



**COURTS - STAFF -  
REGISTERS -  
LEGAL PROCEDURES :  
A GUIDE FOR  
DISTRICT JUDICIARY**

**TAMIL NADU STATE JUDICIAL ACADEMY**

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# **Courts - Staff - Registers - Legal Procedures : A Guide for District Judiciary**

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## **TAMIL NADU STATE JUDICIAL ACADEMY**

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**The views expressed are only the General Duties and Responsibilities of the Staff Members of the District Judiciary and are not exhaustive. They may not be quoted or relied on before any Judicial / Quasi Judicial or other forums.**

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*P. Sathasivam*  
*Judge*  
*Supreme Court of India*



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May 29, 2013

**MESSAGE**

Knowledge is power and knowledge of laws is empowerment. The Handbook, Study Material and Reading Material published by the Tamil Nadu State Judicial Academy in English and Tamil is a commendable step to enhance the knowledge and skills of the Court Staff of the District Judiciary.

I am glad to note that the Handbook covered important provisions of Law such as Code of Civil and Criminal Procedure, Limitation Act, Court Fees and Suits Valuations Act to enable the Court Staff to easily understand the same applicable to their day to day work.

The Study Material which covered brief introduction of Courts, jurisdiction, Control and Administration apart from the duties and responsibilities of staff members, registers maintained in the Courts etc. is also really helpful to staff of the district judiciary.

The reading material consisting of Articles on District Court Administration, Disciplinary Proceedings, Inspection of Courts, Role of District Judge, Legal Aid etc. will certainly improve the skills of the Judicial Officers in the State.

I congratulate the Governing Body of the Tamil Nadu Judicial Academy for their efforts in publishing this type of books for the District Judiciary and I wish that, in the coming years, the Academy will continue with the impressive work that it has been doing.

  
(P. SATHASIVAM)

**F.M. IBRAHIM KALIFULLA**  
Judge  
Supreme Court of India



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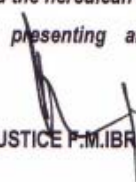
**MESSAGE**

*I had the benefit of scanning through the wonderful compilation made by the Tamil Nadu State Judicial Academy, at the able leadership of Hon'ble Thiru.Justice R.K.Agrawal, Acting Chief Justice, Hon'ble Smt.Justice R.Banumathi, President, Board of Governors of the Academy, along with the able assistance of its other Hon'ble Member Judges, the Director of the Academy, other Officers and staff members. Such a handbook was a long felt need for the staff of this institution viz., Judiciary.*

*To my recollection, such a compilation has been made for the first time by the judiciary for guiding the staff members in getting a succinct understanding of the diverse laws, relevant for the discharge of their judicial functions. As the Subordinate Judiciary is the edifice over which the Institution is built, it is needless to state that the effective functioning of judicial dispensation can be achieved only with the able assistance of its competent staff members. Therefore, it is imperative that the staff members get themselves apprised with the basic rules, regulations, prescribed forms and other procedures in order to ensure speedy and effective justice to the litigant public. Unless the staff members are aware and conversant with the relevant provisions and the procedural laws viz., the Code of Civil Procedure, Code of Criminal Procedure, Limitation Act and Court Fees and Suits Valuations Act, they are bound to commit serious errors, while examining the papers filed in the Court for the purpose of placing the same before the learned Judge for passing appropriate orders. Similarly, they should be aware of the other vital aspects such as jurisdiction, maintenance of relevant registers and other procedural aspects for better judicial administration.*

*It is heartening to note that the compilation has also been introduced in the local language viz., Tamil to enable the staff members to understand the various aspects fully, while discharging their duties. I wish the staff members make full use of the compilation and hope that the efforts taken by the Academy is justified and fulfilled in every respect.*

*I also congratulate the Academy for having accomplished the herculean task of making the compilation with utmost precision and lucidity, thereby presenting an enriching and knowledgeable odyssey for its users.*

  
(JUSTICE F.M. IBRAHIM KALIFULLA)



*R.K. Agrawal*  
*Acting Chief Justice*



*High Court,*  
*Madras.*

June 4, 2013

## **MESSAGE**

I am happy to note that the Tamil Nadu State Judicial Academy has prepared a Handbook and a Study Material for the use of staff working in the Subordinate Courts and a Reading Material for the Judicial Officers, in the State of Tamil Nadu.

The Handbook deals with important provisions of Code of Civil Procedure, Code of Criminal Procedure, Limitation Act and Courts Fees and Suits Valuation Act.

The Study Material gives a brief introduction of Courts, their jurisdiction, control and administration; duties and responsibilities of staff members; various registers maintained in the Courts; and also basic legal and procedural aspects which the staff required to know. The Study Material has been prepared with separate Chapters for Civil and Criminal Units while for city Courts, a separate Study Material has been prepared.

This apart, the Tamil Nadu State Judicial Academy has come up with a separate Reading Material containing Articles by Honourable Judges on District Court Administration, Disciplinary Proceedings, Inspection of Courts, Role of District Judge, Legal Aid, Budget Preparation and Important Circulars of the High Court for distribution to the Judicial Officers of the State.

The Judicial Officers are performing dual functions i.e. judicial and administrative. Without the cooperation of the efficient staff, it will be difficult for the Judicial Officers to perform their judicial work. Hence, the staff manning the subordinate Courts should understand the nature of their work and also the relevant provisions. The training in the Judicial Academy can only give a glimpse of their nature of work while the Handbook, available in English and Tamil, and the Study Material will help them to hone their skills. The Reading Material meant for the Judicial Officers will guide them in formulating their plans to improve and administration.

The Governing Body of the Tamil Nadu State Judicial Academy deserves congratulations for the meticulous preparation of these Books. I wish them to keep up their good work and come with many more novel ideas for the improvement of the judicial administration in the State.

*R.K. Agrawal*  
**(R.K. Agrawal)**

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**JUSTICE ELIPE DHARMA RAO**



No.3, Greenways Road,  
R.A.Puram,  
Chennai-600028.

Dated: 10.6.2013

**MESSAGE**

Happy to hear that the Tamil Nadu State Judicial Academy is bringing out codified books for the use of the staff members of the subordinate Courts in the State, after successfully codifying the study material for the staff members of the High Court and conducting training programme for them recently.

There is imperative need for the staff members to get themselves equipped with the important provisions of law so as to be more helpful to the smooth running of the chariot of justice.

These books compiled by the Tamil Nadu State Judicial Academy, are handy and serve as ready reckoner for the staff members to get instant information regarding the important provisions of law, which they would come across while discharging their day-to-day duties and thus would help them to serve in more effective manner.

They also enlighten duties and responsibilities of the staff members; do's and don'ts and the disciplinary rules.

With these, I have no doubt that the staff members would maintain the high standards.

**(JUSTICE ELIPE DHARMA RAO)**



**Justice R.BANUMATHI**  
President, Board of Governors,

**Justice S.MANIKUMAR**  
**Justice S.NAGAMUTHU**  
**Justice M.M.SUNDRESH &**  
**Justice G.M. AKBAR ALI**

Members, Board of Governors,  
**TAMIL NADU STATE JUDICIAL ACADEMY, CHENNAI**



Date: 10.06.2013

The Judicial Ministerial Service Staff of the District Judiciary who are part of Justice Delivery System, perform various important function such as receiving the papers, numbering and posting, attending the calling work, assisting the trial work, drafting degrees, preparation and delivery of certified copy of orders/judgments, maintenance and destruction of records and many other ministerial work.

With a view to update their knowledge so as to enhance the quality and quantity of their performance, under the aegis of 13<sup>th</sup> Finance Commission, Tamil Nadu State Judicial Academy, which is pioneer in Judicial Education, has brought out the handbook on *"Introduction to various Courts in the Districts and also an overall view of the duties and responsibilities of the Staff working in both Civil and Criminal Units, the Registers maintained and basic Legal and Procedural aspects"* and also a handbook on *"The relevant provisions of Civil Procedure Code, Criminal Procedure Code, Tamil Nadu Court Fees and Suits Valuation Act and Limitation Act"*. Tamil Nadu State Judicial Academy has also proposed to organise District wise training programme for staff members in co-ordination with the Principal District Judges.

Our appreciation goes to Mr.P.Kalaiyaran, Registrar General, High Court, Madras, Mr.C.Raghavan, Chief Judge, Small Causes Court, Chennai, Mr.S.Pandian, Principal District Judge, Vellore District, Mr. P.Vadamalai, Chief Metropolitan Magistrate, Chennai, Mr.T.Chandrasekaran, IV Assistant Judge, Mr.S.Natarajan, VI Assistant Judge, Ms.Sudha, Secretary, District Legal Services Authority, City Civil Court, Chennai, Mr.S.Balakrishnan, VI Metropolitan Magistrate, Mr.E.Rajendra Kannan, XXIII Metropolitan Magistrate, Chennai and their team of Staff Members, who have spent their valuable time in compilation of the study materials in co-ordination with Tamil Nadu State Judicial Academy. We also congratulate Mr.C.V.Karthikeyan, Director, Mr.S.Mohamed Abdahir, Additional Director, Mr.M.Vasanth Kumar, Assistant Director and Staff members of Tamil Nadu State Judicial Academy for their excellent assistance to bring out the compilation.

We hope that this hand book and the Staff training programme would help the members of Judicial Ministerial Service Staff to enhance their level of performance.

**Justice R.Banumathi**  
**Justice S.Manikumar**  
**Justice S.Nagamuthu**  
**Justice M.M.Sundresh**  
**Justice G.M. Akbar Ali**

# **TAMIL NADU STATE JUDICIAL ACADEMY, CHENNAI**

## **PREFACE**

Court Staff of the District Judiciary play a crucial role in the Administration of Justice. Their efficiency in discharge of official duties has a direct bearing on the smooth functioning of the Court operations and also in enabling the Judges to focus on the demands of Judicial adjudication. Access to Justice being the prime motive of the Judicial System, it is imperative that the Staff are well equipped to face their day-to-day responsibilities to the utmost satisfaction of all the stake holders, namely, the Bench, the Bar, the Litigant Public and themselves.

To achieve proficiency, training is very essential, and for any training programme to be successful, study materials are very necessary as it vastly improves and enhances knowledge acquisition.

Keeping this avowed object in mind, a dedicated attempt has been made by the Tamil Nadu State Judicial Academy, under the able guidance of the Governing Body, to prepare this compendium, consisting of an introduction to the various Courts in the Districts and also an overall view of the duties and responsibilities of the Staff working in both Civil and Criminal Units, the Registers maintained and basic Legal and Procedural aspects which, it is fervently hoped, would vastly improve and fine tune the existing quality, knowledge and skills of the Staff of the District Judiciary.

This hand book is only compilation of routine duties and responsibilities and not an exhaustive one. With the advancement of Information Technology and Right to Information Act more responsibilities are cast upon the staff members who were part of Justice Delivery System. Therefore, there is a need for the Judicial Ministerial Staff to rise up to the occasion to the emerging responsibilities.

It is hoped that all the Staff would go through the compilation and benefit from the same. Suggestions for improvement are encouraged and would be most welcome.

**PRINCIPAL DISTRICT JUDGE**

**C.V. KARTHIKEYAN**  
Director,  
Tamil Nadu State Judicial Academy,  
Chennai

**CHAPTER - I**

**CIVIL UNIT  
&  
SESSIONS COURTS**

## **PART – I**

### **COURTS – JURISDICTION, ADMINISTRATION AND CONTROL**

#### **District Administration**

- ❖ The District Courts, Subordinate Judges' Courts and District Munsif Courts (formerly called Zilla Courts, Principal Sadr Amins and District Munsifs) were established by the Civil Courts Act, 1873, (Act III of 1873). The Act came into force on the 1st day of March 1873. The Act subsequently came to be called the Tamil Nadu Civil Courts Act, 1873, after the Tamil Nadu Adaptation Order, 1969.
- ❖ The Court of Sessions, presided by a District Judge are established in accordance with Sec.9 of the Code of Criminal Procedure for every Sessions Division.
- ❖ The High Court may also appoint Additional Sessions Judges (District Judge Cadre) and Assistant Sessions Judges (Senior Civil Judge Cadre) to exercise Jurisdiction in the Sessions Division in accordance with Sec.9(3) of the Code of Criminal Procedure.

#### **Principal District Judges / District Judge**

- ❖ The District Court functions under the control of High Court, Madras.
- ❖ The Principal District Judge is the over all Administrative Head of all Courts functioning in the District.
- ❖ The Principal District Judge is the Appointing Authority for all posts which come under the District Unit in the Tamil Nadu Judicial Ministerial Service/Tamil Nadu General Subordinate Service/Tamil Nadu Basic Service.
- ❖ If there are more than one District Judge in a District, then the senior most District Judge among the District Judges is usually posted as Principal District Judge and he/she is the Head of the Unit as well as the Appointing Authority.
- ❖ The Principal District Judge is also the Inspecting Authority for all the Civil Courts functioning in the Districts.

#### **Jurisdiction of the Principal District Judge**

##### **Territorial:-**

- ❖ All suits arising in the Territorial Jurisdiction of the entire District.
- ❖ All Appeals arising from Decrees and Orders of the Subordinate Judge's Courts functioning in the District.

**Pecuniary:-**

Value of the Suit

:: Above Rs.10 Lakhs.

**The following category of cases are dealt with by the Principal District Court.**

1.	Original Suits	:	Value of the Suit above Rs.10 Lakhs.
2.	Civil Appeals	:	Appeals arising from Decrees and Judgments of the Subordinate Judge's Courts in the District concerned.
3.	Civil Miscellaneous Appeals	:	1. Appeals arising from Orders in Interlocutory Applications and Execution Applications of the Subordinate Judge's Courts in the District concerned. 2. Appeals arising from Orders of Subordinate Judge's Court in Original Petitions and also Hindu Marriage Original Petitions.
4.	Execution Petitions	:	Decrees in Suits valued above Rs.10 Lakhs. Arbitration Awards and all Original Petitions Awards.
5.	Original Petitions	:	Election O.P., under the Tamil Nadu Panchayat Act and Tamil Nadu District Municipalities Act, Arbitration O.P., Adoption O.P., Trust O.P., H.M.G.O.P., G.W.O.P., H.M.O.P., Succession O.P., I.D.O.P., Special Marriage O.P., Pauper O.P., Probate O.P., & Transfer O.P., etc.,
6.	Interlocutory Applications	:	Miscellaneous Petitions in Original Suits, Civil Appeals and all Original Petitions.
7.	Sessions Cases	:	A Sessions Judge may pass any sentence authorised by law; but any sentence of death passed by such Judge shall be subject to confirmation by the



			High Court. Cases filed under Electricity Act, SC/ST Act and Protection of Children from Sexual Offences Act and Human Rights Cases, are tried by the Principal Sessions Judge designated as Special Judge on Committal of Sessions Cases the Principal Sessions Court/Sessions Court make over the same to the Additional/Assistant Sessions Courts concerned functioning in the District.
8.	Criminal Appeals	:	Appeals against conviction by Assistant Sessions Judges, if the imprisonment does not exceed 7 years and Appeals arising against the Judgments of all Judicial Magistrates.  Appeals against Acquittal.
9.	Criminal Revision Petitions	:	Sessions Court has power of revision over any Order other than an interlocutory order or Judgment by a Subordinate Court including Executive Magistrate.
10.	Criminal Miscellaneous Petitions	:	Bail applications and other connected Miscellaneous Petitions.

#### **Co-operative Appellate Tribunal**

1.	Co-operative Tribunal Appeals	:	Appeals arising from Orders of the Registrar and Deputy Register of Co operative Societies passed under Sec.87 of the Tamilnadu Co-operative Societies Act.
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#### **Motor Accidents Claims Tribunal**

1.	Motor Accidents Claims Original Petitions	:	There is no filing of MCOP cases in Additional District Courts, Chief Judicial Magistrate Courts and Subordinate Judge's Courts functioning in the District
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		Head Quarters and designated as Motor Accidents Claims Tribunals. The entire filing of MCOP cases are taken in the Motor Accidents Claims Tribunals and then transferred to the said Courts in the District Head Quarters concerned.
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### **Preparation and Submission of Statements:-**

After receiving the periodical statements from the Subordinate Courts functioning in the District, consolidated statements have to be submitted to the High Court, Madras periodically as detailed below. Further, statements have also to be submitted by the District Court whenever called for by the High Court.

- ❖ Monthly Statement,
- ❖ Monthly Review Report,
- ❖ Quarterly Statement,
- ❖ Half-yearly Statement,
- ❖ Annual Statement,
- ❖ G.W.O.P. Disposal Statement.



## **HIERARCHY OF STAFF MEMBERS IN RESPECT OF JUDICIAL UNIT**

### **CHIEF ADMINISTRATIVE OFFICER**

(District Court & Labour Court)



### **SHERISHTADAR**

(District Court, Special District Court, Labour Court,  
Chief Judicial Magistrate Court)



### **BENCH CLERK GRADE I**

(Bench Clerks of District Court, Additional District Court,  
Labour Court, Mahila Court)



### **CATEGORY 2 OF CLASS IV OF T.N.J.M.S**

(Head Clerk, Central Nazir in District Court & Labour Court, Head Clerk in Special District Court (MCOP), Sherishtadar in Special Sub Court (MCOP), Sherishtadar in Sub Court)



### **CATEGORY 3 OF CLASS IV OF T.N.J.M.S**

(Record Keeper, Copy Superintendent, Translator of District Court,  
Record Keeper, Deputy Nazir of Labour Court,  
Translator of Mahila Court,  
Head Clerks of Sub Court, Chief Judicial Magistrate Court, Special Court for trial of cases under Prevention of Corruption Act, Special Sub Court (MCOP) & District Munsif Court and Deputy Nazir of Sub Court.



