

THE FIRST SCHEDULE

ORDER I

PARTIES TO SUITS

RULES

1. Who may be joined as plaintiffs.
2. Power of Court to order separate trials.
3. Who may be joined as defendants.
4. Court may give judgment for or against one or more of joint parties.
5. Defendant need not be interested in all the relief claimed.
6. Joinder of parties liable on same contract.
7. When plaintiff in doubt from whom redress is to be sought.
8. One person may sue or defend on behalf of all in same interest.
9. Misjoinder and nonjoinder.
10. Suit in name of wrong plaintiff.
Court may strike out or add parties.
Where defendant added, plaint to be amended.
11. Conduct of suit.
12. Appearance of one of several plaintiffs or defendants for others.
13. Objections as to nonjoinder or misjoinder.

ORDER II

FRAME TO SUIT

1. Frame of suit.
2. Suit to include the whole claim.
Relinquishment of part of claim.
Omission to sue for one of several reliefs.
3. Joinder of causes of action.
4. Only certain claims to be joined for recovery of immovable property.
5. Claims by or against executor, administrator or heir.
6. Power of Court to order separate trials.
7. Objections as to misjoinder.

ORDER III

RECOGNIZED AGENTS AND PLEADERS

RULES

1. Appearances, etc., may be in person, by recognized agent or by pleader.
 2. Recognized agents.
 3. Service of process on recognized agent.
 4. Appointment of pleader.
 5. Service of process on pleader.
 6. Agent to accept service.
- Appointment to be in writing and to be filed in Court.

ORDER IV

INSTITUTION OF SUITS

1. Suit to be commenced by plaintiff.
2. Register of suits.

ORDER V

ISSUE AND SERVICE SUMMONS

Issue of Summons

1. Summons
2. Copy or statement annexed to summons.
3. Court may order defendant or plaintiff to appear in person.
4. No party to be ordered to appear in person unless resident within certain limits.
5. Summons to be either to settle issues or for final disposal.
6. Fixing day for appearance of defendant.
7. Summons to order defendant to produce documents relied on by him.
8. On issue of summons for final disposal, defendant to be directed to produce his witnesses.

Service of Summons

9. Delivery or transmission of summons for service.
10. Mode of service.
11. Service on several defendants.
12. Service to be on defendant in person when practicable or on his agent.

RULES

13. Service on agent by whom defendant carries on business.
14. Service on agent in charge in suits for immovable property.
15. Where service may be on male member of defendant's family.
16. Person served to sign acknowledgement.
17. Procedure when defendant refuses to accept service, or cannot be found.
18. Endorsement of time and manner of service.
19. Examination of serving officer.
- 19A. Declaration of serving officer.
- 19B. Simultaneous issue of summons for service by post in addition to personal service.
20. Substituted service.
Effect of substituted service.
Where service substituted, time for appearance to be fixed.
21. Service of summons where defendant resides within jurisdiction of another Court.
22. [Omitted]
23. Duty of Court to which summons is sent.
24. Service on defendant in prison.
25. Service where defendant resides out of Bangladesh, and has no agent.
26. Service in foreign territory through Political Agent or Court.
- 26A. Service on civil public officer or on servant of railway company or local authority, in India.
27. Service on civil public officer or on servant of railway company or local authority.
28. Service on soldiers, sailors or airmen.
29. Duty of person to whom summons is delivered or sent for service.
30. Substitution of letter for summons.

ORDER VI

PLEADING GENERALLY

RULES

1. Pleading
2. Pleading to state material facts and not evidence.
3. Forms of pleading.
4. Particulars to be given where necessary.
5. Further and better statement, or particulars.
6. Condition precedent.
7. Departure
8. Denial of contract.
9. Effect of document to be stated.
10. Malice, knowledge, etc.
11. Notice
12. Implied contract, or relation.
13. Presumptions of law.
14. Pleading to be signed.
15. Verification of pleadings.
16. Striking out pleadings.
17. Amendment of pleadings.
18. Failure to amend after order.

