

CHAPTER 6

PROCESS-SERVING ESTABLISHMENT

A-REMARKS AND DIRECTIONS

The rules in Parts B and C have been made by the High Court with the sanction of Government and are republished for the guidance of Civil Courts in supersession of all previous rules on the subject.

General

2. Process-serving establishment are appointed and dealt with in accordance with the rules given in Chapter 18-A, Volume I.

Chapter 18-A deals with appointments

3. The Senior Sub-Judge or the Administrative Sub-Judge in districts where there is an Administrative Sub-Judge, has control over, and is responsible for the efficiency of the process-serving establishment of the district except that of the District Judge and Judge, Small Cause Court.

Controlling authority

4. The Civil Nazir is to be regarded as the ministerial head of the process-serving establishment under the control of the Senior Subordinate Judge (or the Administrative Sub-Judge in districts where an Administrative Sub-Judge has been appointed). His main duty is to maintain the efficiency of the process-serving establishment and for this purpose he will submit reports and make suggestions from time to time to the Senior Sub-Judge or the Administrative Sub-Judge as the case may be.

Duties of Civil Nazir

5. Every appointment of a process-server shall be registered in the Court of the Senior Subordinate Judge or the Administrative Sub-Judge, of the district in which the appointment is made, together with the following particulars:-

Registration of process-servers.

The name of the process-server, his age, his place and abode, his father's name and the date of appointment. The names of the process-servers should be entered

according to the date of their appointment in a register containing the above particulars, and a column of remarks should be added for the entry of such notes respecting the conduct of each process-server as the presiding Judge may from time to time deem it necessary to record.

Courts by whom the register is to be kept

6. There shall be one such register for the Court of the District Judge, one for the Senior Subordinate Judge's Court and other Subordinate Courts, and one for each Court of Small Causes.

Only registered process-servers to be employed.

7. Except in cases of necessity, when the special leave of the Court must be obtained, no person other than a registered process-server shall be employed in the service or execution of any Civil or Criminal process: the reason for granting such leave should be recorded.

Belts and badges of bailiffs and process-servers.

[1]8. Belts and badges for bailiffs and Process Servers: Every registered Bailiff and Process Server shall be provided with the following equipments, which shall be purchased at the market price from the contingency of the Court to which the registered Bailiffs and Process Servers are attached:

Bailiffs__

- (a) Brown leather Waist belt with cross strap over left shoulder Brass Buckle combined with badge prescribed by High Court to Waist belt;
- (b) Khaki drill haversack.

Process Servers__

- (a) Brown leather belt with brass buckle combined with badge prescribed by High Court to be fixed to the belt.
- (b) Khaki drill haversack.

[1] Substituted vide Correction slip No.169 Rules/II.D4 dated 30th November, 2012.

9. The Civil Nazir will be expected to keep up the Civil Deposit and Repayment Accounts and to manage the execution of decree business. It is left to Senior Subordinate Judges to issue detailed instructions as to the duties which are to be performed by the Civil Nazir. The Civil Nazir should devote his time to the distribution of business amongst process-servers, the transmission of processes to agencies located at tahsils for service, the management of the accounts and correspondence regarding the payment of diet money to witnesses, and other similar matters connected with the carrying out of the system of serving processes through agencies located at outlying tahsils.

Duties of Civil Nazir.

10. The maximum scale of process-serving establishments allowed to each district has been fixed, but the Senior Subordinate Judge or the Administrative Sub-Judge as the case may be has power to distribute the process-servers sanctioned for the Courts of Sub-Judges in such manner as he thinks fit, with reference to the amount of business coming before the different Courts and the distances to be traversed in serving processes; it must be understood, however, that the full number of process-servers should not be entertained unless they are actually required. Civil Register No. XXIII is intended to show how the work is distributed amongst the different process-servers, and controlling authorities should frequently inspect this register for the purpose of satisfying themselves that no unnecessary process-servers are entertained. Every marked diminution in work or income should be followed by a reduction of establishment.

Scale of process-servers and their distribution among different courts.

11. The total amount of contingencies expended on process-serving establishment should not exceed ten per cent of the cost of such establishment for the year.

Contingent expenditure.

12. No sanction of the higher authorities is necessary if one of the registered process-servers attached to a court can be spared for employment as a special messenger in the circumstances mentioned in Chapter 6-B. If, however, all process-servers in the district are attached to the Senior

Special messenger and special bailiff.

Subordinate Judge, the matter should be referred to him for necessary action, special fee will of course be levied in either case.

The appointment of a special messenger need not necessarily cause the creation of a new temporary post. If, however, a temporary post is required, a reference should be made to High Court under paragraph 20.5 of the Book of Financial Powers. The District and Sessions Judge can create posts of bailiffs required for execution of work of the co-operative societies only and not for others.

A special bailiff may be appointed for the execution of a warrant of arrest if service cannot be effected in the ordinary course. The period of such appointment can be determined by the Court concerned in the circumstances of each case but no special fee should be levied.