### **BENCH CLERK GRADE II**

(Bench Clerks of Sub Court and Chief Judicial Magistrate Court)



### **HEAD CLERK**

(Head Clerks of Judicial Magistrate Court and Additional Head Clerks of District Munsif Court)



### **BENCH CLERK GRADE III / ASSISTANTS**



**STENO TYPISTS GRADE III / JUNIOR ASSISTANTS / TYPISTS / EXAMINERS /  
READERS**



### **SENIOR BAILIFFS**



### **JUNIOR BAILIFFS**



### **RECORD ASSISTANTS / RECORD CLERKS**



**OFFICE ASSISTANTS / NIGHT WATCHMAN / MASALCHI**

## **SECTIONS IN PRINCIPAL DISTRICT COURT**

### **REGULAR ESTABLISHMENT SECTION (PDJ COURT)**

- ❖ Handling matters regarding appointment, promotion, transfer and Posting of staff members.
- ❖ Preparation of estimates of vacancies
- ❖ Preparation of proposals for permanent retention of temporary posts and further continuance of temporary posts and additional staff.
- ❖ Handling retirement file
- ❖ Preparation of provisional pension proposals
- ❖ Preparation of periodical statements
- ❖ Preparation of seniority list of the staff members
- ❖ Maintenance of Service Registers of the officers and staff members.
- ❖ Preparation of proceedings for allowances to the staff members
- ❖ Handling all kinds of leave applications, including surrender leave applications, of the subordinate Judicial officers and staff members
- ❖ Maintenance of attendance register and late attendance particulars
- ❖ Handling matter relating to contribution pension scheme and preparation of proceedings
- ❖ Communication of GO's and circulars to officers and staff members
- ❖ Handling matter relating to New Health Insurance Scheme
- ❖ Preparation work for Annual Inspection and Meetings
- ❖ Handling public toilet file in the compound of unit
- ❖ Handling matter relating to buildings
- ❖ Preparation and follow - up work relating to petitions under Right to Information Act
- ❖ Distribution of tapals
- ❖ Service of Summons and Notice, Execution of warrant, etc.
- ❖ Communicating the orders of the Hon'ble High Court, regarding vacation and holidays for courts and etc
- ❖ Preparation of pay bills and other bills of entire establishment and officers
- ❖ Maintenance of CR-19 Register.

- ❖ Maintenance of CR- 48 ,CR-49 and CR-50 Register
- ❖ Maintenance and handling of MTC- 70
- ❖ Preparation of Arrears bills
- ❖ Preparation of LTC bills
- ❖ Issuance of L.P.C.
- ❖ Preparation of Medical bills for staff members
- ❖ Preparation of surrender leave salary bills
- ❖ Preparation of G.P.F. Temporary advance bills
- ❖ Preparation of Refund bills
- ❖ Preparation of Medical, Newspapers and other allowances bills of officers
- ❖ Maintenance of Recovery Registers
- ❖ preparation or Budget periodically
- ❖ Preparation of reply to Audit queries and maintenance of audit para file
- ❖ Handling matter relating to GPF Temporary Advance and Part Final withdrawal for staff members and 90% and 75% part final withdrawal for all staff members.
- ❖ Maintenance of Loans and Advances register
- ❖ Checking main fine accounts
- ❖ Maintenance and handling of Register of fines imposed, written off and refunded
- ❖ Register of fines uncollected
- ❖ Default Register of Fine imposed
- ❖ Register of witness batta deposited and paid
- ❖ Register of receipts and payments account of maintenance, compensation etc.
- ❖ Checking – Receipt book, Fine register, Collection register of all courts, Daily cash book, Monthly cash book, Miscellaneous register
- ❖ Preparation of proceedings for and payment of, telephone bills
- ❖ Preparation of proceedings for conveyance allowance
- ❖ Preparation of proceedings regarding Newspapers bills, Medical bills, Electricity charges, service postage and water charges



- ❖ Maintenance of PDJ's car and handling matters relating of petrol bills for PDJ's car and pocket allowance to the car driver
- ❖ Arrangement of phones for all units
- ❖ Handling matters relating to transfer grant to all transferee officers
- ❖ Refund of fine deposits
- ❖ All reconciliation work
- ❖ Receipt and expenditure statement
- ❖ Preparation of Lapse Statement.

#### **CENTRAL NAZIR SECTION (PDJ COURT)**

- ❖ Maintenance of Attendance Register
- ❖ Register of Casual Leave
- ❖ Maintaining A Register
- ❖ Maintaining B Register
- ❖ Maintaining Receipt Book
- ❖ Maintaining C Register
- ❖ Maintaining High Court Register
- ❖ Maintaining Immovable attachment Register
- ❖ Maintaining Movable attachment Register
- ❖ Register of attachment raised
- ❖ Maintaining Poundage Register
- ❖ Maintaining Curator Register
- ❖ Maintaining Despatch Register
- ❖ Maintaining Service Postage Register
- ❖ Maintaining Pay acquaintance register
- ❖ Maintaining Loan sanction register
- ❖ Maintaining Individual Loan register
- ❖ Maintaining Loan recovery Register
- ❖ Maintaining Service Register
- ❖ Service of Summons and Notice, Execution of warrant, etc.

## **COPYIST ESTABLISHMENT (PDJ COURT)**

- ❖ Preparing call for list day to day
- ❖ Preparing ready list day to day
- ❖ Maintaining Stamp account register
- ❖ Maintaining Xerox copy register
- ❖ Maintaining Plan fee register
- ❖ Maintaining Copy memo register
- ❖ Maintaining A Register
- ❖ Maintaining B Register
- ❖ Maintaining D Register
- ❖ Maintaining E Register

## **Subordinate Judge's Court**

- ❖ The Subordinate Judge is the Administrative Head of Sub Court.

## **Jurisdiction of the Subordinate Judge**

### **Territorial:-**

Arising out of the entire territorial jurisdiction of the District Munsif Court concerned with monetary value exceeding Rs.1 lakh and not exceeding Rs.10 lakhs.

Original Suits relating to Wakf Property, exercising territorial jurisdiction over the entire District concerned.

All the Civil Appeals arising from Decrees in Original Suits filed and disposed in the District Munsif Court concerned.

All Civil Miscellaneous Appeals arising out of Orders in Interlocutory Applications and Execution Applications on the file of the District Munsif Court concerned.

All Rent Control Appeals arising out of Orders passed by the Rent Controller-cum-District Munsif concerned and Transfer O.P.s in Rent Control Petitions.

**The following Category of cases are dealt with by the  
Principal Subordinate Judges' Court.**

1.	Original Suits	:	Value of the Suit exceeding Rs.1 lakh and not exceeding Rs. 10 lakhs.
2.	Civil Appeals	:	Appeals arising from Decrees and Judgements of the District Munsif Courts concerned.
3.	Civil Miscellaneous Appeals	:	Appeals arising from Orders in Interlocutory Applications and Execution Applications of the District Munsif Courts concerned.
4.	Insolvency Petitions	:	Insolvency Petitions filed by the debtor and creditor for adjudging a person as insolvent.
5.	Execution Petitions	:	Decree value of the Suit exceeds Rs.1 lakh and does not exceed Rs.10 lakhs and other Court decrees.
6.	Original Petitions	:	Hindu Marriage Original Petitions
7.	Interlocutory Applications	:	Miscellaneous Petitions in Original Suits, Civil Appeals and all Original Petitions.
8.	Sessions Cases	:	An Assistant Sessions Judge may pass any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding ten years on the cases which have been made over from the Principal District Court District Court.

**Rent Control Appellate Authority**

1.	Rent Control Appeals	:	Appeals arising from Orders in Rent Control Petitions and Interlocutory Applications in Rent Control Petitions.
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**Motor Accidents Claims Tribunal**

1.	Motor Accident Claims Original Petitions	:	Arising out of the territorial jurisdiction. In the Head Quarters, there is no separate filing of MCOP cases in Sub Courts and they are taken on file by way of transfer from Principal District Court District Court concerned.
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## **Preparation and Submission of Statements:-**

The following statements are to be submitted periodically to the District Court for onward submission of the consolidated statement to the High Court, Madras.

- ❖ Monthly Statement,
- ❖ Monthly Review Report,
- ❖ Quarterly Statement,
- ❖ Half-yearly Statement,
- ❖ Annual Statement.

## **District Munsif Court**

- ❖ The District Munsif is the Administrative Head of District Munsif Court.
- ❖ If there are more than one District Munsif functioning in a station, then the senior most District Munsif is usually posted as Principal District Munsif.

## **Jurisdiction of the District Munsif**

### **Territorial:-**

Arising out of the entire territorial jurisdiction of the concerned Revenue Taluk.

Small Causes Suits	::	Value of suits below Rs.5,000/-
Original Suits	::	Value of suits more than Rs.5,000/- and less than Rs.1,00,000/-

In respect of the areas covered under the Provincial Small Causes Courts Act, suits valued below Rs.20,000/- are taken on file as Small Causes Suits.

### **The following Category of cases are dealt with by the District Munsif Court.**

1.	Original Suits	:	Value of the Suit more than Rs.20,000/- and less than Rs.1,00,000/-.
2.	Small Causes Suits	:	Value of the Suit is below Rs.20,000/-
3.	Insolvency Petitions	:	Insolvency Petitions filed by the debtor alone are filed in Munsif's Courts.
4.	Execution Petitions & Small Causes Suits Execution Petitions	:	Decree value of the Original Suit does not exceed Rs.1,00,000.  Decree value of the Small Cause Suit does not exceed Rs.20,000/-

5.	Original Petitions	:	Succession O.P., P.O.P., and Caveat O.P.
6.	Interlocutory Applications	:	Miscellaneous Petitions in Original Suits and Original Petitions.
7.	Execution Applications	:	Miscellaneous Petitions in Execution Petitions.
8.	<b>As</b> Rent Controller	:	All petitions arising under Tamil Nadu Buildings (Lease and Rent Control).

### **Preparation and Submission of Statements:-**

The following statements are to be submitted periodically to the District Court for onward submission of the consolidated statement to the High Court, Madras.

- ❖ Monthly Statement,
- ❖ Monthly Review Report,
- ❖ Quarterly Statement,
- ❖ Half-yearly Statement,
- ❖ Annual Statement.





## **PART – II**

### **DUTIES AND RESPONSIBILITIES OF THE STAFF MEMBERS WORKING IN CIVIL UNIT & SESSIONS COURTS**

**The Hierarchy of Administration is as follows:**

#### **PRINCIPAL DISTRICT COURT**

The Principal District Judge, Additional District Judge, Chief Administrative Officer, Court Manager, Sherishtadar, Head Clerk, Central Nazir, Record Keeper, Copyist Superintendent, Translator, Bench Clerk and other Staff Members.

**The Duties and Responsibilities of the Staff Members are as follows:**

#### **CHIEF ADMINISTRATIVE OFFICER**

- ❖ Scrutinize all tapals received and opened by the District Judge, enter them in the Register of Tapals Received and cause them to be distributed to the various sections of the Court for necessary further action.
- ❖ Sign the Register of Money Orders relating to plan fees intended for the Copyist Establishment received from other Courts and send them to the concerned Sections for necessary further action.
- ❖ Sign the entries of the moneys received by Money Order relating to the Cash Batta remitted to the Central Nazareth received from other Courts and send them to the concerned Sections for necessary further action
- ❖ Scrutinize and sanction the Casual Leave Applications relating to the Regular Establishment of the District Court.
- ❖ Scrutinize and sanction the Casual Leave Applications relating to the Copyists' Establishment of the District Court.
- ❖ Scrutinize and sanction the Casual Leave Applications relating to the Central Nazareth of the District Court.
- ❖ Scrutinize and sanction the General Provident Fund Temporary Advance applications relating to the Regular Establishment.
- ❖ Scrutinize and Sanction the General Provident Fund Temporary Advance applications relating to the Copyists.
- ❖ Scrutinize and sanction the General Provident Fund Temporary Advance Applications relating to the Central Nazareth.
- ❖ Scrutinize and sanction the Cycle Advance wherever necessary to the members of the Establishment.

- ❖ Scrutinize and sanction the Handloom Advance, wherever necessary to the members of the Establishments.
- ❖ Scrutinize and sanction the Khadi Advance, wherever necessary to the members of the Establishment
- ❖ Scrutinize and sanction the Festival Advance wherever necessary to the members of the Establishment
- ❖ Scrutinize and sanction the Education Advance, wherever necessary to the members of the Establishment
- ❖ Scrutinize and sanction the Spectacle advance, wherever necessary to the members of the Establishment
- ❖ Scrutinize and sanction the Surrender Leave Applications. Normally not less than 5 applications per week relating to any one of the advances and surrender leave are to be scrutinized and sanctioned)
- ❖ Signing of the proceedings for the sanction of G.P.F. Advance.
- ❖ Signing of the proceedings for the sanction of Cycle Advance.
- ❖ Signing of the proceedings for the sanction of Handloom Advance.
- ❖ Signing of the proceedings for the sanction of Khadi Advance.
- ❖ Signing of the proceedings for the sanction of Festival Advance.
- ❖ Signing of the proceedings for the sanction of Education Advance.
- ❖ Signing of the proceedings for the sanction of Spectacle Advance
- ❖ Signing of the proceedings for the encashment of surrender leave.
- ❖ Check up and sign the following registers relating to the Accounts Branch of the District Court, every day.
  - ◆ Cash Book.
  - ◆ Common Cash Book.
  - ◆ Ledger.
  - ◆ Permanent Advance Register.
  - ◆ Contingent Register.
  - ◆ Undisbursed Pay Register.
  - ◆ Token Register.
  - ◆ Register of deposits.
  - ◆ Subsidiary Cash Book relating to the recovery of the amounts towards L.I.C., Co-operative Society, etc.,
  - ◆ Register of investments.
  - ◆ Signing of bills relating to refund of Court-fees.
  - ◆ Refund of lapsed deposit.

## Signing of Bills

(Under Treasury Rule 16 – Subsidiary Rule 2(h) the head of an office may authorize a gazette Government servant serving under him to sign bills, vouchers and payment orders for him, but, if he does so, he shall communicate the Government servant's name and specimen signature to the treasury or treasuries concerned. A delegation of powers of this kind shall not, in any way, relieve the head of the office of his responsibility for the accuracy of the bills, etc., and for the disposal of the moneys drawn from the treasury. -page 121 of the Tamilnadu Treasury Code-Vol.I-1976

- ❖ Edition. At page 145 of the same volume under Treasury Rule 16 – Subsidiary Rule 18(b) a Gazetted Government servant who is the head of an office may draw his office contingent bills. He may also delegate this power to a Gazetted Government servant under him – see subsidiary rule 2 (h).
- ❖ Pay Bills of the Regular Establishment (with necessary schedules).
- ❖ Pay Bills of the Copyists' Establishment (with necessary schedules).
- ❖ Pay Bills of the Central Nazareth (with necessary schedules)
- ❖ Signing of contingent bills relating to the office expenses. (not less than two bills per week have to be prepared and signed)
- ❖ Signing of Special Contingent Bills towards the payment of witness batta (Diet and Road money charges).(Normally not less than 3 bills have to be prepared and signed per week, (The Government also have issued instructions to all the Treasury Officers in the State to pass the Special Contingent Bills irrespective of the number of times. They are presented)
- ❖ Signing of the General Provident Fund Advance Bills.
- ❖ Signing of the Surrender Leave Salary bills.
- ❖ Signing of the Cycle Advance Bills.
- ❖ Signing of the Hand loom Advance Bills.
- ❖ Signing of the Khadi Advance bills
- ❖ Signing of the Festival Advance Bills
- ❖ Signing of the Education Advance Bills.
- ❖ Signing of the Spectacle Advance Bills.

- ❖ At the time of signing the bills for the encashment of surrender leave salary and General Provident Fund, the officer will have to consequentially sign simultaneously the relevant entries in the Service Register of the applicant.
- ❖ Counter-signing of the Medical Reimbursement bills of the Subordinate Judges and District Munsif.
- ❖ Sanctioning of the Festival Advance to the Subordinate Officers under the control of the District Judge.
- ❖ Signing of the T.A.. bills.
- ❖ Counter-signing of the T.A., Bills of the District Munsif and Subordinate Judges.
- ❖ Signing of the Special Contingent bills for the purchase of articles (other than the items supplied by the Stationery and printing).
- ❖ Grant of Earned Leave to the members of the three sections of the Establishments of the District Courts.
- ❖ Grant of unearned Leave on Medical certificate to the members of the three establishments of the District Court.
- ❖ Grant of maternity leave to the married women Government Servants of the District Court and when they apply for such a leave.
- ❖ Approval of the leave granted by the subordinate Judicial Officers of the District to the members of the staff of their respective courts in the district.
- ❖ To sign all correspondence addressed to the subordinate Judicial Officers (both in civil and Criminal Units).
- ❖ To attend the correspondences received daily from the subordinate Judicial Officers (both Civil and Criminal).
- ❖ Signing of the correspondences addressed to other departments except to the High Court and Government.
- ❖ To scrutinize and order the communication of Government Orders and High Court's Circulars to the subordinate Courts and also to the different sections of the District Court.
- ❖ Submit proposals for selection of fresh candidates for appointment in the department.
- ❖ Assist the District Judges in the selection of fresh candidates for appointment.
- ❖ Submit proposals for transfer and appointment of the members of the staff in the Civil Unit of the entire district.