ORDER VII

PLAINT

1. Particulars to be contained in plaint.
2. In money suits.
3. Where the subject-matter of the suit is immovable property.
4. When plaintiff sues as representative.
5. Defendant's interest and liability to be shown.
6. Grounds of exemption from limitation law.
7. Relief to be specifically stated.
8. Relief founded on separate grounds.
9. Procedure of admitting plaint.
Concise statements

RULES

10. Return of plaint.
Procedure on returning plaint.
11. Rejection of plaint.
12. Procedure on rejecting plaint.
13. Where rejection of plaint does not preclude presentation of fresh plaint.

Documents Relied on in Plaint

14. Production of documents along with the plaint.
15. Statement in case of documents not in plaintiff's possession or power.
16. Suits on lost negotiable instruments.
17. Production of shop-book.
Original entry to be marked and returned.
18. Inadmissibility of document not produced when plaint filed.

ORDER VIII

WRITTEN STATEMENT AND SET-OFF

1. Written statement
2. New facts must be specially pleaded.
3. Denial to be specific.
4. Evasive denial.
5. Specific denial
6. Particulars of set-off to be given in written statement.
Effect of set-off.
7. Defence or set-off founded on separate grounds.
8. New ground of defence.
9. Subsequent pleadings
10. Procedure when party fails to present written statement called for by Court.

ORDER IX

APPEARANCE OF PARTIES AND CONSEQUENCE OF

NON-APPEARANCE.

RULES

1. Parties to appear on day fixed in summons for defendant to appear and answer.
2. Dismissal of suit where summons not served in consequence of plaintiff's failure to pay costs.
3. Where neither party appears, suit to be dismissed.
4. Plaintiff may bring fresh suit or Court may restore suit to file.
5. Dismissal of suit where plaintiff, after summons returned unserved, fails for three months to apply for fresh summons.
6. Procedure When only plaintiff appears.
When summons duly served.
When summons not duly served.
When summons served, but not in due time.
7. Procedure where defendant appears on day or adjourned hearing and assigns good cause for previous non-appearance.
8. Procedure where defendant only appears.
9. Decree against plaintiff by default bars fresh suit.
- 9A. Directly setting aside dismissal.
10. Procedure in case of non-attendance of one or more of several plaintiffs.
11. Procedure in case of non-attendance of one or more of several defendants.
12. Consequence of non-attendance, without sufficient cause shown, of party ordered to appear in person.

Setting aside Decrees Ex-parte

13. Setting aside decree *ex parte* against defendant.
- 13A. Directly setting aside *ex parte* decree
14. No decree to be set aside without notice to opposite party.

ORDER X

EXAMINATION OF PARTIES BY THE COURT

RULES

1. Ascertainment whether allegations in pleadings are admitted or denied.
2. Oral examination of Party or companion of party.
3. Substance of examination to be written.
4. Consequence of refusal or inability of pleader to answer.

ORDER XI

DISCOVERY AND INSPECTION

1. Discovery by interrogatories.
2. Particular interrogatories to be submitted.
3. Costs of interrogatories.
4. Form of interrogatories.
5. Corporations
6. Objections to interrogatories by answer.
7. Setting aside and striking out interrogatories.
8. Affidavit in answer, filing.
9. Form of affidavit in answer.
10. No exception to be taken.
11. Order to answer or answer further.
12. Application for discovery of documents.
13. Affidavit of documents.
14. Production of documents.
15. Inspection of documents referred to in pleadings or affidavits.
16. Notice to produce.
17. Time for inspection when notice given.
18. Order for inspection.
19. Verified copies

RULES

20. Premature discovery

21. Non-compliance with order for discovery.
22. Using answers to interrogatories at trial.
23. Order to apply to minors.

ORDER XII

ADMISSIONS

1. Notice of admission of case.
2. Notice of admit documents.
3. Form of notice.
4. Notice of admit facts.
5. Form of admissions.
6. Judgment on admissions.
7. Affidavit of signature.
8. Notice to produce documents.
9. Costs

ORDER XIII

PRODUCTION, IMPOUNDING AND RETURN OF DOCUMENTS

1. [Omitted]
2. [Omitted]
3. Rejection of irrelevant or inadmissible documents.
4. Endorsement on irrelevant or inadmissible documents.
5. Endorsements on copies of admitted entries in books, accounts and records.
6. Endorsements on documents rejected as inadmissible in evidence.
7. Recording of admitted and return of rejected documents.
8. Court may order any document to be impounded.
9. Return of admitted documents.
10. Court may send for papers from its own records or from other Courts.
11. Provisions as to documents applied to material objects.

