

CHAPTER XIII
Proceedings at the Hearing of Suits and up to and
Inclusive of Decrees

1. Evidence, how taken—(a) Upon the hearing of any suit or matter the evidence of each witness shall be taken down by or in the presence and under the superintendence of the Judge, ordinarily in the form of a narrative.

(b) A party to a suit or matter in which deposition of a witness has been taken down in shorthand or typed to the dictation of the Judge shall be entitled to be furnished on payment of the prescribed fee with a typed copy of the transcript, provided that ordinarily a written application has been made at the commencement of the hearing to be so furnished with a copy.

2. Any particular question and answer may be taken down—The Court may of its own motion or at the request of any party or his advocate, take down or cause to be taken down any particular question and answer, or any objection to any question.

3. Numbering of witnesses and documents—Depositions of witnesses of both sides and documents admitted in evidence shall be numbered in such manner as the Court may direct.

4. Witnesses not to be present in Court during hearing of the suit—Witnesses other than the parties shall not, unless otherwise ordered by the Court be present during the hearing of the suit or other matter in Court-room before their depositions have been recorded.

5. Exhibits other than in English to be translated—Except by leave of the Court, no document not in English language, shall be read or received in evidence unless it is translated in English-in accordance with the rules.

6. No compromise without leave of Court in pauper suits—Where a plaintiff has been permitted to *sue in forma pauperis* the suit shall not be compromised without leave of the Court.

7. Written judgment of two or more Judges how pronounced—(1) Judgments may be either oral or written;

(2) When the Court delivers an oral judgment, it shall be taken down by the shorthand-writer. A transcript shall then be prepared for correction by the Judge or Judges who delivered the

judgment. A fair copy of the transcript so corrected shall be signed by the Judge or Judges and dated with the date of delivery and shall be the record of the judgment.

7-A. When any suit or matter is heard by two or more Judges—

(i) If they have agreed to a written judgment and signed it, one of them may pronounce the judgment in the absence of the other or others;

(ii) if any one or more of them have written separate judgments, one of them may pronounce the judgments written and signed by the other or others in his or their absence.

7-B. Where a written judgment is to be pronounced it shall be sufficient if the finding of the Court on each issue and the final order passed in the case are read out, and it shall not be necessary for the Court to read out the whole judgment; but a copy of the whole judgment shall be made available for the perusal of the parties or their pleaders immediately after the judgment is pronounced.

8. Payment of costs a condition precedent for bringing a fresh suit— When a suit is allowed to be withdrawn with liberty to bring a fresh suit in respect of the same subject-matter then unless the Court shall otherwise direct the other shall be drawn up so as to make the payment of the costs of the suit a condition precedent to the plaintiff bringing a fresh suit.

9. Settling of draft of decree—Where the Registrar considers it necessary that the draft of any decree or other should be settled in the presence of the parties or where the parties require it to be settled in their presence, the Registrar shall, by notice in writing, appoint a time for settling the same and the parties shall attend the appointment and produce the briefs and such other documents as may be necessary to enable the draft to be settled.

10. Where any party is dissatisfied with the decree or other as settled by the Registrar, the Registrar shall not proceed to complete the decree or order without allowing that party sufficient time to apply by motion to the Court.

11. Copies of decrees to Collector in case of pauper costs—The Registrar shall cause copies of decrees to be prepared without delay for communication to the Collector in cases in which pauper costs are recoverable by the Government.

12. Errors how rectified after decree sealed—After a decree or order has been sealed, any application to rectify any inaccuracy other than a clerical or arithmetical error and to make it in accord with the judgment, shall be made to the Judge who passed the decree or order, or in the

event of his absence, to any other Judge, and the Judge may after notice to the parties, when he deems it necessary amend the same so as to bring it into conformity with the judgment, or rectify such inaccuracy or error. Save as aforesaid no alternation or variation shall be made without a review of judgment, and re-hearing under the provisions of Section 114 and Order XL VII of the Code.'