- ❖ Cause the preparation of proceedings for appointments for the approval of the District Judge. After approval of the same by the District Judge, cause the draft orders, fair copied, sign them and have them despatched to the concerned Courts and sections
- ❖ Assist the District Judge to initiate Disciplinary action against the erring members in the Civil Unit of the Department.
- ❖ Assist the District Judge in the conduct of departmental enquiry against any officer of the department.
- ❖ Submit Notes on any service appeals preferred by the member of the Department of perusal of the District Judge.
- ❖ Cause the preparation of proposals for confirmation of candidates wherever possible and necessary.
- ❖ Cause the preparation of Panel of Employees eligible to be moved to “Selection Grade” and submit proposals for creation of Selection Grade posts wherever necessary.
- ❖ Submit the programmer for Annual Inspection of all the Subordinate Courts (Civil) and Chief Judicial Magistrate’s Court in the District.
- ❖ Scrutinize all the Annual Notes of Inspection and submit them for perusal of the Judge and carry out the consequential instructions issued by the Judge.
- ❖ Fair copy the Notes of Annual Inspection of all the Subordinate Courts (Civil) and the Chief Judicial Magistrate’s Courts and submit one set of copies to the High Court for its remarks and another set to the concerned subordinate courts for rectification of defects and keep a watch over the same till the defects pointed out are fully rectified.
- ❖ Scrutinize the Notes of Surprise Inspection of the Subordinate Courts and place them for perusal of the District Judge.
- ❖ Fair copy the Notes of Surprise Inspection of the Subordinate Courts and submit one set of copies to the High Court, and another set to the concerned court for rectification of defects and keep a watch over the same till the defects are fully rectified
- ❖ Submit for approval of the District Judge and onward submission to the High Court, the proposal for continuance of any temporary additional courts and temporary Additional staff.

- ❖ Submit for approval of the Judge and onward submission to the High Court, the proposal for sanction of any new temporary additional Courts.
- ❖ Submit for approval of the District Judge, and onward submission to the High Court, the proposals for sanction of new temporary additional staff.
- ❖ Scrutinize the Monthly and quarterly Civil Statistics and the progress made on the listed suits and prepare the Draft Review on the work done by the Subordinate Judicial Officers of the Civil Unit in the entire district and submit to the District Judge for perusal and for passing appropriate remarks.
- ❖ Allocate the contingent funds to the Subordinate Courts after the receipt of the allotment of contingent fund from the High Court.
- ❖ Assist the Principal District Judge in preparing the notes for the Annual Confidential Reports of the work and conduct of the Subordinate Civil Judicial Officers of the District and the Chief Judicial Magistrates.
- ❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.

## **COURT MANAGER**

- ❖ The Court Managers are appointed by direct recruitment through TNPSC by High Court, Madras.
- ❖ The Court Manager assists the Principal District Judge in the administrative functioning of the Courts to enhance the efficiency of the Court Management.
- ❖ While performing such functions, the Court Manager works under the control of the Principal District Judge.
- ❖ To maintain professional secrecy and not to divulge any information which may come to his / her knowledge to any one under any circumstances.

## **DUTIES AND RESPONSIBILITIES OF COURT MANAGERS**

The Court Manager is entrusted with the following responsibilities :-

### ***I. Policies and Standards:-***

- ❖ Based on applicable directives of Superior Courts, establishes the performance standards applicable to the Court (including on timeliness, efficiency, quality of Court performance, infrastructure and human resources; access to justice as well as for systems for court management and case management.)
- ❖ Carry out an evaluation of the compliance of the court with such standards;

identifies deficiencies and deviations; identifies steps required to achieve compliance; maintains such and evaluation on a current basis through annual updates.

## ***II. Planning:-***

- ❖ In consultation with the stakeholders of a court (including the bar, ministerial staff, executive agencies supporting judicial functions such as prosecutors / police / process serving agencies and court users) prepares and updates annually a 5 year court-wise Court Development Plan (CDP).
- ❖ Monitor the implementation of the CDP and report to superior authorities on progress.

## ***III. Information and Statistics:-***

- ❖ Ensure that statistics on all aspects of functioning of the Court are compiled and reported accurately and promptly in accordance with systems established by the High Court;
- ❖ Ensure that reports on statistics are duly completed and provided as required.

## ***IV. Court Management:-***

- ❖ Ensure that the processes and procedures of the Court (including for filing, scheduling, conduct of adjudication, access to information and documents and grievance redressal) are fully complied with the policies and standards established by the High Court for court management and that they safeguard quality, ensures efficiency and timeliness, and minimize costs to litigants and to the State; and enhance access to justice.

(Note : Standard systems for court management is to be developed at the High Court level)

## ***V. Case Management:-***

- ❖ Ensure that case management systems are fully complied with the policies and standards established by the High Court for case management and that they address the legitimate needs of each individual litigant in terms of quality, efficiency and timeliness, costs to litigants and to the State.

## ***VI. Responsiveness Management-Access to Justice – Legal Aid and User Friendliness:-***

- ❖ Ensure that the Court meets standards established by the High Court on access to justice, legal aid and ADR methods and user friendliness.

### **VII. Quality Management:-**

- ❖ Ensure that all directions issued by the High Court from time-to-time are complied with.

### **VIII. Human Resource Management:-**

- ❖ Ensure that Human Resource Management of ministerial staff in the Court comply with the Human Resource Management standards established by the High Court.

### **IX. Core Systems Management:-**

- ❖ Ensure that the core systems of the court are established and function effectively (documentation management; utilities management; infrastructure and facilities management; financial systems management (audits; accounts; payments) in co-ordination with the Principal District Judge.

### **X. I. T Systems Management-Access:-**

- ❖ Ensure that the IT systems of the court comply with standards established by the High Court and are fully functional.
- ❖ Feed the proposal for National Arrears Grid to be set up to monitor the disposal of cases in all the Court, as and when it is set up.
- ❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.

### **SHERISHTADAR IN DISTRICT COURT**

- ❖ He is to receive all the Appeal Memorandum Original Petitions, Original Suits, M.C.O.P.s, Vakalath petitions, Counters, Bail Applications, etc., presented into the Court, initial them: cancel the Court Fee Stamps affixed thereon, have the date seal affixed on them, cause them entered in the Stamp Register (C.R.19) and distribute them to the sections concerned.
- ❖ Scrutinize the Civil Appeals and Civil Miscellaneous Appeals, Originals Suits and place them to the Judge for filing.
- ❖ Scrutinize the work turned out by each member of the staff in the Central Record Section as detailed in their diaries.
- ❖ Scrutinize all the Registers relating to the Central Copyist Establishment.
- ❖ Check up the "B" Register and the Register showing the Money in the hands of the Nazir relating to the Central Nazareth,



- ❖ Verify the preparation of Cheques with reference to the Cheque Applications ordered and have them placed before the personal Assistant for favour of signature
- ❖ Sign witness summons prepared in Sessions cases.
- ❖ Keep all the First Information Reports and Charge Sheets filed by the Special Police Establishment in safe custody.
- ❖ Receive Money Orders relating to plan Fees and cash batta relating to the Nazareth received from other courts and send them to the concerned sections.
- ❖ To pass “Grant” orders in all the Emergent Copy Applications relating to the District Court.
- ❖ Sign the Emergent Processes relating, to the District Court,
- ❖ Verify the entries relating to the results of Civil Appeals, Civil Miscellaneous Appeals, Original Suits and Original Petitions in the relevant register and initial those entries
- ❖ Scrutinize the Replies to the correspondences. Prepared by various section in the District Court, Initial them and place them for the signature of the personal Assistant.
- ❖ Sign the copies of the bail orders and cause them to be sent to the concerned courts.
- ❖ Sign the true copies of fair Orders, Decreetal Orders, Fair Judgments and Decrees intended to be sent to the Lower Courts.
- ❖ Sign copies of all the Government orders and circular orders intended for Lower Courts and hand them over for despatch.
- ❖ Check up every month, the Registers relating to various section in the District Court, Note down the defects and place them for orders of the Judge through the Personal Assistant for directing the concerned staff to rectify the defects.
- ❖ Scrutinize General Provident Fund Advance Applications relating to the Regular Establishment and Copyist Establishment and place them before the personal Assistant for orders.
- ❖ Check up the Daily balance of Service Postage Stamps with reference to the Service Postage Account and the Register of papers despatched and initial the Registers in token thereof.

- ❖ Have the securities offered by the members of the staff other than the members of the Nazareth in safe custody and cause them tested annually as to their competence.
- ❖ Scrutinize the seniority list of the members of the Establishment of the Civil Unit and place it for the approval of the Judge through the personal Assistant..
- ❖ Scrutinize the combined seniority list of the members of both Civil and Criminal Units of the District and place them before the District Judge through the Personal Assistant.
- ❖ Submit proposals to the Personal Assistant for checking of cash balance in the hands of the Central Nazir with reference to “C” registers.
- ❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.

### **HEAD CLERK IN DISTRICT COURT**

- ❖ Preparing all kinds of Salary and Non-Salary Bills of Principal District Judge, and Staff of Regular Establishment.
- ❖ Putting up Notes through Sherishtadar for sanction of Loans and Advances to the staff of Regular Establishment.
- ❖ Preparing Medical Reimbursement Bills of Retired Judicial Officers who are residing within the Jurisdiction of this district.
- ❖ Maintaining Office copy of Acquittance, Contingent Register, Increment Register, Permanent Advance Register, Common Cash Book, Miscellaneous Cash Book, Un-disbursed pay Register.
- ❖ Maintaining of All Service Registers of Staff of Regular Establishment.
- ❖ Maintaining of All Service Registers of Civil Judge (Junior Division) working in this district and maintaining Increment Register for them.
- ❖ Scrutinizing the T.A. Bills, T.T.A Bills, Medical Reimbursement Bills, Reimbursement of Excess Rent Bill and put up the same for counter signature from the Principal District Judge or Chief Administrative officer as the case may be.
- ❖ Preparation of Consolidated Budget proposal after calling for particulars from the entire Civil Courts in this district and submitting the same to the High Court, Madras.
- ❖ Distributing the funds allotted by the High Court, Madras, to the entire Courts in Civil Unit of the District.

- ❖ Preparation of Number Statement and Final Modified Appropriation Station for entire Civil Unit of the District.
- ❖ Maintaining of Ledger, Deposit Register, Repayment Register and Cash Book, Cheque pulli “ A” Challan.
- ❖ Writing of Cheques ordered for payment.
- ❖ Reconciliation of Court Balance with Treasury Balance by received Treasury Weekly Statement from the District Treasury.
- ❖ Maintaining the individual files for each Judicial Officers Civil Unit of the District.
- ❖ Maintaining of files for Staff of Regular Establishment.
- ❖ Attending correspondence in respect of “B” branch.
- ❖ Maintaining files relating to Buildings (Government and private Building) in which Courts are functioning.
- ❖ Maintaining files relating to allotment of lands for construction of Court Buildings and Quarters for Judicial officers.
- ❖ Maintenance of files relating to e-Courts project
- ❖ Maintaining of property Register for Sessions Case Properties.
- ❖ Maintaining of Investment Register and keeping safe custody of Fixed Deposit Receipts.

**Following works are to be done either by Head Clerk or by the Translator or by the Staff to whomsoever assigned:**

- ❖ Assigning number in other Miscellaneous Petitions.
- ❖ Receipt of Lower Court records in Criminal Appeal and send them to concerned courts after checking them.
- ❖ Receipt of High Court orders and after making necessary entry in the register and sending them to concerned courts in order to comply with the directions given thereon.
- ❖ Making Entry of disposed of cases in Sessions Cases (CR A4 & A5), Calendar Cases (No.4), Criminal Appeal (CR A6) and Criminal Revision (CR A7) for all the Courts.
- ❖ Attending of other Miscellaneous letters, Criminal Complaints and Telegrams related to Criminal Section.
- ❖ Submitting remarks to High Court in the Criminal matters.

- ❖ Preparation of Jail visit report.
- ❖ Monitoring Committee meetings.
- ❖ Sending, receiving, consolidating periodicals from all the Sessions Courts and submit them to the High Court.
- ❖ Maintenance of the car of the Principal Judge and Judges Vans.
- ❖ Maintaining log book, sanction of fuel charges, repair charges to the car and the Judges Van and sanction of uniforms and shoes to the Drivers.
- ❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.

#### **OTHER STAFF**

<b>CADRE</b>	<b>DUTIES &amp; RESPONSIBILITIES</b>
<b>CENTRAL NAZIR</b>	<ul style="list-style-type: none"> <li>❖ Overall Supervision of Nazir Section</li> <li>❖ Signing all the warrants viz movable, immovable, Test, Arrest, Salary attachment, Warrant of Possession and Warrant for direction</li> <li>❖ Signing the copies of proclamation for execution under public auction.</li> <li>❖ Collecting poundage.</li> <li>❖ Collecting one third of sale process.</li> <li>❖ Execution of Detention Warrant.</li> <li>❖ Receiving all the Cash amount to be collected by the Establishment and issuing receipt.</li> <li>❖ Maintaining Cash Books (CR-45) and Receipt Books (CR-41)</li> <li>❖ Stopping the execution of the warrant in the event of the receipt of Stay Orders.</li> <li>❖ Supervising of Process Service Establishment.</li> <li>❖ Preparing all kinds of Salary Bills of</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<p>Staff of Process Service Establishment of Principal District Court.</p> <ul style="list-style-type: none"> <li>❖ Putting up Notes through Sherishtadar for sanction of Loans and Advances to the staff of Process Service Establishment.</li> <li>❖ Maintaining Office copy of Acquittance, Increment Sanction Register and Un-disbursed pay Register.</li> <li>❖ Maintaining of All Service Registers of Staff of Process Service Establishment.</li> <li>❖ Maintaining of “A” Register, “B” Register, and “C” Register.</li> <li>❖ Signing of all prepared processes, viz., Summons, Notices, Movable Attachment Warrant, Immovable Attachment Warrant, General Publication, Sale Proclamation, Delivery Warrant, Sale Warrant, Witness Summons, Handover summons, and Arrest Warrant pertaining to Principal District Court.</li> <li>❖ Entrusting the ready work of various Warrants to the Senior Bailiff as per Seniority.</li> <li>❖ Entrusting the ready Process work of various nature to the Process Server as per Seniority.</li> <li>❖ Entrusting the Other Court Processes and Warrants to the Process Server and Senior Bailiff respectively as per Seniority.</li> <li>❖ Maintaining and Keeping safe custody</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<p>of Cash Security Deposits with Security Bond submitted by the Senior Bailiff and Process Servers.</p> <ul style="list-style-type: none"> <li>❖ Conducting Court Sale of immovable property.</li> <li>❖ Being deputed to Subordinate Courts for Preliminary Checking of Registers and Records of such courts and to prepare defects notes for Annual Inspection as per schedule and to assist the Principal District Judge on the date of Annual Inspection.</li> <li>❖ Subsequent to the inspection, to see that the instructions are being properly carried out within the stipulated time and to submit the Inspection Report/ Printed Notes of Annual Inspection, Personal Notes of Annual Inspection of the Principal District Judge along with the Statement of Annual inspection of Subordinate Courts, to the High Court after obtaining approval of the Principal District Judge.</li> <li>❖ Scrutinizing the work done statement of Subordinate Courts.</li> <li>❖ Deputing process Server to attend routine duties in the court and offices and maintained pulli to that effect</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>RECORD KEEPER</b>	<ul style="list-style-type: none"> <li>❖ Keeping and preserving neatly and safely all the disposed of records consigned to Central Record Room by all Courts.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ Monitoring the consignment of Records by the Other courts to Central Record Section periodically.</li> <li>❖ Supervising the Checking of Lower Court Records received under consignment from the various courts by evenly distributing the records to the available staff attached to the Central Record Section.</li> <li>❖ Submitting the material part of records in both Civil and Criminal cases to the Honble High Court, Madras for reference in appeal after following the procedure laid down and as per the High Court's Circular.</li> <li>❖ <b>Maintaining the following Registers.</b> <ul style="list-style-type: none"> <li><b>(1) Register of permanent Register.</b> List Containing the Serial number of bound volume of Original Suit Register, Original Petition Register, Register of insolvency petition, R.C.O.P. Register, Appeal Suit Register, and Civil Misc. Appeal Register.</li> <li><b>(2) Register of unfiled/Unmarked documents</b> From the disposed of cases the documents filed alongwith the plaint except the suit documents the separated from the bundle and the entry for the above said documents to be made in this Register and kept with a Record Keeper for return of the same to the parties/Advocates as and when required by them.</li> </ul> </li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<p><b>(3) Record Issue Register</b></p> <p>Cases disposed of in principal District Court are consigned to Central Record Section by the Concerned Bench Clerks. When such records for required for further proceedings before court the same are to be issued to the concerned Bench Clerks, after the due receipt of Record Slip.</p> <p>After Completion of further proceedings the records are to be again consigned to the Central Record Section.</p> <p>The necessary entries for issuance of records from the Central Record Section and for the receipt of such records from the concerned Branch have to be made in the Record Issue Register without any omission.</p> <p>The Entries in the Record Issue Register have to be Written in every six months in a Calendar Year, i.e., January to June as on 1st July and July to December as on 1st January</p> <p><b>(4) Triplicate Register</b></p> <p>This Register has to be maintained whenever records are requested by the Lower Courts, for various purposes under Triplicate Letter.</p> <p>The Triplicate Statement received from the Lower Court every month be scrutinized and follow up action to be taken.</p>