ORDER XIV

SETTLEMENT OF ISSUES AND DETERMINATION OF SUIT ON ISSUES OF
LAW OR ON ISSUES AGREED UPON

RULES

1. Framing to issues.
2. Issues of law and of fact.
3. Materials from which issues may be framed.
4. Court may examine witnesses or documents before framing issues.
5. Power to amend, and strike out, issues.
6. Questions of fact or law may by agreement be stated in form of issues.
7. Court, if satisfied that agreement was executed in good faith, may pronounce judgment.
8. Fixing date for final hearing.

ORDER XV

DISPOSAL OF THE SUIT AT THE FIRST HEARING

1. Parties not at issue.
2. One of several defendants not at issue.
3. Parties at issue.
4. Failure to produce evidence.

ORDER XVI

SUMMONING AND ATTENDANCE OF WITNESSES

1. Summons to attend to give evidence or produce documents.
2. Expenses of witness to be paid into Court on applying for summons.
Experts
Scale of expenses.
3. Tender of expenses to witness.
4. Procedure where insufficient sum paid in.
Expenses of witnesses detained more than one day.
5. Time, place and purpose of attendance to be specified in summons.
6. Summons to produce document.

RULES

7. Power to require persons present in Court to give evidence or produce document.
8. Summons how served.
9. Time for serving summons.
10. Procedure where witness fails to comply with summons.
11. If witness appears, attachment may be withdraw.
12. Procedure if witness fails to appear.
13. Mode of attachment.
14. Court may of its own accord summon as witnesses strangers to suit.
15. Duty of persons summoned to give evidence or produce document.
16. When they may depart.
17. Application of rules 10 to 13.
18. Procedure where witness apprehended cannot give evidence or produce document.
19. No witness to be ordered to attend in person unless resident within certain limits.
20. Consequence of refusal of party to give evidence when called on by Court.
21. Rules as to witnesses to apply to parties summoned.

ORDER XVII

ADJOURNMENTS

1. Court may grant time and adjourn hearing.
Costs of adjournment.
2. Procedure if parties fail to appear on day fixed.
3. Court may proceed notwithstanding either party fails to produce evidence, etc.

ORDER XVIII

HEARING OF THE SUIT AND EXAMINATION OF WITNESSES

1. Right to begin.
2. Statement and production of evidence.

3. Evidence where several issues.
4. Witnesses to be examined in open Court.
5. How evidence shall be taken in appealable cases.
6. When deposition to be interpreted.
7. Evidence under section 138.
8. Memorandum when evidence not taken down by Judge.
9. When evidence may be taken in English.
10. Any particular question and answer may be taken down.
11. Question objected to and allowed by Court.
12. Remarks on demeanour of witnesses.
13. Memorandum of evidence in unappealable cases.
14. Judge unable to make such memorandum to record reasons of his inability.
15. Power to deal with evidence taken before another Judge.
16. Power to examine witness immediately.
17. Court may recall and examine witness.
18. Power of Court to inspect.
19. Time for completion of hearing.
20. Fixation of suits in the daily cause list, etc.

ORDER XIX

AFFIDAVITS

1. Power to order any point to be proved by affidavit.
2. Power to order attendance of deponent for cross-examination.
3. Matters of which affidavits shall be confined.

ORDER XX

JUDGMENT AND DECREE

1. Judgment when pronounced.
2. Power to pronounce judgment written by Judge's predecessor.
3. Judgment to be singed.

RULES

4. Judgments of Small Cause Courts.
Judgments of other Courts.
5. Court to state its decision on each issue.
- 5A. Time for drawn up a decree.
6. Contents of decree.
7. Date of decree.
8. Procedure where judge has vacated office before signing decree.
9. Decree for recovery of immovable property.
10. Decree for delivery of movable property.
11. Decree may direct payment by installments.
Order, after decree, for payment by installments.
12. Decree for possession and mesne profits.
13. Decree in administration suit.
14. Decree in pre-emption-suit.
15. Decree in suit for dissolution of partnership.
16. Decree in suit for account between principal and agent.
17. Special directions as to accounts.
18. Decree in suit for partition of property or separate possession of a share therein.
19. Decree when set-off is allowed.
Appeal from decree relating to set-off.
20. Certified copies of judgment and decree to be furnished.

