police assistance to such officials who are working towards execution of the decree.”

- (6) In this chapter, after Rule 204, the following Rules shall be inserted:

“Rule 204A – Disposal of application relating to third party rights by executing Courts.

The executing Courts shall not issue notice on an application of third party claiming rights in a mechanical manner and refrain from entertaining any application that has already been considered by the Trial Court during the adjudication of the suit or which could have otherwise been raised by the parties during the pendency of the suit if due diligence was exercised by the applicant.

Rule 204B – Imposition of compensatory cost or civil imprisonment by executing Courts.

If the executing Court finds that the objection or resistance or claim is frivolous or mala fide, then the Court may, in appropriate cases, impose compensatory costs or civil imprisonment upon the objector by taking resort to the provision of Order XXI Rule 98(2) as well as Section 35A of the Code.”

6. Amendment of Part – I Chapter – 13

(1) In this chapter, after Rule 247, the following Rule shall be inserted:

“Rule 247A – Appointment of Court Receiver in appropriate cases.

(1) *The Trial Courts, in appropriate cases, may consider to appoint Court Receiver for monitoring the status of the property in question as custodial legis for proper adjudication of the matter under Order XL Rule 1 of CPC.*

(2) *To exercise power under this provision, the Trial Courts may take into consideration the status of the suit property viz. minor’s property, property involving third party interest etc. that may require the Court to appoint Court Receiver for monitoring its status.”*

7. Amendment in Part – I Chapter 17

(1) In this chapter, after Rule 117, the following Rule shall be inserted:

“Rule 117A – Furnishing of security deposit by the defendant in a money suit.

The Trial Court, in appropriate cases, may demand security to ensure satisfaction of any decree at any stage under Section 151 of the Code."

By order,



**(YUMKHAM ROTHER)
REGISTRAR GENERAL**

APPENDIX A

PUBLIC NOTICE
(UNDER RULE 188A OF THE CRO)

IN THE COURT OF(NAME OF THE PRESIDING JUDGE)
Court of the District Judge/Civil Judge (Sr. Divn./Jr. Divn.),....
Case No.

Mr. X. Plaintiff

Vs.

Mr. Y.Defendant

To

The Editor,

..... (Name of the Newspaper)

WHEREAS, this suit has been instituted by the Plaintiff(s) namely against the defendant(s) namely seeking delivery of possession of the suit property described herein below

(Mention accurate description of the suit property as per schedule of the plaint)

AND WHEREAS, the notice is issued by this Court drawing attention of the public to make disclosure of third party interest in the above-mentioned suit property by appearing before this Court personally or through his/her/their counsel on the day of(month) of(year).

TAKE NOTICE THAT, in default of his/her/their absence in this Court on the day as mentioned before, this case will be heard and determined in his/her/their absence in accordance with law.

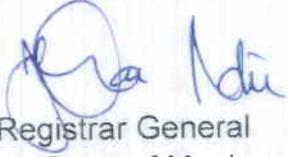
Given under my hand and seal of the Court, this(date).

Seal and Signature of the Presiding Judge

Endt. No. HCM/A-68/2013-RC/ 20420-30

Copy to:-

1. The Advocate General, Manipur.
2. The Commissioner (Law), Govt. Manipur.
3. The Govt. Advocate, Govt. of Manipur.
4. The Deputy Solicitor General of India.
5. The President, High Court Bar Association, Manipur.
6. The President, All Manipur Bar Association.
7. The Joint Director, Manipur Judicial Academy.
8. To all the Judicial Officers.
9. The System Analyst, High Court of Manipur for uploading the same to the official website.
10. The Director, Directorate of Printing and Stationary Govt. of Manipur with request to publish the Notification in the next issue of Government Gazette.
11. Guard File/ Order Book.


Registrar General
High Court of Manipur