CADRE	DUTIES & RESPONSIBILITIES
	<p><b>(5) Appeal Intimation Register. (High Court)</b></p> <p>All the Appeal Intimations received from the High Court, have to be invariably entered in the Appeal Intimation Register without any omission.</p> <p>Material Records have to be submitted to the Hon'ble High Court, after the receipt of Appeal Intimation within the stipulated time.</p> <p><b>(6) R.A. Register / Register of Application for Return of documents.</b></p> <p>Whenever application received from the parties/Advocates for return of marked documents in the disposed of cases entry to be made in this Register and action should be taken on the same within seven days from the date of receipt of such application.</p> <p><b>(7) Stock Register of Registers and Forms.</b></p> <p>Entries for all the Forms and Register received from the Government Press, to be made in this Register and the distributed to other courts.</p> <p><b>(8) Register of Periodical Register.</b></p> <p>All the Periodicals supplied to the court are to be entered in this Register without any omission.</p> <p>The Periodicals received have to be bound every year and the Serial number assigned to such bound Volume are to be noted in this register.</p>

CADRE	DUTIES & RESPONSIBILITIES
	<p><b>(9) Destruction Register</b></p> <p>Whenever the consignment records received from the Lower Courts are checked and completed, the entries for the same have to be made in the Destruction Register are each and every consignment and for each and every court separately.</p> <p>The records which are liable destroyed to be taken out from the bundle as and when they ripe for destruction and be destroyed after following the usual procedure.</p> <ul style="list-style-type: none"> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>COPYIST SUPERINTENDENT</b>	<ul style="list-style-type: none"> <li>❖ Administration of Copyist Section</li> <li>❖ Signing certified copies, NJS papers, printed copies, Returned CAs, struck of CAs and CAs that are not pressed.</li> <li>❖ Receiving urgent Copy Applications.</li> <li>❖ Carry out corrections in Certified Copies as per the corrections made in originals by the order of the court.</li> <li>❖ Maintaining stamp account.</li> <li>❖ Returning unused stamps and maintaining account for the same.</li> <li>❖ Supervising of Copyist Establishment.</li> <li>❖ Preparing all kinds of Salary Bills of Staff of Copyist Establishment of Principal District Court.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ Putting up Notes through Sherishtadar for sanction of Loans and Advances to the staff of Copyist Establishment.</li> <li>❖ Maintaining Office copy of Acquittance, Increment Sanction Register..</li> <li>❖ Maintaining of All Service Registers of Staff of Copyist Establishment.</li> <li>❖ Maintaining of “A” Register, “B” Register, “D” Register “E” Register and Plan fee Register.</li> <li>❖ Signing of all Copies made ready by the Copyist, Reader, Examiner and Xerox Operator.</li> <li>❖ Monitoring the pendency of Copy Applications in all the Courts and put up note before the Principal District Judge, to give suitable instruction to reduce the pendency then and there.</li> <li>❖ To Monitor the disposal of incomplete copies and un-used stamp papers.</li> <li>❖ Attending correspondence in respect of Copyist Establishment.</li> <li>❖ Being deputed to Subordinate Courts for Preliminary Checking of Registers and Records of such courts and to prepare defects notes for Annual Inspection as per schedule and to assist the Principal District Judge on the date of Annual Inspection.</li> <li>❖ Subsequent to the inspection, to see that the instructions are being properly carried out within the stipulated time and to submit the</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<p>Inspection Report/Printed Notes of Annual Inspection, Personal Notes of Annual Inspection of the Principal District Judge along with the Statement of Annual inspection of Subordinate Courts, to the High Court after obtaining approval of the Principal District Judge.</p> <ul style="list-style-type: none"> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<p><b>GRADE I BENCH CLERK (Original Suits, Appeal Suits, and Execution Branch)</b></p>	<ul style="list-style-type: none"> <li>❖ Attending Public Court to Assist the Judge in calling and conducting the cases.</li> <li>❖ Put up Notes on each case for hearing.</li> <li>❖ Writing Diary of the cases called in every day.</li> <li>❖ Posting and reposting of cases in hearing book,</li> <li>❖ Making entries in the disposal register for the cases disposed of every cases.</li> <li>❖ Scrutinizing Interlocutory Application and put up for orders by the Principal District Judge.</li> <li>❖ Maintaining I.A. institution, and Disposal Registers.</li> <li>❖ Maintaining Register of Advocate Commissioners appointed.</li> <li>❖ Making necessary entries regarding Amendments etc., in the Suit Register, Appeal Suit Register, and Civil Misc. Appeal Register.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ Scrutinizing Execution Petition, and Execution Application and put up for orders by the Principal District Judge.</li> <li>❖ Maintaining Registers of E.P. Institution, E.P. Disposal, E.A. Institution, and E.A. Disposal.</li> <li>❖ Making entries regarding institution and disposal of E.P. in the relevant Suit Register.</li> <li>❖ Sending Result of Execution to other Courts from where decrees were received for Execution.</li> <li>❖ Indexing of all the disposed of records.</li> <li>❖ Preparation of Monthly, periodical, Half-yearly, Annual Statements and other Statements called for then and there.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>GRADE I BENCH CLERK (All O.Ps. and including M.C.O.P. Cases)</b>	<ul style="list-style-type: none"> <li>❖ Attending Public Court to Assist the Judge in calling and conducting the cases.</li> <li>❖ Put up Notes on each case for hearing.</li> <li>❖ Writing Diary of the cases called in every day.</li> <li>❖ Posting and reposting of cases in hearing book,</li> <li>❖ Scrutinizing M.C.O.P., H.M.GOP., G.W.O.P., I.D.O.P. El.O.P., Probate O.P. letter of Admn. O.P. Succession O.P., and M.H.O.P. and put up for orders by the Principal District Judge.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ Maintaining institution register for M.C.O.P., H.M.GOP., G.W.O.P., I.D.O.P. El.O.P., Probate O.P. letter of Admn. O.P. Succession O.P., and M.H.O.P.,</li> <li>❖ Making entries in the respective disposal register for the disposal of M.C.O.P., H.M.GOP., G.W.O.P., I.D.O.P. El.O.P., and Probate O.P. letter of Admn. O.P. Succession O.P., and M.H.O.P.,</li> <li>❖ Scrutinizing Interlocutory Application in all O.Ps., and put up for orders by the Principal District Judge.</li> <li>❖ Maintaining I.A. institution, and Disposal Registers in all O.Ps.,</li> <li>❖ Indexing of all the disposed of records.</li> <li>❖ Preparation of Monthly, periodical, Half-yearly, Annual Statements and other Statements called for then and there.</li> <li>❖ Making entries in the M.C.O.P. Institution Register regarding receipt and repayment of Cheques/Demand Draft for the award amount.</li> <li>❖ Making entries in the H.M.G.O.P. and G.W.O.P., Institution Register regarding receipt and repayment of Cheques/Demand Draft for the minor share amount of sale consideration.</li> <li>❖ Making entries for the Cheque application received for payment out.</li> <li>❖ Maintaining register of Succession Certificate issued.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ Indexing of all the disposed of records.</li> <li>❖ Preparation of Monthly, periodical, Half-yearly, Annual Statements and other Statements called for then and there.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>GRADE I BENCH CLERK (Sessions Branch)</b>	<ul style="list-style-type: none"> <li>❖ Attending Public Court to Assist the Judge in calling and conducting the cases.</li> <li>❖ Put up Notes on each case for hearing.</li> <li>❖ Writing Diary of the cases called in every day.</li> <li>❖ Posting and reposting of cases in hearing book,</li> <li>❖ Scrutinizing Preliminary Registered Cases received from the Judicial Magistrate Courts after committal and put up before Principal District and Sessions Judge, for taking up on file.</li> <li>❖ Making entries in the Sessions Institution Register regarding institution of Sessions cases.</li> <li>❖ Obtaining orders for transfer of cases to the Additional District and Sessions Court and Assistant Sessions Court and sending the records duly indexed alongwith transfer proceedings.</li> <li>❖ Sorting out of records material wise and make it ready for fixing trial.</li> <li>❖ For preparation of trial proceedings and send the same to the concerned court.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ Preparation of Witness Summons, Non-bailable Warrant, and P.T. Warrant in pending cases for service and execution as the case may be.</li> <li>❖ Making entries in the relevant register as to disposal of Sessions Cases.</li> <li>❖ Attending all correspondence relating to Sessions Branch.</li> <li>❖ Maintaining of all Sessions Registers.</li> <li>❖ Making entries in the property Register as to the disposal of property in the Sessions Cases disposed off.</li> <li>❖ Indexing of all the disposed of records.</li> <li>❖ Preparation of Monthly, periodical, Half-yearly, Annual Statements and other Statements called for then and there.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>TRANSLATOR</b>	<ul style="list-style-type: none"> <li>❖ Attending Public Court to Assist the Judge in calling and conducting the Bail Application, Criminal Appeal, and Criminal Revision petition cases.</li> <li>❖ Preparing Notes on each case for hearing.</li> <li>❖ Writing Diary of the cases called in every day.</li> <li>❖ Posting and reposting of cases in hearing book.</li> <li>❖ Maintaining the Institution and Disposal Register of Bail Application, Criminal Appeal Register, Criminal Revision Petition Register and Criminal Misc. Petition Register.</li> </ul>



CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ Scrutinizing Bail and other Crl. Misc. Petition, Crl. Appeal, Crl. Revn Petition and put up for orders by the Principal District Judge.</li> <li>❖ Indexing of all the disposed of records.</li> <li>❖ Preparation of Monthly, periodical, Half-yearly, Annual Statements and other Statements called for then and there.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>BENCH CLERK GRADE – II</b>	<ul style="list-style-type: none"> <li>❖ Verifying the Hearing Book as to whether all the cases to be called on the next day are taken.</li> <li>❖ Checking the notes papers for the next day's work and endorsing the service affected if any.</li> <li>❖ Arrange the case records as per stage numeral and chronological order.</li> <li>❖ Preparing the Cause List of the next day and paste them on the notice board.</li> <li>❖ Calling the cases in the Open Courts.</li> <li>❖ Assisting the Judicial Officers in conducting the cases.</li> <li>❖ Restoring the deposition with suit records after getting the signature of the Judge Marking the Exhibits and making endorsements and getting the signature of the Judge.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ Maintaining Disposal Registers. Updating the Pending List. Making Posting and Re-posting in the Hearing Book.</li> <li>❖ Checking the Interlocutory Applications and getting further orders.</li> <li>❖ Attending all the communications to the Courts and taking further actions.</li> <li>❖ Issuing of Commission Warrants and Court Notices.</li> <li>❖ Bifurcating the material and immaterial records of the cases which are reserved for Judgment or Orders including the list of Exhibits, depositions and submit them to the Judge.</li> <li>❖ Maintenance of Judgment Reserved Registers.</li> <li>❖ Preparation and completing “B” Diary.</li> <li>❖ Preparation and Submission of Monthly Statements on or before 5th of every month and other periodicals within the time stipulated.</li> <li>❖ Permitting the Counsel to peruse the case records in his personal presence and supervision in the event of orders passed by the court on application. Permitting the Counsel to carry out amendments as per the orders in Amendment Petitions and verifying the Amended Copies.</li> <li>❖ Verification of Additional Court fees, if required.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ Verification of Counter Claims or Cross Appeal and Payment of Court Fees.</li> <li>❖ Getting amendments in the plaint be carried out in Suit Registers (C.R 1)</li> <li>❖ Rectification of check slip with case records from Drafting Section and RK-I.</li> <li>❖ Overall supervision of other court staff.</li> <li>❖ Having joint responsibility of other court staff.</li> <li>❖ Maintenance of I.A. numbering and disposal register</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>ASSISTANT BENCH CLERK – GRADE II</b>	<ul style="list-style-type: none"> <li>❖ Picking up the case records to be called for the next day from Almirahs.</li> <li>❖ Writing the “A” Diary and getting the signature of the Officer at the end of the day (Now, it is being and done in E-Court System).</li> <li>❖ Replacing the case records in Almirahs after the purpose is over and having the custody of them.</li> <li>❖ Receiving new cases from Filing Section and checking them.</li> <li>❖ Receiving petitions and other papers from Receiving Section and enter them in IA Reference Register and place them before Bench Clerk with back records.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ Call for records from RK-I &amp; II and check them on its receipt and place before Bench Clerk.</li> <li>❖ Compliance of Copy Applications</li> <li>❖ Compliance of Process Service Applications.</li> <li>❖ Consignment of records to RK-I, etc after duly indexed.</li> <li>❖ Prepare the Decreetal Orders for compliance of CA.</li> <li>❖ Preparing Fair Issues and get signature from the Judge.</li> <li>❖ Assist the Bench Clerk in his work.</li> <li>❖ To Act as Bench Clerk whenever required.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>E.P. CLERK</b>	<ul style="list-style-type: none"> <li>❖ Checking of the Execution Petitions, payment out applications and Transmit decree petitions</li> <li>❖ Obtaining the signature of the Judges of the EP Court</li> <li>❖ Sending the checked petitions for assigning number</li> <li>❖ Returned Petitions are placed before the Sherishtadar for signature.</li> <li>❖ Put up the maintainability cases before the Judges</li> <li>❖ Receiving other court decree and returned them after the lapse of one year</li> <li>❖ Checking the contents of the petitions with Suit Register</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ Checking whether there is any stay is in force</li> <li>❖ Assigning EP and EA Numbers to the petitions by making entries in the concerned registers</li> <li>❖ Entering the petitions in the EP and EA Register, Suit Register and other Court Decree Register.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>SHERISHTADAR ASSISTANT</b>	<ul style="list-style-type: none"> <li>❖ Maintaining all the files pertaining to the “A” Branch and assisting Chief Administrative Officer and Sherishtadar and operating Computer for typing all the correspondence assigned by the Chief Administrative Officer and Sherishtadar.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>HEAD CLERK ASSISTANT</b>	<ul style="list-style-type: none"> <li>❖ Maintaining all the files and Registers pertaining to the “B” Branch and assisting Head Clerk and operating Computer for typing all the correspondence assigned by the Head Clerk.</li> <li>❖ Fair copying of all the Salary and Non Salary Bills of Principal District Court.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
<b>STENO-TYPIST GRADE II</b>	<ul style="list-style-type: none"> <li>❖ Typing Dictations and computerising Judgments and Orders from the Judge.</li> <li>❖ Making entries in fair copy register at appropriate time</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>STENO-TYPIST GRADE III</b>	<ul style="list-style-type: none"> <li>❖ Taking dictation in both Civil and Criminal Cases, Bail Application etc.,</li> <li>❖ Typing Judgments in both Civil and Criminal cases.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> <li>❖ Drafting decrees in Contested Civil Cases.</li> <li>❖ Maintaining the Register of Fair Coping of Judgment.</li> <li>❖ Annual binding of Draft Judgment in Civil.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>JUNIOR ASSISTANT</b>	<ul style="list-style-type: none"> <li>❖ Maintaining C.R.19, C.R.20 Registers by entering all the papers and Court fees received and initialed by the Sherishtadar.</li> <li>❖ Writing Court Fee Refund Certificate and preparing Court Fee Refund Bills for the cases disposed of as settled out of courts and before the Lok-adalath.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ Writing of Original Suit Register for the suits instituted in Principal District Court.</li> <li>❖ Marinating of Register of Paper received (C.R.48) by entering all the tapal received in Principal District Court.</li> <li>❖ Marinating of Register of Paper Despatched (C.R.49) by entering all the tapal Despatched from Principal District Court.</li> <li>❖ Maintaining of Service postage Stamps Register.</li> <li>❖ Scrutinizing of Monthly Statement, Periodical Statement, Half yearly statement, Annual Statement of all Court and Submission of Consolidated statement to High Court, Madras within the stipulated time.</li> <li>❖ To put up disposal of cases alongwith list systems of each Judicial Officers before the Principal District Judge, for passing of orders of review and for further orders.</li> <li>❖ To put up the Confidential Report of the Subordinate Judicial officers before the Principal District Judge, for passing of Orders and submit the same to the Hon'ble High Court, Madras.</li> <li>❖ Checking of Consignment Records received from Bench Clerks of Principal District Court and Consignment Records received from the Additional District Courts I to IV and all the Sub Courts in this district.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ To Assist the Record Keeper in maintain the Registers of Record Section.</li> <li>❖ Checking of Consignment Records received from all District Munsif Courts in this district.</li> <li>❖ To Assist the Record Keeper in maintain the Registers of Record Section.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>EXAMINER OF COPIES</b>	<ul style="list-style-type: none"> <li>❖ Maintaining “A” “B” and “E” Registers and delivering the Certified copies made ready.</li> <li>❖ To Assist the Copyist Superintendent in maintain the Registers of Copyist Section.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>READER</b>	<ul style="list-style-type: none"> <li>❖ Comparing of copies made ready with original alongwith the Copyist who actually prepared the copies.</li> <li>❖ Returning of Originals to the Concerned Clerk after completion of works.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>