ORDER XXI

EXECUTION OF DECREES AND ORDERS

Payment under Decree

1. Modes of paying money under decree.
2. Payment out of Court to decree-holder.

Courts Executing Decrees

3. Lands situate in more than on jurisdiction.

4. [Omitted]
5. Mode of transfer.
6. Procedure where Court desires that its own decree shall be executed by another Court.
7. Court receiving copies of decree, etc., to file same without proof.
8. Execution of decree or order by Court to which it is sent.
9. Execution by High Court Division of decree transferred by other Court.

Application for Execution

10. Application for execution.
11. Oral application
Written application
12. Application for attachment of movable property not in judgment-debtor's possession.
13. Application for attachment of immovable property to contain certain particulars.
14. Power to require certified extract from Collector's register in certain cases.
15. Application for execution by joint decree-holder.
16. Application for execution by transferee of decree.
17. Procedure on receiving application for execution of decree.
18. Execution in case of cross-decrees.
19. Execution in case of cross-claims under same decree.
20. Cross-decrees and cross-claims in mortgage-suits.
21. Simultaneous execution
22. Notice to show cause against execution in certain cases.
23. Procedure after issue of notice.

Process for Execution

24. Process for execution.
25. Endorsement on process.

Stay of Execution

RULES

26. When Court may stay execution.
Power to require security from, or impose conditions upon judgment-debtor.
27. Liability of judgment-debtor discharged.
28. Order of Court which passed decree or of appellate Court to be binding upon Court applied to.
29. Stay of execution pending suit between decree-holder and judgment-debtor.

Mode of Execution

30. Decree for payment of money.
31. Decree for specific movable property.
32. Decree for specific performance, for restitution of conjugal rights, or for an injunction.
33. Discretion of Court in executing decrees for restitution of conjugal rights.
34. decree for execution of document, or endorsement of negotiable instrument.
35. Decree for immovable property.
36. Decree for delivery of immovable property when in occupancy of tenant.

Arrest and Detention in the Civil Prison

37. Discretionary power to permit judgment-debtor to show cause against detention in prison.
38. Warrant for arrest to direct judgment-debtor to be brought up.
39. Subsistence-allowance
40. Proceedings on appearance of judgment-debtor in obedience to notice or after arrest.

Attachment of Property

41. Examination of judgment-debtor as to his property.
42. Attachment in case of decree for rent or mesne profits of other matter, amount of which to be subsequently determined.

RULES

43. Attachment of movable property other than agricultural produce, in possession of judgment-debtor.
44. Attachment of agricultural produce.
45. Provisions as to agricultural produce under attachment.
46. Attachment of debt, share and other property not in possession of judgment-debtor.
47. Attachment of share in movables.
48. Attachment of salary or allowances of public officer or servant of railway company or local authority.
49. Attachment of partnership property.
50. Execution of decree against firm.
51. Attachment of negotiable instruments.
52. Attachment of property in custody of Court or public officer.
53. Attachment of decrees.
54. Attachment of immovable property.
55. Removal of attachment after satisfaction of decree.
56. Order for payment of coin or currency notes to party entitled under decree.
57. Determination of attachment.

Investigation of Claims and Objections

58. Investigation of claims to, and objections to attachment of, attached property.
Postponement of sale.
59. Evidence to be adduced by claimant.
60. Release of property from attachment.
61. Disallowance of claim to property attached.
62. Continuance of attachment subject to claim of incumbrancer.
63. [Omitted]

Sale Generally

64. Power to order property attached to be sold and proceeds to be paid to person entitled.

RULES

65. Sales by whom conducted and how made.
66. Proclamation of sales by public auction.
67. Mode of making proclamation.
68. Time of sale.
69. Adjournment of stoppage of sale.
70. Saving of certain sales.
71. Defaulting purchaser answerable for loss on re-sale.
72. Decree-holder not to bid for or buy property without permission.