CADRE	DUTIES & RESPONSIBILITIES						
<b>TYPIST/COPYIST</b>	<ul style="list-style-type: none"> <li>❖ Typing decrees</li> <li>❖ Typing draft and fair order in uncontested civil cases</li> <li>❖ Computerising depositions</li> <li>❖ Attending all other typing works required by the court</li> <li>❖ Typing all the Depositions in Criminal Cases in the Open Court as dictated by the Principal District Judge.</li> <li>❖ Typing of Copies of Bail Orders.</li> <li>❖ Typing all the Depositions in Civil Cases in the Open Court as dictated by the Principal District Judge.</li> <li>❖ Drafting of Decrees and Decreetal order in un-contested Civil Cases</li> <li>❖ Typing of Certified Copies for the originals complied in the Copy Applications as distributed by the Copyist Superintendent.</li> <li>❖ Maintaining the Copyist 'D' Register for the words typed.</li> <li>❖ To type correspondence for other branches of this court.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>						
<b>SENIOR BAILIFF</b>	<ul style="list-style-type: none"> <li>❖ The process Writer shall prepare the processes without delay and within the time limit prescribed below by turn.</li> </ul> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">Summons and notices</td> <td style="width: 30%;">.. 2days</td> </tr> <tr> <td>All Warrants</td> <td>.. 2 days</td> </tr> <tr> <td>Proclamation of sales</td> <td>.. 3 days</td> </tr> </table>	Summons and notices	.. 2days	All Warrants	.. 2 days	Proclamation of sales	.. 3 days
Summons and notices	.. 2days						
All Warrants	.. 2 days						
Proclamation of sales	.. 3 days						

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ To Assist the Central Nazir, in maintaining “A” Register, “B” Register, “C” Register, High Court Register, Immovable Attachment Register, Movable Attachment Register, Poundage Register, Attachment Raised Pulli, Despatch Register, Service Postage Register, Establishment Register and Other Register by turn.</li> <li>❖ Touring for Execution of Warrants and Orders by turn.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>JUNIOR BAILIFF</b>	<ul style="list-style-type: none"> <li>❖ Touring for Service of summons and notices and injunction orders and execution of arrest warrant by turn</li> <li>❖ To attend Guard Duties to the Courts &amp; attend residence duties of the Judicial Officers as assigned by the District Judges.</li> <li>❖ To attend Public Court, Treasusry, Tapal, punching, Double punching, V.I.P. visit by turn.</li> <li>❖ To go to High Court and other Courts in the district as Special Messenger.</li> <li>❖ To attend all works as assigned by the Judge / Presiding Officer.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>

<b>CADRE</b>	<b>DUTIES &amp; RESPONSIBILITIES</b>
<b>RECORD CLERK</b>	<ul style="list-style-type: none"> <li>❖ Placing the Checked consignment records in the rack and plucking the records whenever necessary for the purpose as instructed by the Record Keeper.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>

### **SUBORDINATE JUDGE COURT**

The Principal Subordinate Judge, Additional Subordinate Judges, Sherishtadar, Head Clerk, Grade II Bench Clerk, Deputy Nazir and other Staff Members.

**The Duties and Responsibilities of the Staff Members are as follows:**

#### **SHERISHTADAR**

- ❖ He is to receive all the Appeal Memorandum Original Petitions, Original Suits, M.C.O.P.s, Vakalath petitions, Counters, etc., presented into the Court, initial them: cancel the Court Fee Stamps affixed thereon, have the date seal affixed on them, cause them entered in the Stamp Register (C.R.19) and distribute them to the sections concerned.
- ❖ Scrutinize the Original suits, Civil Appeals , Civil Miscellaneous Appeals, M.C.O.P., Ind. O.P., L.A.O.P., and place them to the Judge for filing.
- ❖ Scrutinize the work turned out by each member of the staff in the Record Section as detailed in their diaries.
- ❖ Scrutinize all the Registers relating to the Copyist Establishment.
- ❖ Check up the “B” Register and the Register showing the Money in the hands of the Central Nazir relating to the Central Nazir,
- ❖ Verify the preparation of Cheques with reference to the Cheque Applications ordered and have them placed before the Sub Judge for favour of signature
- ❖ Sign witness summons prepared in Sessions cases.
- ❖ Receive Money Orders relating to plan Fees and cash batta relating to the

Nazareth received from other courts and send them to the concerned sections.

- ❖ To pass “Grant” orders in all the Emergent Copy Applications relating to the Sub Court.
- ❖ Sign the Emergent Processes relating, to the Sub Court,
- ❖ Verify the entries relating to the results of Civil Appeals, Civil Miscellaneous Appeals, Original Suits and Original Petitions in the relevant register and initial those entries
- ❖ Scrutinize the Replies to the correspondences prepared by various section in the Sub-Court, Initial them and place them for the signature of the Subordinate Judge.
- ❖ Sign the true copies of fair Orders, Decreetal Orders, Fair Judgments and Decrees intended to be sent to the Lower Courts.
- ❖ Sign copies of all the Government orders and circular orders for Circulation among the Staff.
- ❖ Check up every month, the Registers relating to various section in the Sub Court, Note down the defects and place them for orders of the Subordinate Judge for directing the concerned staff to rectify the defects, which is in other words called as maintaining of Running Note file.
- ❖ Scrutinized General Provident Fund Advance Applications relating to the Regular Establishment and Copyist Establishment and place them before the Subordinate Judge for orders.
- ❖ Check up the Daily balance of Service Postage Stamps with reference to the Service Postage Account and the Register of Papers Despatched and initial the Registers in token thereof.
- ❖ Maintaining files relating to Buildings (Government and private Building) in which Courts are occupied.
- ❖ Maintaining of files relating to allotment of lands for construction of Court Buildings and Quarters for Judicial officers.
- ❖ Maintenance of files relating to e-Courts project.
- ❖ Maintaining of Investment Register and keeping safe custody of Fixed Deposit Receipts.
- ❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.

## **HEAD CLERK**

- ❖ Receive all the records sent by the Principal District and Sessions Judge, check up the entire records thoroughly, write the Sessions Register and keep the pending list of Sessions Cases accurately all the time.
- ❖ Attending Public Court to Assist the Judge in calling and conducting the cases.
- ❖ Put up Notes on each case for hearing
- ❖ Sorting out of material part of records, and make it ready for fixing trial.
- ❖ For preparation of trial proceedings and send the same to the concerned court.
- ❖ Preparation of Witness Summons, Non-bailable Warrant, and P.T. Warrant in pending cases for service and execution as the case may be.
- ❖ Making entries in the relevant register as to disposal of Sessions Cases.
- ❖ Attending all correspondence relating to Sessions Branch.
- ❖ Maintaining of all Sessions Registers.
- ❖ Making entries in the property Register as to the disposal of property in the Sessions Cases disposed off.
- ❖ Preparation of Monthly, periodical, Half-yearly, Annual Statements and other Statements called for then and there.
- ❖ Maintaining of property Register for Sessions Case Properties.
- ❖ Preparing all kinds of Salary and Non-Salary Bills of Sub Court, and Staff of Regular Establishment.
- ❖ Putting up Notes for sanction of Loans and Advances to the staff of Regular Establishment.
- ❖ Maintaining Office copy of Pay Bill, Office Copy Contingent Register, Increment Register,
- ❖ Maintaining of All Service Registers of Staff of Regular Establishment and Copyist Establishment.
- ❖ Preparing the Tour T.A. Bills, Transfer T.A Bills, of the Sub Judge and submit the same to the Principal District Court for favour counter signature.
- ❖ Preparing the Tour T.A. Bills, Transfer T.A Bills, of the Staff Members and put up before the Sub Judge for signature.
- ❖ Preparation of Budget Control Over Expenditure Statement, Number Statement, Budget Statement, and Final Modified Appropriation Statement and submission of the same to the Principal District Court

- ❖ Maintaining all the files pertaining to the Head Clerk Branch.
- ❖ Attending all correspondence in respect of Head Clerk branch.
- ❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.

## **DEPUTY NAZIR**

- ❖ Supervising of Process Service Establishment.
- ❖ Preparing all kinds of Salary Bills of Staff of Process Service Establishment of Sub Court.
- ❖ Putting up Notes for sanction of Loans and Advances to the staff of Process Service Establishment.
- ❖ Maintaining Office copy of Acquittance, Increment Sanction Register and Undisbursed pay Register.
- ❖ Maintaining of All Service Registers of Staff of Process Service Establishment.
- ❖ Maintaining of “A” Register, “B” Register, and “C” Register.
- ❖ Signing of all prepared processes, viz., Summons, Notices, Movable Attachment Warrant, Immovable Attachment Warrant, General Publication, Sale Proclamation, Delivery Warrant, Sale Warrant, Witness Summons, Handover summons, and Arrest Warrant pertaining to Sub Court.
- ❖ Entrusting the ready work of various Warrants to the Senior Bailiff as per Seniority.
- ❖ Entrusting the ready Process work of various nature to the Process Server as per Seniority.
- ❖ Entrusting the Other Court Processes and Warrants to the Process Server and Senior Bailiff respectively as per Seniority.
- ❖ Maintaining and Keeping safe custody of Cash Security Deposits with Security Bond submitted by the Senior Bailiff and Process Servers.
- ❖ Conducting Court Sale of immovable property.
- ❖ Deputing process Server to attend routine duties in the court and offices and maintained pulli to that effect.
- ❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.

## OTHER STAFF

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
<b>GRADE II BENCH CLERK (ORIGINAL SUITS AND EXECUTION BRANCH.)</b>	<ul style="list-style-type: none"> <li>❖ Attending Public Court</li> <li>❖ Making entries in the disposal register for the cases disposed off.</li> <li>❖ Scrutinizing Interlocutory Application and put up for orders before the Subordinate Judge.</li> <li>❖ Maintaining I.A. institution, and Disposal Registers.</li> <li>❖ Maintaining Register of Advocate Commissioners appointed.</li> <li>❖ Making necessary entries regarding Amendments etc., in the Suit Register.</li> <li>❖ Scrutinizing Execution Petition, and Execution Application and put up for orders before the Sub Judge.</li> <li>❖ Maintaining Registers of E.P. Institution, E.P. Disposal, E.A. Institution, and E.A. Disposal.</li> <li>❖ Making entries regarding institution and disposal of E.P. in the relevant Suit Register.</li> <li>❖ Sending Result of Execution to other Courts from where decrees were received for Execution.</li> <li>❖ Preparation of Monthly, periodical, Half-yearly, Annual Statements and other Statements for Original Suits and Execution Petitions.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
<b>GRADE II BENCH CLERK ( ALL O.PS. AND L.A.O.P. CASES.)</b>	<ul style="list-style-type: none"> <li>❖ Attending Public Court.</li> <li>❖ Scrutinizing Succession O.P. H.M.O.P., I.P., and L.A.O.P., and put up for orders before the Subordinate Judge.</li> <li>❖ Maintaining institution register for Succession O.P. H.M.O.P. , I.P., and L.A.O.P.</li> <li>❖ Making entries in the respective disposal register for the disposal of Succession O.P. H.M.O.P. , I.P., and L.A.O.P.,</li> <li>❖ Scrutinizing Interlocutory Application in all O.Ps., L.A.O.P., and put up for orders by the Sub Judge.</li> <li>❖ Maintaining I.A. institution, and Disposal Registers in all O.Ps and L.A.O.P. ,</li> <li>❖ Indexing of all the disposed off records.</li> <li>❖ Making entries in the L.A.O.P. Institution Register regarding receipt and repayment of Cheques/Demand Draft for the award amount.</li> <li>❖ Making entries the Cheque Writing pulli for the Cheque application received for payment out.</li> <li>❖ Maintaining register of Succession Certificate issued.</li> <li>❖ Preparation of Monthly, periodical, Half-yearly, Annual Statements and other Statements for LAOP and other OP Cases.</li> </ul>



NAME OF THE POST	BRANCH AND THE NATURE OF WORK
	<ul style="list-style-type: none"> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>GRADE II BENCH CLERK</b> (All Appeals and M.C.O.P. Cases.)	<ul style="list-style-type: none"> <li>❖ Attending Public Court.</li> <li>❖ Scrutinizing Appeal Suit, Civil Misc., Appeal, Rent Control Appeal and M.C.O.P. and put up for orders before the Subordinate Judge.</li> <li>❖ Maintaining institution register for Appeal Suit, Civil Misc., Appeal, Rent Control Appeal and M.C.O.P.</li> <li>❖ Making entries in the respective disposal register for the disposal of Appeal Suit, Civil Misc., Appeal, Rent Control Appeal and M.C.O.P.</li> <li>❖ Scrutinizing Interlocutory Application in Appeal Suit, Civil Misc., Appeal, Rent Control Appeal and M.C.O.P. and put up for orders by the Sub Judge.</li> <li>❖ Maintaining I.A. institution, and Disposal Registers in Appeal Suit, Civil Misc., Appeal, Rent Control Appeal and M.C.O.P.</li> <li>❖ Indexing of all the disposed off records.</li> <li>❖ Making entries in the M.C.O.P. Institution Register regarding receipt and repayment of Cheques/Demand Draft for the award amount.</li> <li>❖ Making entries the Cheque Writing pulli for the Cheque application received for payment out.</li> </ul>

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
	<ul style="list-style-type: none"> <li>❖ Maintaining register of Succession Certificate issued.</li> <li>❖ Preparation of Monthly, periodical, Half-yearly, Annual Statements and other Statements for M.C.O.P. and other Appeal Cases.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>JUNIOR ASSISTANT – SHERISHTADAR ASSISTANT</b>	<ul style="list-style-type: none"> <li>❖ Maintaining all the files and Registers pertaining to the Sherishtadar Branch and assisting Sherishtadar and operating Computer for typing all the correspondence assigned by the Sherishtadar.</li> <li>❖ Maintaining of Ledger, Deposit Register, Repayment Register and Cash Book, Cheque pulli “ A” Challan.</li> <li>❖ Writing of Cheques ordered for payment.</li> <li>❖ Reconciliation of Court Balance with Treasury Balance after the receipt of Treasury Weekly Statement from the Sub Treasury.</li> <li>❖ Maintaining of files for Staff of Regular Establishment.</li> <li>❖ Attending correspondence in respect of “Sherishtadar branch.</li> <li>❖ Maintaining of files relating to allotment of lands for construction of Court Buildings and Quarters for Judicial officers.</li> </ul>

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
	<ul style="list-style-type: none"> <li>❖ Maintenance of files relating to e-Courts project</li> <li>❖ Maintaining of Investment Register and keeping safe custody of Fixed Deposit Receipts.</li> <li>❖ Fair copying of all the Salary and Non Salary Bills of Principal District Court.</li> <li>❖ Maintaining the following Registers: <ul style="list-style-type: none"> <li>◆ Attendance Register</li> <li>◆ Casual Leave Register</li> <li>◆ Civil Register No. 19</li> <li>◆ Civil Register No.20</li> <li>◆ Caveat Register</li> <li>◆ Isthiyar</li> <li>◆ Remittance Register for Cash</li> <li>◆ Remittance Register for A Challan</li> <li>◆ Cash Book</li> <li>◆ Misc. Cash Book</li> <li>◆ Common Cash Book</li> <li>◆ Permanent Advance Register</li> <li>◆ Undisbursed pay Register</li> <li>◆ Contingent Register</li> <li>◆ Register for Contingent Voucher</li> <li>◆ Register of Office Copy of Contingent Bill</li> <li>◆ A Challan book</li> <li>◆ Deposit Register</li> </ul> </li> <li>❖ Register of Cheque and Demand Drafts received</li> <li>❖ Repayment Register</li> </ul>

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
	<ul style="list-style-type: none"> <li>❖ Register of Cheques Issues/Cheques Writing pulli</li> <li>❖ Ledger</li> <li>❖ Cash payment Register.</li> <li>❖ Key and Jewels and Valuable Box Register</li> <li>❖ Court Fee Checkslip Register</li> <li>❖ Audit Objection Register</li> <li>❖ Check Book</li> <li>❖ B Challan Book</li> <li>❖ Stamp duty penalty Register.</li> <li>❖ Register of cash received from other court</li> <li>❖ Register of discredited Registered documents</li> <li>❖ Court fee Refund Register</li> <li>❖ Stationary Register</li> <li>❖ Stock Register of Furniture.</li> <li>❖ Register of Investment.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>JUNIOR ASSISTANT - RECORD CLERK ASSISTANT</b>	<ul style="list-style-type: none"> <li>❖ Keeping and preserving neatly and safely all the disposed off records consigned to Record Section.</li> <li>❖ Monitoring the consignment of Records by the Other courts to Central Record Section periodically.</li> <li>❖ Submitting the material part of records in both Civil and Criminal cases to the</li> </ul>

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
	<p>Honble High Court, Madras for reference in appeal after following the procedure laid down and as per the High Court's Circular.</p> <p>❖ <b>Maintaining the following Registers.</b></p> <p><b>(1) Register of permanent Register.</b></p> <p>List Containing the Serial number of bound volume of Original Suit Register, Original Petition Register, Register of insolvency petition, R.C.A. Register, Appeal Suit Register, and Civil Misc. Appeal Register.</p> <p><b>(2) Register of unfiled/Unmarked documents</b></p> <p>From the disposed of cases the documents filed alongwith the plaint except the suit documents the separated from the bundle and the entry for the above said documents to be made in this Register and kept with a Record Keeper for return of the same to the parties/Advocates as and when required by them.</p> <p><b>(3) Record Issue Register</b></p> <p>Cases disposed off in Sub Court are consigned to Record Section by the Concerned Bench Clerks. When such records for required for further proceedings before court the same are to be issued to the concerned Bench Clerks, after the due receipt of Record Slip.</p> <p>After Completion of further proceedings the records are to be again consigned to the Record Section.</p>

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
	<p>The necessary entries for issuance of records from the Record Section and for the receipt of such records from the concerned Branch have to be made in the Record Issue Register without any omission.</p> <p>The Entries in the Record Issue Register have to be Written in every six months in a Calendar Year, i.e., January to June as on 1st July and July to December as on 1st January</p> <p><b>(4) Triplicate Register</b></p> <p>This Register has to be maintained whenever records consigned to Central Record Section, Principal District Court are required by Sub Courts, for various purposes, the records will be send for under Triplicate Letter.</p> <p>A Triplicate Statement will be submitted every month to the Principal District Court, showing the records which are received under Triplicate Letter.</p> <p><b>(5) Appeal Intimation Register.</b></p> <p>All the Appeal Intimations received from the Principal District Court and High Court, have to be invariably entered in the Appeal Intimation Register without any omission.</p> <p>Material Records have to be submitted to the Principal District Court and the Hon'ble High Court, after the receipt of Appeal Intimation within the stipulated time.</p>

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
	<p><b>(6) R.A. Register / Register of Application for Return of documents.</b></p> <p>Whenever application received from the parties/Advocates for return of marked documents in the disposed of cases entry to be made in this Register and action should be taken on the same within seven days from the date of receipt of such application.</p> <p><b>(7) Stock Register of Registers and Forms.</b></p> <p>Entries for all the Forms and Register received from the Government Press, to be made in this Register and the distributed to other courts.</p> <p><b>(8) Register of Periodical Register.</b></p> <p>All the Periodicals supplied to the court are to be entered in this Register without any omission.</p> <p>The Periodicals received have to be bound every year and the Serial number assigned to such bound Volume are to be noted in this register.</p> <ul style="list-style-type: none"> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<p><b>JUNIOR ASSISTANT - O.S. AND E.P. BRANCH</b></p>	<ul style="list-style-type: none"> <li>❖ To Assist the Grade II Bench Clerk (O.S. and E.P. Branch).</li> <li>❖ Posting and reposting of cases in hearing book every day in respect of O.S. and E.P. Branch..</li> </ul>

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
	<ul style="list-style-type: none"> <li>❖ Writing Diary of the cases called and conducted every day. Indexing of all the disposed off records and consignment of records to the Record Section.</li> <li>❖ Writing of “B” Diary in disposed off cases.</li> <li>❖ Opening running- index for the records.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>JUNIOR ASSISTANT - ALL APPEALS AND M.C.O.P. BRANCH</b>	<ul style="list-style-type: none"> <li>❖ To Assist the Grade II Bench Clerk (All Appeals and MCOP Branch).</li> <li>❖ Posting and reposting of cases in hearing book every day in respect of All Appeals and MCOP Branch.</li> <li>❖ Writing Diary of the cases called and conducted every day. Indexing of all the disposed off records and consignment of records to the Record Section.</li> <li>❖ Writing of “B” Diary in disposed off cases.</li> <li>❖ Opening running- index for the records.</li> <li>❖ To attend all other duties as assigned by the District Judge then and there by means of office order or by means of oral order.</li> </ul>



NAME OF THE POST	BRANCH AND THE NATURE OF WORK
<b>STENO-TYPIST GRADE III</b>	<ul style="list-style-type: none"> <li>❖ Taking dictation in both Civil and Criminal Cases, etc.,</li> <li>❖ Typing Judgments in both Civil and Criminal cases.</li> <li>❖ Drafting decrees in Contested Civil Cases.</li> <li>❖ Maintaining the Register of Fair Coping of Judgment.</li> <li>❖ Annual binding of Draft Judgment in Civil.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>TYPIST/COPYIST</b>	<ul style="list-style-type: none"> <li>❖ Typing all the Depositions in both Civil and Criminal Cases in the Open Court as dictated by the Subordinate Judge. Drafting of Decrees and Decreetal order in un-contested Civil Cases.</li> <li>❖ Typing of Correspondence of all branches and marinating of Library Books.</li> <li>❖ Typing of Certified Copies for the originals complied in the Copy Applications as distributed by the Copyist Superintendent.</li> <li>❖ Maintaining the Copyist 'D' Register for the words typed.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
<b>EXAMINER OF COPIES</b>	<ul style="list-style-type: none"> <li>❖ Both are maintaining “A” “B” and “E” Registers and delivering the Certified copies made ready.</li> <li>❖ Returning of Originals to the concerned Clerk after completion of works.</li> <li>❖ To attend all other duties as assigned by the District Judge then and there by means of office order or by means of oral order.</li> </ul>
<b>READER</b>	<ul style="list-style-type: none"> <li>❖ Comparing of copies made ready with original alongwith the Copyist who actually prepared the copies.</li> <li>❖ To attend all other duties as assigned by the District Judge then and there by means of office order or by means of oral order.</li> </ul>
<b>RECORD CLERK</b>	<ul style="list-style-type: none"> <li>❖ Placing the Checked consignment records in the rack and plucking the records whenever necessary for the purpose as instructed by the Record Junior Assistant.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>

### **DISTRICT MUNSIF COURT**

The Principal District Munsif, Additional District Munsif, Head Clerk, Grade III Bench Clerk and other Staff Members.

**The Duties and Responsibilities of the Staff Members are as follows:**

#### **HEAD CLERK**

- ❖ He is to receive all the Original Suits, Small causes petitions, Counters, etc., presented into the Court, initial them: cancel the Court Fee Stamps affixed

thereon, have the date seal affixed on them, cause them entered in the Stamp Register (C.R.19) and distribute them to the sections concerned.

- ❖ Scrutinize the Original suits, Small cause suits and place them to the Judge for filing.
- ❖ Scrutinize the work turned out by each member of the staff in the Record Section as detailed in their diaries.
- ❖ Verify the preparation of Cheques with reference to the Cheque Applications ordered and have them placed before the District Munsif for favour of signature
- ❖ Verify the entries relating to the results of Original Suits and Original Petitions in the relevant register and initial those entries
- ❖ Scrutinize the Replies to the correspondences prepared by various section in the District Munsif Court, Initial them and place them for the signature of the District Munsif.
- ❖ Sign copies of all the Government orders and circular orders for Circulation among the Staff.
- ❖ Check up every month, the Registers relating to various section in the District Munsif Court, Note down the defects and place them for orders of the District Munsif for directing the concerned staff to rectify the defects, which is in other words called as maintaining of Running Note file.
- ❖ Scrutinize General Provident Fund Advance Applications relating to the Regular Establishment and place them before the District Munsif for orders.
- ❖ Check up the Daily balance of Service Postage Stamps with reference to the Service Postage Account and the Register of Papers Despatched and initial the Registers in token thereof.
- ❖ Maintain files relating to Buildings (Government and private Building) in which Courts are occupied.
- ❖ Maintain files relating to allotment of lands for construction of Court Buildings and Quarters for Judicial officers.
- ❖ Maintain files relating to e-Courts project.
- ❖ Maintain of Investment Register and keeping safe custody of Fixed Deposit Receipts.
- ❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.

## OTHER STAFF

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
<b>GRADE III BENCH CLERK. (ORIGINAL SUITS BRANCH)</b>	<ul style="list-style-type: none"> <li>❖ Attending Public Court..</li> <li>❖ Making entries in the disposal register for the cases disposed off.</li> <li>❖ Scrutinizing Interlocutory Application and put up for orders before the Subordinate Judge.</li> <li>❖ Maintaining I.A. institution, and Disposal Registers.</li> <li>❖ Maintaining Register of Advocate Commissioners appointed.</li> <li>❖ Making necessary entries regarding Amendments etc., in the Suit Register.</li> <li>❖ Scrutinizing Execution Petition, and Execution Application and put up for orders before the District Munsif.</li> <li>❖ Preparation of Monthly, periodical, Half-yearly, Annual Statements and other Statements in respect of Original Suits.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>GRADE III BENCH CLERK. E.P, R.C.O.P. &amp; OTHER O.PS.</b>	<ul style="list-style-type: none"> <li>❖ Attending Public Court.</li> <li>❖ Scrutinizing Succession O.P., R.C.O.P., and E.P., and put up for orders before the District Munsif.</li> <li>❖ Maintaining institution register for Succession O.P., R.C.O.P. and E.P.</li> <li>❖ Making entries in the respective disposal register for the disposal of Succession O.P. R.C.O.P. and E.P.</li> </ul>

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
	<ul style="list-style-type: none"> <li>❖ Scrutinizing Interlocutory Application in all O.Ps., . R.C.O.P. and E.P and put up for orders by the District Munsif.</li> <li>❖ Maintaining I.A. institution, and Disposal Registers in all O.Ps . R.C.O.P. and E.P.</li> <li>❖ Indexing of all the disposed off records.</li> <li>❖ Making entries in the R.C.O.P. Institution Register regarding receipt and repayment of Cheques/Demand Draft for the amount deposited.</li> <li>❖ Making entries the Cheque Writing pulli for the Cheque application received for payment out.</li> <li>❖ Maintaining register of Succession Certificate issued.</li> <li>❖ Preparation of Monthly, periodical, Half-yearly, Annual Statements and other Statements for Execution Petitions, R.C.O.Ps and other O.Ps.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>HEAD CLERK ASSISTANT</b>	<ul style="list-style-type: none"> <li>❖ Attending all correspondence relating to all branches in District Munsif Court.</li> <li>❖ Preparing all kinds of Salary and Non-Salary Bills of Sub Court, and Staff of Regular Establishment.</li> <li>❖ Preparing Notes for sanction of Loans and Advances to the staff of Regular Establishment.</li> </ul>

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
	<ul style="list-style-type: none"> <li>❖ Maintaining Office copy of Pay Bill, Office Copy Contingent Register, Increment Register,</li> <li>❖ Maintaining of All Service Registers of Staff of Regular Establishment.</li> <li>❖ Preparing the Tour T.A. Bills, Transfer T.A Bills, of the District Munsif and submit the same to the Principal District Court for favour counter signature.</li> <li>❖ Preparing the Tour T.A. Bills, Transfer T.A Bills, of the Staff Members and put up before the Sub Judge for signature.</li> <li>❖ Preparation of Budget Control Over Expenditure Statement, Number Statement, Budget Statement, and Final Modified Appropriation Statement and submission of the same to the Principal District Court</li> <li>❖ Maintaining all the files pertaining to the Head Clerk Branch.</li> <li>❖ Maintaining all the files and Registers pertaining to the HeadClerk Branch and assisting Head Clerk and operating Computer for typing all the correspondence assigned by the Head Clerk.</li> <li>❖ Maintaining of Ledger, Deposit Register, Repayment Register and Cash Book, Cheque pulli “ A” Challan.</li> <li>❖ Writing of Cheques ordered for payment.</li> <li>❖ Reconciliation of Court Balance with Treasury Balance after the receipt of Treasury Weekly Statement from the Sub Treasury.</li> </ul>

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
	<ul style="list-style-type: none"> <li>❖ Maintaining of files for Staff of Regular Establishment.</li> <li>❖ Attending correspondence in respect of “Head Clerk branch.</li> <li>❖ Maintaining of files relating to allotment of lands for construction of Court Buildings and Quarters for Judicial officers.</li> <li>❖ Maintenance of files relating to e-Courts project</li> <li>❖ Maintaining of Investment Register and keeping safe custody of Fixed Deposit Receipts.</li> <li>❖ Fair copying of all the Salary and Non Salary Bills of Principal District Court.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>STENO-TYPIST GRADE III</b>	<ul style="list-style-type: none"> <li>❖ Taking dictation in Civil Cases, etc.,</li> <li>❖ Typing Judgments in Civil cases.</li> <li>❖ Drafting decrees in Contested Civil Cases.</li> <li>❖ Maintaining the Register of Fair Coping of Judgment.</li> <li>❖ Annual binding of Draft Judgment in Civil.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>

NAME OF THE POST	BRANCH AND THE NATURE OF WORK
<b>TYPIST</b>	<ul style="list-style-type: none"> <li>❖ Typing all the Depositions in Civil Cases in the Open Court as dictated by the District Munsif. Drafting of Decrees and Decretal order in uncontested Civil Cases.</li> <li>❖ Typing of Correspondence of all branches and marinating of Library Books.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>JUNIOR ASSISTANTS</b>	<ul style="list-style-type: none"> <li>❖ Assist the Grade III Bench Clerk in the O.S. Branch, E.P and R.C.O.P. Branch as the case may be.</li> <li>❖ Posting and reposting of cases in hearing book every day in respect of O.S. Branch, E.P. and R.CO.P. Branch.</li> <li>❖ Writing Diary of the cases called and conducted every day. Indexing of all the disposed off records and consignment of records to the Record Section.</li> <li>❖ Writing of "B" Diary in disposed off cases.</li> <li>❖ Opening running- index for the records.</li> <li>❖ Writing the Suit Register.</li> <li>❖ Maintaining Papers receive Register.</li> <li>❖ Maintaining Tapal Despatched Register.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>



NAME OF THE POST	BRANCH AND THE NATURE OF WORK
<b>TYPIST/COPYIST</b>	<ul style="list-style-type: none"> <li>❖ Typing of Certified Copies for the originals complied in the Copy Applications as distributed by the Copyist Superintendent.</li> <li>❖ Maintaining the Copyist 'D' Register for the words typed.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>EXAMINER OF COPIES</b>	<ul style="list-style-type: none"> <li>❖ Maintaining "A" "B" and "E" Registers and delivering the Certified copies made ready.</li> <li>❖ Returning of Originals to the concerned Clerk after completion of works.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>READER</b>	<ul style="list-style-type: none"> <li>❖ Comparing of copies made ready with original along with the Copyist who actually prepared the copies.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>RECORD CLERK</b>	<ul style="list-style-type: none"> <li>❖ Placing the Checked consignment records in the rack and plucking the records whenever necessary for the purpose as instructed by the Record Junior Assistant.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>

## PART – III

### LIST OF REGISTERS MAINTAINED IN THE CIVIL UNIT & SESSIONS COURTS

Sl.No.	Description	CR .No.	Retention Period
1	Original Suit Register	C.R.1	Permanent
2	Original Petitions Received	C.R.2	30 years
3	Register of Small Cause Suits	C.R.3	20 years
4	Appeal Suit Register	C.R.4	Permanent
5	Register of Civil Misc. Appeals & Registers of Rent Control Appeals	C.R.5	Permanent
6	Register of Civil Misc. Petition (I.A.s and E.A.s)	C.R.6	12 years
7	Register of Execution Petition	C.R.7	20 years
8	Register of Insolvency Petition	C.R.8	Permanent
9	Register of Original Suit Disposed of	C.R.9	3 years
10	Register of Appeal Suit Disposed of	C.R.10	3 years
11	Register of Civil Misc. Appeals Disposed of	C.R.11	3 years
12	Register of Civil Misc. Petitions Disposed of (I.A.s and E.A.s)	C.R.12	3 years
	Original Petitions Disposed of	C.R.12	5 years
13	Register of Execution Petition Disposed of	C.R.13	3 years
14	Register of Insolvency Petitions Disposed of	C.R.14	12 years
15	Register of Other Court Decrees Received	C.R.15	12 years
16	Register of Guardian Wards and Accounts	C.R.16	12 years
17	Hearing Book	C.R.17	5 years
18	Diary Register	C.R.18	10 years
19	Register of Court Fees Received	C.R.19	3 years
20	Daily Register of Court Fee	C.R.20	3 years
21	Fair Copying Register	C.R.21	5 years
22	Register of Instruments Impounded	C.R.22	5 years

<b>Sl.No.</b>	<b>Description</b>	<b>CR .No.</b>	<b>Retention Period</b>
23	Register of Refunds, Process and Poundage	C.R.23	3 years
24	Register of Return of Documents	C.R.24	5 years
25	Register of Discredited Documents	C.R.25	3 years
26	Copyist 'A' Register	C.R.26	3 years
27	Copyist 'B' Register	C.R.27	3 years
28	Copyist 'C' Register	C.R.28	3 years
29	Copyist 'D' Register	C.R.29	3 years
30	Curator Register	C.R.30	3 years
31	Movable Attachment Register	C.R.31	30 years
32	Immovable Attachment Register	C.R.32	30 years
33	Register of Unclaimed Interstate Property	C.R.33	30 years
34	Sale Certificate Register	C.R.34	5 years
35	Ledger	C.R.35	25 years
36	Deposit Register	C.R.36	10 years
37	Repayment Register	C.R.37	25 years
38	Cash Payment Register	C.R.38	5 years
39	Pleaders Gumastas Register	C.R.39	5 years
40	Clerks and Pleaders Register	C.R.40	5 years
41	Nazir Receipt Book	C.R.41	10 years
42	Head Clerks Receipt Book	C.R.42	10 years
43	Nazir 'B' Register	C.R.43	10 years
44	Nazir 'A' Register	C.R.44	5 years
45	Nazir 'D' Register	C.R.45	5 years
46	Register of Receipt of Process Memo	C.R.46	5 years
47	Process 'C' Register	C.R.47	5 years
48	Register of Papers Received	C.R.48	10 years

<b>Sl.No.</b>	<b>Description</b>	<b>CR .No.</b>	<b>Retention Period</b>
49	Register of Despatch	C.R.49	10 years
50	Register of Postage Stamp Account	C.R.50	10 years
51	Copyist 'D' Register	C.R.51	3 years
52	Register of Copyist Establishment	C.R.52	3 years
53	Examiner 'D' Register	C.R.53	3 years
54	Jewels or Other Valuable Disposal Register	C.R.54	30 years
55	R.I.R. Register	C.R.55	5 years
56	Destruction Register of Original Suits	C.R.56	–
57	Destruction Register of Small Causes Suits	C.R.57	–
58	Destruction Register of C.M.P.s	C.R.58	–
59	Destruction Register of Sessions Petitions	C.R.59	–
60	Account Book of Postage Stamps (Regular Estt.)	C.R.60	5 years
61	Documents Register	C.R.62	–
62	Investment Register	C.R.63	–
63	Diary of Amins and Process Servers	C.R.64	3 years
64	Library Book Register	C.R.66	–
65	Commission Register	C.R.67	5 years
66	Register of Cash Received from other Courts & Office	C.R.68	–
67	R.C.O.P. Register	C.R.69	–
68	Company Petition Register	C.R.70	–
69	Liquidation Register	C.R.71	–
70	Company Document Register	C.R.72	–
71	Appearance Book	C.R.73	–
72	Company Petition Register	C.R.75	–

### **Register of Original Suits (CR No:1)**

- ❖ This Register contains the date of filing of the plaint and its numbering. Further, names and addresses of the parties, relief or reliefs prayed for, summary of pleadings and value of each relief and court fee paid thereon.
- ❖ In column no.2 the first and the last presentation of the plaint, if it had been returned for more than once should be noted. Restoration of the suit should be noted at the top in red ink.
- ❖ All amendments and impleadments of parties should also be noted in red ink. Reference of the IA must be mentioned without fail. Names of the counsel should also find a place whenever they enter appearance.
- ❖ Column no.6 must contain the cause of action with date and place, schedule of properties. Column no 6 is meant for the date of disposal and the result of the suit
- ❖ Column no.8 & 9 will have details about the restoration, review, result, first appeal and second appeal preferred and the result thereon.
- ❖ If any money is deposited details of it must be noted. If it is withdrawn particulars must be available with relevant IA numbers. Column no.12 shall contain all the details about the Execution Petition attachments may if any with final orders. It is a permanent register which can not be destroyed.