Where decree-holder purchases. Amount of decree may be taken as payment.

73. Restriction on bidding or purchase by officers.

Sale of Movable Property

74. Sale of agricultural produce.
75. Special provisions relating to growing crops.
76. Negotiable instruments and shares in corporations.
77. sale by public auction.
78. Irregularity not to vitiate sale, but any person injured may sue.
79. Delivery of movable property, debts and shares.
80. Transfer of negotiable instruments and shares.
81. Vesting order in case of other property.

Sale of Immovable Property

82. What Courts may order sales.
83. Postponement of sale to enable judgment-debtor to raise amount of decree.
84. Deposit by purchaser and re-sale on default.
85. Time for payment in full of purchase-money.
86. Procedure in default of payment.
87. Notification on re-sale.

RULES

88. Bid of co-sharer to have preference.
 89. Application to set aside sale on deposit.
 90. Application to set aside sale on ground of irregularity or fraud.
 91. Application by purchaser to set aside sale on ground of judgment-debtor having no saleable interest.
 92. Sale when to become absolute or be set aside.
 93. Return of purchase-money in certain cases.
 94. Certificate to purchaser.
 95. Delivery of property in occupancy of judgment-debtor.
 96. Delivery of property in occupancy of tenant.
- Resistance to Delivery of Possession to Decree-holder or Purchaser*
97. Resistance or obstruction to possession of immovable property.
 98. Resistance or obstruction by judgment-debtor.
 99. Resistance or obstruction by *bona fide* claimant.
 100. Dispossession by decree-holder or purchaser.
 101. *Bona fide* claimant to be restored to possession.
 102. Rules not applicable to transferee *lite pendente*.
 103. Orders conclusive subject to regular suit.

ORDER XXII

DEATH, MARRIAGE AND INSOLVENCY OF PARTIES

1. No abatement by party's death, if right to sue survives.
2. Procedure where one of several plaintiffs or defendants dies and right to sue survives.
3. Procedure in case of death of one of several plaintiffs or of sole plaintiff.
4. Procedure in case of death of one of several defendants or of sole defendant.
5. Determination of question as to legal representative.
6. No abatement by reason of death after hearing.

RULES

7. Suit not abated by marriage of female party.
8. When plaintiff's insolvency bars suit.
Procedure where assignee fails to continue suit or give security.
9. Effect of abatement or dismissal.
- 9A. Directly setting aside abatement or dismissal.
10. Procedure in case of assignment before final order in suit.
11. Application of Order to appeals.
12. Application of Order to proceedings.

ORDER XXIII

WITHDRAWAL AND ADJUSTMENT OF SUITS

1. Withdrawal of suit or abandonment of part of claim.
2. Limitation law not affected by first suit.
3. Compromise of suit.
4. Proceedings in execution of decrees not affected.

ORDER XXIV

PAYMENT INTO COURT

1. Deposit by defendant of amount in satisfaction of claim.
2. Notice of deposit.
3. Interest on deposit not allowed to plaintiff after notice.
4. Procedure where plaintiff accepts deposit as satisfaction in part.
Procedure where he accepts it as satisfaction in full.

ORDER XXV

SECURITY FOR COSTS

1. When security for costs may be required from plaintiff.
Residence out of Bangladesh.
2. Effect of failure to furnish security.

ORDER XXVI

COMMISSIONS

Commissions to Examine Witnesses

1. Cases in which Court may issue commission to examine witness.

RULES

2. Order of commission.
3. Where witness resides within Court's jurisdiction.
4. Persons for whose examination commission may issue.
5. Commission or Request to examine witness not within Bangladesh.
6. Court to examine witness pursuant to commission.
7. Return of commission with depositions of witnesses.
8. When depositions may be read in evidence.

Commissions for Local Investigations

9. Commissions to make local investigations.
10. Procedure of Commissioner. Report and depositions to be evidence in suit. Commissioner may be examined in person.

Commissions to examine Accounts

11. Commission to examine or adjust accounts.
12. Court to give Commissioner necessary instructions. Proceedings and report to be evidence. Court may direct further inquiry.