### **Register of Original Petitions (CR No:2)**

- ❖ It is a common Register maintained in all courts for all kinds of Original Petitions such as succession OPs, HMOPs, Guardian and Ward OPs, MHOPs, IOPs and etc.
- ❖ All the details as noted in Suit Registers must find a place. It has to be maintained for 30 years from the date of the last entry.

### **Register of Small Causes Suits (CR No:3)**

All Points, except the schedule of property stated for CR.No.1 should be taken note of. The age of this register is 20 years from the date of last entry.

### **Register of Appeals (CR No:4)**

Appeal Suits are entered in this register. In Column no.5 of the register, the relief prayed in the Lower Court and the Court Fee paid thereon, the relief granted and the relief sought for in appeal together with the Court Fee paid thereon, should be mentioned. In Column no.9 Cross Objection, if any, filed together with the value

of court fee thereon should be noted. Details of Second Appeals preferred and the result thereof should be noted without omission in Column.11. It is a Permanent Register.

### **Register of CMAs (CR No:5)**

All kinds of Miscellaneous Appeals, such as HMCMA, CMA, RCA are entered in this register. All points noted under CR No:1 are applicable to this register also. The age of this register is permanent.

### **Register of Civil Miscellaneous Cases (CR No:6)**

This Register is otherwise called IA Register. The date of first and last presentation of the petition should be noted in Column no.2. The final order with date should be entered in Column no.7. The number of Appeal or Revision if any preferred should be entered in Column.8. It should be preserved for 12 years from the date of last entry.

### **Register of Execution Petitions (CR No:7)**

The number of the prior EP in the concerned suit should be noted in Column No.3. The decree amount and the date of decree to be noted in Column no.6 and prayer is to be noted in Column.7. The result should be noted in Col.8 and the appeal with result and date should be noted in Col.9. The age of this Register is 20 years from the date of last entry.

### **Register of Insolvency Petitions (CR No:8)**

This is a peculiar register coming into use rarely but kept in all courts. A note should be made in this register as to all important steps taken in the proceedings till the discharge of the petitioner finally. In Col.12 the date within which discharge must be applied for should be noted the time extension if any granted by the District Judge, should be noted therein without omission. Every important step in the proceedings till the annulment of adjudication in the matter should be noted in the register with care and caution.

### **Register of Original Suits Disposed of (CR No:9)**

The Columns in these Registers vary according to the nature of the proceedings. Separate Disposal Register should be maintained for Title and Money Suits. Col.6 of CR No.9 should be used for disposals due to default of the Plaintiff, including non-payment of Batta. All other kinds of disposals for which separate columns have not been provided should be posted in the 'otherwise' Column (Col.7) For the

purpose of calculating the duration the date of last presentation should be excluded and the date of disposal should be taken in to account.

The duration should be calculated then and there and noted in the relevant columns. It is bad practice to leave this to be attended to sometime later. The calculation may be made on the docket sheet itself so that the total duration will be always available for future reference on the docket itself. This disposal register should be closed monthly and carried out to the Monthly Statement and Statement No. IX, Part-2 of the Term Statements. The duration in transferred cases should not be taken into account for purpose of arriving at the average duration. In case a suit has been disposed of, restored and disposed of, the duration occupied during each spell of pendency should be taken into account and the total duration noted. The preservation period for this register is 3 years from the date of last entry.

### **Register of Appeal Suits Disposed of (CR No:10)**

This is a special Register used only in Appellate Courts. Separate Registers should be used for title and Money Appeals Suits. The Columns 'Modified' and 'Reversed' should be carefully filled in. A total reversal should only be noted in the 'Reversed' Column and all other partial modification should be brought to Col.8. This Register corresponds to Statement No.X Part-I of the Term Statements. All other instructions given under 'CR-9' are applicable to all disposal registers.

### **Register of Civil Miscellaneous Appeals Disposed of (CR No:11)**

The Columns in CR.No.11 are the same as in CR.No.9. The instructions thereunder are applicable here also. Separate Register should be maintained for different kinds of Miscellaneous Appeals.

### **Register of Civil Miscellaneous Petitions Disposed of (CR No: 12)**

This Register relates to IAs. Separate Disposal Register should be maintained; if separate IA Registers are maintained.

### **Execution Petitions Disposal Register (CR No:13)**

This Register is also a Special Register. The Columns therein are to be carefully entered with reference to the nature of disposal. The total of Col.6,7,8,9 and 10 should finally tally with the total disposal for the month. In Col.8, doubts would arise only when the E.P. Proceedings are given up midway. There may be some part satisfaction but abruptly the proceedings would have been closed for some reason. Then it should be noted in Col.6 but in Col.9, Col.10 will come into operation in

Special Cases, for example, when the E.P is for attachment of movables and no movables are found for attachment, this column should be used. Other columns relate to the mode of execution and to the amount involved. If the E.P. is for realization of money, the total amount for which the E.P has been filed, should be noted in Col.11. But the actual amount realized during the pendency of the E.P. and for which Part Satisfaction has been recorded therein should be actually arrived at and noted in Col.12.

If the Judgment Debtor has been arrested and committed to Civil Prison, Col.13 should be used, but if he is released on muchalikka or on payment of the amount due, Col.14 should be used. If any movable has been attached and sold and thus the decree has been satisfied then Col.15 should be used. If the movables are finally released to the Judgment Debtors then Col.16 should be used. If satisfaction of the decree has been obtained by sale of immovable property. Col.17 should be used, if that property has been attached but not sold, Col.18 to be used and if those properties have been dealt with otherwise, Col.19 to be used. Col.20 and 21 come into operation when EPs are for recovery of possession of movables and immovables respectively. Col.22 is for specific performance. Col.23 is for effecting partition and Col.24 is for all other kinds of execution. Cols.7 to 25 in this register correspond to certain columns in Statement XI Part-I. This register should be closed every month so that Term and Annual statements could be easily furnished.

### **Register of Insolvency Petitions Disposed of (CR No:14)**

It is an unique register rarely put into use. The Columns therein should be filled up according to the nature of IP Proceedings. This register is relevant to prepare Statement XII.

### **Register of Decrees of Other Courts (CR No:15)**

All decrees from other courts received by transmission for execution, should be immediately entered in this register in the transferee court, the EP No. should be noted in Col.3 and the result of the execution, together with the dispatch No. under which the NSC was sent to the decreeing court should be noted in Col.5. If no EP is filed within 1 year from the date of order of transfer, of the decree, then the NSC and the CC of decree should be returned to the decreeing court within 3 days and the D.No should be noted in Col.9

### **Register of Guardian and their Accounts (CR No.16)**

This register is rarely put into use. As soon as Guardian is appointed to manage the estates of a Minor, this register should be used. The accounts of the Guardian, furnished Quarterly/ Half-yearly should be noted, verified and accepted or returned.



### **Hearing Book (CR No.17)**

This is an important register constantly used by every bench clerk. Maintaining this register correctly will lead to easy handling of day-to-day work and would avoid a lot of confusion. Each page should be allotted to a day and the date and day of that date should be already noted at the top of the page in red ink. Bench Clerks should have always a red ink pen with them. The entries which have to be made in RED INK should be made in that ink to distinguish that particular entry from other entries. The suits which come up for first hearing should be noted first at the top of the page in RED INK. I.A. pending case and suits which come up for interim orders should be posted next below; suits in which issues have to be framed have to be noted further below; ripe for trial cases, list cases and part heard and suits posted for judgment should be noted at the bottom of the page. A simple note as (L) for list case. (PH) for Part Heard case and (J) judgment cases would facilitate easy reference. All IAs numbered on a day should be noted in the Hearing Book in RED INK. If any proceedings or suit is disposed of, its number should be rounded off in RED INK to notify that the Suit or IA has been disposed of. The next date of hearing to which the suits have been adjourned, should be noted in the hearing book in RED INK. There shall be no omission left in the Hearing Book in this respect. Heavy Postings should be brought to the notice of the officer to avoid further postings on that day. The preservation period for this register is 5 years.

### **Diary Register (CR No.18)**

The day and date should be noted at the beginning of the day in RED INK. The proceedings of the Court as it takes place should as far as possible be recorded in the diary in that order. Therefore, in District Munsif Courts EP Proceedings and other items should be entered first and Suits should be entered later. As far as possible suits should be arranged chronologically as well as according to the stage of the Suit. First hearing Suits, IA Pending cases, written Statement Case, Ripe for Trial Cases, List Cases, Part Heard Cases and that day and Suits restored or received by transfer shall be entered at the end of the diary. The preservation period for this register is 10 years from the date of last entry.

### **Register of Documents and Court Fees (CR No.19)**

All Papers relating to the suits and proceedings received in Public court and by the Chief Ministerial Officer daily are to be entered in this register.

Serial Number is to be given for each paper and Serial Number will begin from No.1 onwards every month of a fresh.

The Court fees paid on each paper should be entered in the relevant columns of the register.

Every day the papers received and entered in the register should be handed over to the branch concerned and the initial of the ministerial officers should be obtained.

This register should contain the total sum of Court-fees received on the above papers and documents on every day. The total must be entered and it must be signed by the Presiding Officer daily.

### **Daily Register of Court Fees (CR No.20)**

The abstract of total court fee realized on a single day under CR-19 is brought to this Register daily. This register should be totalled every month, so that the monthly and annual total receipt of court fees may be easily had. The preservation period is 3 years from the date of last entry.

### **Register of Fair Copying Work (CR No.21)**

This register is kept by the Steno Typist. All proceedings except CMPs should be noted daily in this register so that the Fair copying of the final order therein is done without any delay. Fair Copied Bundles should be handed over to the Record Clerk under acknowledgment. The preservation period is 5 years from the date of last entry.

### **Register of Instrument Impounded (CR No.22)**

This register is to be maintained by the Head Clerk/ Sherishtadar Assistant. As soon as stamp duty and penalty have been levied on an inadequately stamped document, the number of suit connected the amount of stamp duty and penalty should be noted in the register. The date of remittance of the amount of Government should also be noted, alongwith the number of Judicial Challan – (CM-40) in which the amount was so remitted. A copy of the impounded document should be sent to the Collector within 3 days from the date of collection and the Dispatch Number should be noted in this register. The preservation period of this register is 5 years from the date of last entry.

### **Register of Refunds of Process and Poundage Fees(CR No.23)**

This register is rarely put into use. Whenever a sale is set aside and the poundage already paid is refunded to the auction purchaser, the repayment is noted and the acknowledgement for receipt of the amount is obtained in this register. The preservation period of this register is 3 years from the date of last entry.

### **Register of Application for Return of Documents (CR No.24)**

This register is kept by the Record Clerk. As soon as a DRP is filed, it is noted in this register and a serial number assigned to it. Orders for return of documents or to send the DRP to the District Court are to be obtained thereunder. Finally, the acknowledgement for receipt of the documents are contained in this registers as well as in the DRP. The preservation period is 5 years from the date of last entry.

### **Register of Discredited Registered Documents (CR No.25)**

This register is maintained by Head Clerk / Sherishtadar Assistant. When a suit is for cancellation of a document, entry should be made in this register about the document discredited as soon as the Suit is decreed. A copy of the decree should be sent to the Collector within three days from the date of preparation of the decree and the dispatch number noted in this register. The preservation period is 3 years from the date of last entry.

### **Register of Sale Certificate (CR No.34)**

It is maintained by the EP Assistant, to watch the issue of Sale Certificate to the Auction Purchaser. The Sale Certificate should be issued to the Auction Purchaser within 10 days from the date of receipt of NJS from the Treasury, under proper acknowledgment by the Advocate.

### **Ledger (CR No.35)**

All money deposited into court by the litigant should be noted in this ledger. It is paginated. This register should be used for one financial year. At the end of the year, the balance as on 31<sup>st</sup> March of that year should be carried over to a new ledger. The Ledger should be divided into the following headings.

1. Process fess
2. Judicial Receipts
3. Suitors' Money
4. Miscellaneous deposits
5. Printing Charges
6. Compensation.

Sufficient number of pages should be allotted under the headings. A general abstract showing the opening balance in cash and in Treasury, the receipts during the last financial year previous year, both in cash and treasury, the disbursements there under and the closing balance as on 31<sup>st</sup> March of the previous year, both in

cash and Treasury under the above heading should be exhibited on the first page of Ledger. Thus it shows the total amount carried forward to the Register both in cash and in treasury as on 1<sup>st</sup> April. Challan-wise list of Pending items of deposits under the various headings should be furnished thereafter.

The total of these items should tally with the closing balance under various headings shown in the General abstract. Then, there should be a General index showing the pages allotted for the various sub0.headings. An yearwise index showing the pages in which deposits in particular suit No./proceedings been written, is to be entered thereafter in the Ledger itself. Generally one page may be allotted for number of suit or other proceedings depending upon the anticipated frequency of deposits in these headings.

Then sufficient allotment of space of suit/proceedings in which deposits are being made regularly will in making entries in three or more pages. Such entries should be clubbed together while rewriting ledger for the next financial year. Entries regarding attachment by Court should be made in RED INK. All credits are noted on the right side and debits on the left side. The corresponding folio number cashbook/ deposit register, in which the debit/credit entry as to the particular deposit has been noted in col.2 of the Ledger.

All statutory receipt of moneys received in cash as creditable outright are classified as Judicial Receipts. These items are receipts to the Government. Deposits such as stamp duty and penalty and court fee realized in cash should be entered under this and then credited to the Government on the following working day, a specific challan for the Judicial challan in C.M.40 should be used for the purpose.

### **Deposit Register (CR No.36)**

Deposits made in the bank/treasury are entered in this Register. It should also be paginated. The page number in which a particular deposit has been entered in this register should be noted in the Ledger and the Ledger folio number should be noted in this register under the relevant entry. The daily total of this register should be carried over to the cash book. Details of repayments should be noted in the right half on the Register.

When the deposit has been fully repaid, a line shall be made across the remaining part of the repayment columns and the total repayments made shall be noted at the end. It should tally with the amount of initial deposit. When the deposit is not repaid but lapsed to Government, the repayment entry as 'LAPSED TO GOVERNMENT' should be made in RED INK. The preservation period is 3 years of this register from the date of last entry.

### **Deposit Register of Repayment (CR No.37)**

This register is used to make payments of deposits by cheques. It should also be paginated. Its folio number should be noted in col.2 of the debit entry in the Ledger and the Ledger folio number should be noted in the repayment entry in the register. The date, Challan No. amount of deposit / deposits from which repayment are made should be mentioned in col.No.3 and the total struck thereunder. The amount or part of the amount which are being repaid should be noted in col.8 and the total struck thereunder. A daily total of the amount repaid should be struck in RED INK in col.11 and the same should be carried over to the cash book. The preservation period is 30 years from the date of last entry.

### **Cash Payment Register (CR No.38)**

This register is brought into use whenever "Suitors money" is deposited into court in cash and repaid to the party in cash directly. Stamped acknowledgement should be obtained from the Advocates concerned in the register itself. This contingency arises only when the judgment debtor deposits the decree amount either entirely or partly thereof directly into court in cash or to the Senior Bailiff at the time of arrest. The preservation period is 10 years from the date of last entry.