Commissions to make Partitions

13. Commission to make partition of immovable property.
14. Procedure of Commissioner.

General Provisions

15. Expenses of commission to be paid into Court.
16. Powers of Commissioners.
17. Attendance and examination of witnesses before Commissioner.
18. Parties to appear before Commissioner.

Commissions issued at the instance of Foreign Tribunals

19. Cases in which High Court Division may issue commission to examine witness.
20. Application for commission.

RULES

21. To whom commission may be issued.
22. Issue, execution and return of commissions, and transmission of evidence to foreign Court.

Exclusion of time taken by Commissioner

23. Exclusion of time taken by Commissioner.

ORDER XXVII

SUITS BY OR AGAINST THE GOVERNMENT OF PUBLIC
OFFICERS IN THEIR OFFICAL CAPACITY

1. Suits by or against Government.
2. Persons authorised to act for Government.
3. Pains in suits by or against Government.
4. Agent for Government to receive process.
5. Fixing of day for appearance on behalf of Government.
6. Attendance of person able to answer questions relating to suit against Government.
7. Extension of time to enable public officer to make reference to Government.
8. Procedure in suits against public officer.
- 8A. No security to be required from Government or a public officer in certain cases.
- 8B. [Omitted]

ORDER XXVIA

SUITS INVOLVING ANY SUBSTANTIAL QUESTION AS TO THE
INTERPRETATION OF CONSTITUTION LAW

1. Notice to the Attorney General.
2. Court may add Government as party.
3. Costs when Government added as party.
4. Application of Order to appeals.

ORDER XXVIII

SUITS BY OR AGAINST MILITARY OR NAVAL MEN OR AIRMEN

1. Officers, soldiers, sailors of airmen who cannot obtain leave may authorise any person to sue or defend for them.

RULES

2. Person so authorised may act personally or appoint pleader.
3. Service on person so authorise, or on his pleader, to be good service.

ORDER XXIX

SUITS BY OR AGAINST CORPORATIONS

1. Subscription and verification of pleading.
2. Service on corporation.
3. Power to require personal attendance of officer of corporation.

ORDER XXX

SUITS BY OR AGAINST FIRMS AND PERSONS CARRYING ON BUSINESS IN NAMES OTHER THAN THEIR OWN

1. Suing of partners in name of firm.
2. Disclosure of partners' names.
3. Service.
4. Right of suit on death of partner.
5. Notice in what capacity served.
6. Appearance of partners.
7. No appearance except by partners.
8. Appearance under protest.
9. Suits between co-partners.
10. Suit against person carrying on business in name other than his own.

ORDER XXXI

SUITS BY OR AGAINST TRUSTEES, EXECUTORS AND ADMINISTRATORS

1. Representation of beneficiaries in suits concerning property vested in trustees, etc.
2. Joinder of trustees, executors and administrators.

RULES

3. Husband of married executrix not to join.

ORDER XXXII

SUITS BY OR AGAINST MINORS AND PERSONS OF UNSOUND MIND

1. Minor to sue by next friend.
2. Where suit is instituted without next friend, plaint to be taken off the file.
3. Guardian for the suit to be appointed by court for minor defendant.
4. Who may act as next friend or be appointed guardian for the suit.
5. Representation of minor by next friend or guardian for the suit.
6. Receipt by next friend or guardian for the suit of property under decree for minor.
7. Agreement or compromise by next friend or guardian for the suit.
8. Retirement of next friend.
9. Removal of next friend.
10. Stay of proceedings on removal, etc., of next friend.
11. Retirement, removal of death of guardian for the suit.
12. Course to be followed by minor plaintiff or applicant on attaining majority.
13. Where minor co-plaintiff attaining majority desires to repudiate suit.
14. Unreasonable or improper suit.
15. Application of rules to persons of unsound mind.
16. Saving for Princes and Chiefs.

ORDER XXXIII

SUITS BY PAUPERS

1. Suits may be instituted in *forma pauperis*.
2. Contents of application.
3. Presentation of application.

RULES

4. Examination of applicant.
If presented by agent, Court may order applicant to be examined by commission.
5. Rejection of application.
6. Notice of day for receiving evidence of applicant's pauperism.
7. Procedure at hearing.
8. Procedure if application admitted.
9. Dispaupering.
10. Costs where pauper succeeds.
11. Procedure where pauper fails.
- 11A. Procedure where pauper suit abates.
12. Government may apply for payment of court-fees.
13. Government to be deemed a party.
14. Recovery of amount of court-fees.
15. Refusal to allow applicant to sue as pauper to bar subsequent application of like nature.
16. Costs

ORDER XXXIVSUITS RELATING TO MORTGAGES OF IMMOVABLE
PROPERTY

1. Parties to suits for foreclosure, sale and redemption.
2. Preliminary decree in foreclosure suit.
3. Final decree in foreclosure suit.
4. Preliminary decree in suit for sale.
Power to decree sale in foreclosure suit.
5. Final decree in suit for sale.
6. Recovery of balance due on mortgage in suit for sale.
7. Preliminary decree in redemption suit.
8. Final decree in redemption suit.
- 8A. Recovery of balance due on mortgage in suit for redemption.

RULES

9. Decree where nothing is found due or where mortgagee has been overpaid.
10. Costs of mortgagee subsequent to decree.
11. Payment of interest.
12. Sale of property subject to prior mortgage.
13. Application of proceeds.
14. Suit for sale necessary for bringing mortgaged property to sale.
15. Mortgages by the deposit of title-deeds and charges.

ORDER XXXV

INTERPLEADER

1. Complaint in interpleader-suits.
2. Payment of thing claimed into Court.
3. Procedure where defendant is suing plaintiff.
4. Procedure at first hearing.
5. Agents and tenants may not institute interpleader-suits.
6. Charge for plaintiff's costs.

ORDER XXXVI

SPECIAL CASE

1. Power to state case for Court's opinion.
2. Where value of subject-matter must be stated.
3. Agreement to be filed and registered as suit.
4. Parties to be subject to Court's jurisdiction.
5. Hearing and disposal of case.

ORDER XXXVII

SUMMARY PROCEDURE ON NEGOTIABLE INSTRUMENTS

1. Application of Order.
2. Institution of summary suits upon bills of exchange, etc.
3. Defendant showing defence on merits to have leave to appear.

RULES

4. Power to set aside decree.
5. Power to order bill, etc., to be deposited with officer of Court.
6. Recovery of cost of noting non-acceptance of dishonoured bill or note.
7. Procedure in suits.

ORDER XXXVIII

ARREST AND ATTACHMENT BEFORE JUDGMENT

Arrest before Judgment

1. Where defendant may called upon to furnish security for appearance.
2. Security
3. Procedure on application by surety to be discharged.
4. Procedure where defendant fails to furnish security or find fresh security.

Attachment before Judgment

5. Where defendant may be called upon to furnish security for production of property.
6. Attachment where cause not shown or security not furnished.
7. Mode of making attachment.
8. Investigation of claim to property attached before judgment.
9. Removal of attachment when security furnished or suit dismissed.
10. Attachment before judgment not to affect rights of strangers nor bar decree-holder from applying for sale.
11. Property attached before judgment not to be re-attached in execution of decree.
12. Agricultural produce not attachable before judgment.
13. Small Cause Court not to attach immovable property.

ORDER XXXIX

TEMPORARY INJUNCTIONS AND INTERLOCUTORY ORDERS

Temporary Injunctions

1. Cases in which temporary injunction may be granted.

RULES

2. Injunction to restrain repetition or continuance of breach.
3. Before granting injunction Court to direct notice to opposite party.
- 3A. Mode of service of unserved returned notices.
4. Order for injunction may be discharged, varied or set aside.
5. Injunction to corporation binding on its officers.
- 5A. No order of *ad interim* or temporary injunction without hearing the opposite party.

Interlocutory Orders

6. Power to order interim sale.
7. Detention, preservation, inspection, etc., of subject-matter of suit.
8. Application for such orders to be after notice.
9. When party may be put in immediate possession of land the subject-matter of suit.
10. Deposit of money, etc., in Court.

ORDER XL

APPOINTMENT OF RECEIVERS

1. Appointment of receivers.
2. Remuneration
3. Duties
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5. When Collector may be appointed receiver.

ORDER XLI

APPEALS FROM ORIGINAL DECREES

1. Form of appeal
What to accompany memorandum.
Contents of memorandum.
2. Grounds which may be taken in appeal.
3. Rejection or amendment of memorandum.

RULES

4. One of several plaintiffs or defendants may obtain reversal of whole decree where it proceeds on ground common to all.

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5. Stay by appellate Court.
Stay by Court which passed the decree.
6. Security in case of order for execution of decree appealed from.
7. [Repealed]
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Procedure on Admission of Appeal

9. Registry of memorandum of appeal.
Register of Appeals.
10. Appellate Court may require appellant to furnish security for costs.
Where appellant resides out of Bangladesh.
11. Power to dismiss appeal without sending notice to Lower Court.
12. Day for hearing appeal.
- 12A. Adjournment in appeal.
13. Appellate Court to give notice to Court whose decree appealed from.
Transmission of papers to Appellate Court.
Copies of exhibits in Court whose decree appealed from.
14. Publication and service of notice of day for hearing appeal.
Appellate Court may itself cause notice to be served.
15. Contents of notice.
- 15A. Prosecution of an appeal.

Procedure on Hearing

16. Right to begin.
17. Dismissal of appeal for appellant's default.
Hearing appeal *ex parte*.

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18. Dismissal of appeal where notice not served in consequence of appellant's failure to deposit costs.
19. Re-admission of appeal dismissed for default.
- 19A. Direct re-admission of appeal.
20. Power to adjourn hearing and direct persons appearing interest to be made respondents.
21. Re-hearing on application of respondent against whom *ex parte* decree made.
- 21A. Direct re-hearing of appeal.
22. Upon hearing, respondent may object to decree as if he had preferred separate appeal.
Form of objection and provisions applicable thereto.
23. Remand of case by Appellate Court.
24. Where evidence on record sufficient, Appellate Court may determine case finally.
25. Where Appellate Court may frame issues and refer them for trial of Court whose decree appealed from.
26. Findings and evidence to be put on record.
Objections to finding.
Determination of appeal.
27. Production of additional evidence in Appellate Court.
28. Mode of taking additional evidence.
29. Points to be defined and recorded

Judgment in Appeal

30. Judgment when and where pronounced.
31. Contents, date and signature of judgment.
32. What judgment may direct.
33. Power of Court of Appeal.
34. Dissent to be recorded.

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35. Date and contents of decree.
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36. Copies of judgment and decree to be furnished to parties.
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APPEALS FROM APPELLATE DECREES

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1. Procedure

ORDER XLIII

APPEALS FROM ORDERS

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PAUPER APPEALS

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ORDER XLV

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3. Certificate as to value or fitness.
4. Consolidation of suits.
5. Remission of dispute to Court of first instance.
6. Effect of refusal of certificate.
7. Security and deposit required on grant of certificate.
8. Admission of appeal and procedure thereon.
9. Revocation of acceptance of security.
- 9A. Power to dispense with notices in case of deceased parties.
10. Power to order further security or payment.
11. Effect of failure to comply with order.
12. Refund of balance deposit.
13. Powers of Court pending appeal.

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14. Increase of security found inadequate.
15. Procedure to enforce orders of the Appellate Division.
16. Appeal from order relating to execution.
17. [Omitted]

ORDER XLVI

REFERENCE

1. Reference of question to High Court Division.
2. Court may pass decree contingent upon decision of High Court Division.
3. Judgment of High Court Division to be transmitted, and case disposed of accordingly.
4. Costs of reference to High Court Division.
5. Power to alter, etc., decree of Court making reference.
6. Power to refer to High Court Division questions as to Jurisdiction in small causes.
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REVIEW

1. Application for review of judgment.
2. To whom applications for review may be made.
3. Form of applications for review.
4. Application where rejected.
Application where granted.
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6. Application where rejected.
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3. Plaints
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C.— DISCOVERY, INSPECTION AND ADMISSION.

D.— DECREES

E.— EXECUTION

F.— SUPPLEMENTAL PROCEEDINGS.

G.— APPEAL, REFERENCE AND REVIEW.

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