### **Register of Papers Received (CR No.48)**

Register of papers received. This is one of the two thresholds through which the papers enter into courts. All correspondence received is entered in this register. The other one is CR.19. Papers concerned in legal proceedings and presented to the Chief Ministerial Officer upto 3 p.m. or in open court are entered in CR.19. All other papers are entered into CR.48. The date of reply and the dispatch number should be noted in Col.10. The reference number of the correspondence should be entered in Col.5. The preservation of period is 10 years.

### **Account Book of Service Postage Stamps (CR No.50)**

Total expenditure of postage stamps denomination wise should be shown in this register on these days when stamps have been expended. Great care should be exercised in maintaining this register as stock of stamps is equal to liquid cash. The preservation period is 10 years.

### **Register of Jewels (CR No.54)**

This is a register put into use very rarely. Whenever jewels are seized and deposited into court by bailiffs entries are made in this register. Proper acknowledgement from the Advocate should be obtained in this register itself for handing over the jewels to the party. The preservation period is 30 years.

### **Record Issue Register (CR No.55)**

This register is maintained by the Record Clerk. It is used to hand over bundles to the bench clerks whenever called for. When the bundle is returned back to the record section from the bench clerk, the entries should be closed or when the bundle is restored to the file of the Court for rehearing, the RI number should be closed. Outstanding items of RI numbers should be rewritten once in 6 months (i.e) as on 1<sup>st</sup> January and 1<sup>st</sup> July of every year and thereafter fresh items entered pending RI numbers should be updated constantly. The preservation period is 5 years from the date of last entry.

### **Record Destruction Register of Original Suits (CR No.56)**

This register is maintained at the central Record Section. The receipt of records in the concerned Suit is noted in this register by making entry therein. Separate registers are used for each court. This is an important register. The date of actual destruction of the destroyable records should be noted in the Register. Part-I of the records is permanent. But that fact also should be noted in this register. This register should be preserved for a very long time in the Central Record Section.

### **Record Destruction Register of Small Cause Suits (CR No.57)**

The date of actual destruction should be noted.

### **Record Destruction Register of Civil Miscellaneous Petitions (CR No.58)**

This register is also maintained in the Central Record Section. All CMPs are entered in this register.

### **Record Destruction Register of Execution Petitions (CR No.59)**

Entry in this register is made as and when time barred EPs are received at the Central Records. The date of actual destruction of records after publication in the District Gazette should be noted.

### **Register of Investments (CR No.60)**

This is an important register under the care and custody of the Chief Ministerial Officer. All deposits of the suiters money in Banks by the Court should be entered in this register. The serial number should be continued till the closure of the register. Receipt of interest should be properly noted in the relevant columns. The date of closure of fore closure and the amount of proceeds realized should be entered. If an investment is reinvested the serial number of the corresponding original

investment should be noted in the reinvestment entry. Minors' share of the compensation in numerous MCOPs are invested into Banks now-a-days. Hence, The Chief Ministerial Officer is liable for any lapse in its proper maintenance.

## **ACCOUNTS SECTION**

The Branch of work deals with the maintenance of accounts relating to Civil Court Deposit. As per the decisions in the decree/award, the party who has been directed to deposit the amount in Court, is filing into this court a lodgment schedule [Refer RRP 154, 155, 156]. The Bench Clerk attached to the Section concerned should verify the case number, the name of the parties and the amount as directed in the Decree/Award. If they are found correct, then he has to send the Lodgment Schedule to the Accounts Clerk. The Accounts Clerk has to prepare the challan. The amount is deposited in State Bank of India in Civil Court Deposit. In certain cases, the amount is also deposited through Demand Draft or Cheques. These amounts have also to be brought to Civil Court Deposit through challan. After receipt of the challan from the Bank, the Accounts Clerk has to make an entry relating to the said deposit in the Deposit Register (CR.36). The said amount is to be brought to ledger (CR.35) to the credit of the said case Number.

**Rule 154 to 165 of Civil Rules Practice deals with Deposit and withdraw of money from court.**

**Rule 162 :- Payment Schedule to be brought in -**

A person desirous of obtaining payment of money out of court hereinafter called the "payee", shall bring into court a payment schedule in Form No.59, headed with the cause title of the suit, appeal, or matter, and the particular account if any, to which the payment is to be debited/and stating the decree or order authorizing the payment and the several sums and the total amount to be paid out of court, and also a receipt for the said amount signed by the payee if the payee is the agent of the person entitled to receive the money he shall also file power of attorney duly stamped authorizing him to receive payment.

The court shall before making an order for payment out, verify from the weekly statements received from the Treasury that the amount of which payment is sought is supported by the necessary credit in the account and is available for payment out. An order for payment and counterfoil receipt in Form No.60, stating the date of issue, the amount to be paid and the account to which the payment is to be debited shall then be issued to the payee.

Note:- Where a payment order is re-dated and re-issued, the further date should be entered in the office counterfoils of the original order book.

**Rule 163:- Presentation of Order:**

The order shall be presented for payment within the account month in which it is issued and if not presented within the period, shall be returned to the court and may then, after being re-dated and initiated by the judges, be re-issued to the payee.

(Note:- Where a payment order is re-dated and re-issued, the further date should be entered in the office counterfoils of the original order book.)

**Rule 164 :- Receipt by Payee :**

On payment of the amount of the order, the payee shall sign a receipt therefore endorsed on the order.

**Rule 165 :- Order not to issue after 25<sup>th</sup> of the month except in case of urgency:**

Except in case of urgency, no order for payment of money out of court shall be issued after the 25<sup>th</sup> day of each calendar month.

As soon as order for payment is made on the application submitted by the petitioner, the Bench Clerk has to send the same to the Accounts Clerk.

The Accounts Clerk has to prepare the cheque, as ordered in the cheque petition.

The entries relating to the payments have to be made in the deposit as well as repayment Register. The payment of amount by way of cheque has to be entered in the ledger.

The ledger has to be brought forward every financial year.

**Some of the registers maintained in the Account Section are detailed hereunder:**

Cash Book.

1. Cheque and D.D. receive register
2. Deposit Register
3. Ledger
4. Repayment Register
5. Cheque Issue Register.

**Investment Register :-**

Investment register is maintained to show the investments made in each case. As stated earlier, as per the directions in the Decree/Award, the amount is deposited in the Bank mentioned in the order.



**Lapsing of Civil Court Deposit:-**

Tamil Nadu Financial Code Vol. 1 Rule 52 read with Rule 52 of Civil Rules of Practice and circular order and Rule 329 of Criminal Rules of Practice, the unclaimed amount, kept in deposit for more than four years has to be lapsed to the Government.

**NAZIR SECTION****Nazir's Receipt Books (Form-A) (CR No.41):**

The receipt should be issued by the Head Clerk for every item of cash received by him. The preservation period is 10 years from the date of last entry.

**(Civil Register NO.44): 'A' Register:**

In this register, all the 'B' Memos filed are entered in this register with Batta Memo Number and Case Number. The Batta memos received by the District Court are distributed to the staff concerned. The concerned staff will send the 'B' memo to the Central Nazir Section for preparation of summons / Notices, the 'B' memos are returned to the concerned Section on proper acknowledgement. The defective 'B' Memos are returned.

Separate Register is maintained for District Court, Sub Court, Munsif Court and Chief Judicial Magistrate Court.

**'B' Register (C.R. No. 43):**

In this register, all the 'B' Memos received are entered in this register with Batta Memo Number and Case No. The process fee and the Amins fee are entered in the columns provided in this register.

The Witness Batta amount, Tom Tom charges and Arrest Warrants amounts are entered in this register.

The date when the Summons / Notices are made ready and to whom the said Summons / Notices are issued, are also entered in this register. On return of the process by the Senior Bailiff / Jr.Bailiff, the same is distributed to the concerned Section on proper acknowledgement.

In respect of the process relating to other courts, the same is sent to the Courts concerned by post and on receipt form the said courts, the same is distributed to the courts concerned.

The unexpended batta amount, Tom Tom charges and Arrest Warrants if any, is to be returned to the advocates concerned on proper acknowledgment. Necessary entries to that effect is also made in this register.

The accounts regarding Process Fees, Amins Fee and cash have to be struck woen daily.

### **Register of Receipt of Process Memos by the Chief Ministerial Officer (CR No.46)**

This register is used to hand over the process Memos received by the Chief Ministerial Officer to the Nazir's Office. The Nazir has to receive the process Memo from the regular establishment under acknowledgement in this register.

### **'C' Register (C.R. 47):**

Separate register is maintained for every Senior Bailiff and Junior Bailiff. The processes issued to the Senior Bailiff / Jr. Bailiff are entered in this register. B.No., Case No., Nature of process, Name of the Village, Date of issue of process and date of return of the said process are entered in this register.

The individual who is receiving the said process has to return it on or before the date specified for return of the said process with his signature and the manner of service.

The Cash received for arrest warrant, attachment etc., if spent is to be entered in Col. No. 9 and if it is unexpended, it should be shown in Col. 11.

### **Diary (C.R. 64):**

Diary is issued to the Senior Bailiff and Junior Bailiff. They have to make necessary entries regarding the date on which they executed the process issued to them with process No., Case No. and the Village where they have gone for execution of process and the nature of execution of process viz., served or unserved etc. The attestation from the Villagers of Ryots are also obtained in this Diary.

The Central Nazir has to scrutinize the Diary with the "C" Register and on verification F.T.A. is paid to the concerned Senior Bailiff / Junior Bailiff.

### **Register of Movables attached (C.R. 31):**

This register is maintained to show the movable properties attached by the Senior Bailiff. All the items attached are to be entered in this register, with 'B' Memo No., Name of the Court with case No. and the date of attachment.

### **Register of Immovable attached (C.R. 32):**

This register is maintained to show the immovable properties attached are to be entered in this register with "B" Memo No., Name of the Court with case No. and the date of attachment.

On receipt of communication regarding the raising of attachment from the courts concerned necessary entries are made in this register.

### **Dispatch Register (C.R. 49):**

This register is maintained to show the processes sent to other Courts by post. The stamps spent for each tapal on each day is entered in this register and the total stamps spent on each day is struck off and placed before the Central Nazir.

**Nazir's Register showing the Money in Nazir's Section (C.R. 45):**

The cash like Tom Tom charges for attachments and for arrest warrants received are entered in the register. Daily accounts regarding the amounts received, issued to the Senior Bailiff/ Junior Bailiff and the amount spent / returned by the Sr. Bailiff / Jr. Bailiff and the closing balance is entered in this register.

**Money Order Receipt Register:**

The cash received from the other courts are received by Money Order. The same is entered in this register with "B" Memo No. and the Case NO. and Name of the Court with nature of process.

**Money Order sent Register:**

The case received in connection with the other courts attachment, arrest warrant are sent to the courts concerned and the same is entered in this Money order sent register.

**U.D.P. Register:**

The undisbursed pay has to be entered in this register and shown daily until the same is disbursed.

**COPYIST SECTION (Civil)****"A" Register (C.R. 26):**

The register contains 20 columns. This is the main register. All the particulars relating to the Copy Application received, right from the number of C.As till the certified copy is delivered are to be entered in this register. This register also contains the entries about Copyist to whom the C.A. is issued for preparing the certified copy and when the copies are made ready etc. Daily account relating to the court fees received in connection with the C.A. has to be account for. The amount deposited towards printing charges and plan fee will also be entered in this register.

If the Copying stamp papers are not produced by the advocates, the C.A. will be struck off. The struck off C.A, will be mentioned in the "A" Register.

**"B" Register (C.R. 27):**

This register contains 11 columns. It contains the entries relating to the C.As and the Description of the papers for which C.A. is filed. The date of compliance of C.A. by the respective Branch is to be entered in this register. After the originals are made ready, the C.A. is returned with the original to the section concerned.

**"C" Accounts Register (C.R. 29):**

This register contains the number of papers copied and the No. of words typed by each copyist. The total No. of words typed will find a place in this register. The minimum No. of words to be typed is 84,000 per month.

**Examiner's Register (CR. 53):**

Each is having one register. The total number of copies taken by the copyists had been distributed among examiners and readers. Entries relating to the comparing and checking of the said certified copies will be made by the examiners concerned.

**Copyist Register (C.R. 52):**

This register is maintained by each Copyist to show the record of work done by him / her each day. The total no. of words typed on each day and the total number of pages copied, are to be entered in this register. The balance of the stamp on hand of the said copyist will find a place in this register. The total number of words typed will be accounted for at the end of the month.

Call for Register in respect of stamps for certified copy: After the compliance of the originals from the respective branches, the stamps for the purpose of preparing certified copies will be called for and the number of stamps received with the name of the Advocate will be mentioned in this register.

The C.As that are returned will also be entered in this register.

**Call for Register for Printing:**

In this register printing charges will be called for if the words of the judgment exceeds 700 words. 7 days time will be given for purpose of remitting printing charges.

Printing charges are remitted into the Head Clerk Section, where the receipt for payment of printing charges is issued.

**"E" Register (C.R. 29):**

This register contains the entries relating to the no. of stamps expended with the costs of the stamps of all the courts in the District. The pay and allowances relating to the Copyist Establishment of all courts will find a place in this register.

**Plan Fee Register:**

This register is maintained to show the plan fees received in the C.As in respect of the cases in which certified copies of plan is sought for. The amount deposited as plan fee finds a place in this register with the name of the Copyist to whom the plan is issued and fee paid.

**Printing Register:**

this register contains the case number and the name of the press to whom the originals are sent for printing. The B.R. No., with date and the amount of printing charges will have to be entered in this register.

**Printing Register (Individual Register):**

Individual press register is maintained to show the judgments / order that were sent to each press. In this register, the C.A. No., Case No., B.R. No and the amount deposited for printing will find a place.

### **“D” Register (C.R. 51):**

This register contains the entries relating to the date and the total number of stamps received on each day. The number of stamp issued to each Copyist will find a place in this register. The total No. of stamps typed and the unused papers returned to the advocates will find a place in this register.

### **LIST OF REGISTERS RELATING TO GENERAL ADMINISTRATION**

1. Attendance Register
2. Casual Leave Register
3. Stationery Register
4. Payroll Register (Pay Acquittance)
5. Stamp Duty Penalty Register
6. Cash Book
7. Cheque Receive Register
8. Cheque Book
9. Running Note file
10. Loans & Advance Register
11. Contingent Register
12. Increment Register
13. Maintenance of Service Registers
14. Office Order Book
15. Fair Copy Register
16. Furniture Register
17. Refund of Court Fee Register
18. Appointment of Commissioner
19. Appointment of Receiver
20. Separate register for cases stayed by High Court/ Supreme Court & Stayed by Section 10 CPC
21. Succession Certificate issue Register
22. Return of unmarked document Register
23. Permanent Register
24. Stock Register
25. Appeal intimation Register
26. Call for Book, Made ready Book
27. Receipt Book
28. Permanent Advance Register
29. Plan Fee Register
30. Caveat Register
31. Register Gazettes & Periodicals
32. Records Receive Register

## **1. Attendance Register (CR.196)**

The Staff members have to begin their work punctually at 10.00 a.m. and continue to work in their seats till the day's work is over. (High Court's Circular in ROC.No.2802 A/2006/C1,DT 11-09-09) The entries regarding availing of all kinds of leave and permission to be entered in RED INK. The relieving and joining entries should be entered in the attendance register.

If any staff does not attend Office punctually, mark "late" in the relevant column. After 10.00 A.M. upto 11.00 A.M. treated as permissions. Exceeded permission after 11.00 a.m. upto 1.00 p.m., it has to be treated as Casual Leave for half a day and after 1.00 p.m., treated as Casual leave for one day. For every 3 day late attendance – 1 day Casual Leave

## **2. Casual Leave Register**

The entries regarding availing of casual leave, Restricted Holiday leave and permission should be entered. The Casual leave shall not exceed 12 days in a year. The RHL shall not exceed 2 days in a year.

## **3. Stationery Register**

Stationery items received from High Court/District Court should be entered in the register. Usage of stationaries to be entered daily and obtained signatures from the staff who have use the same.

## **4. Payroll Register (Pay Acquittance)**

Should be maintained for drawing pay and allowances of the staff members. Separate acquittance shall be maintained for Judicial Officers. Receipt of acknowledgement of pay and allowance shall be obtained from the each staff members.

## **5. Stamp Duty Penalty Register**

This register should be maintained for collecting the Stamp duty and penalty on filing of Unregistered documents.

After collection of stamp duty from the concerned Counsel and the same should be remitted into Civil Court Deposit through "B-Challan" and thereafter the copy of unregistered document should be sent to the District Collector within three days from the date of collection and the despatch number should be noted in this register.

## **6. Cash Book**

All cash transactions of the Court are to be entered in this register and attested by the Presiding Officer daily.

All receipts shall be entered on the left or debtor side and the deposits on the right of creditor side.

The transaction of every week is to be reconciled with the Treasury account on receipt of weekly statements from the Treasury.

When the transfer of charge of Officer takes place the signature of Reliving Officer and Relived Officer are to be obtained in this register.

## **7. Cheque Receive Register**

This Register should be maintained for entering the cheques/D.Ds in all branches which was received by the court.

## **8. Cheque Book**

After receipt of order, cheques to be prepared within 3 days from the date of order and signature to be obtained from the Presiding Officer.

All corrections and alterations in cheques issued on the State Bank of India and Treasuries should be fully signed by the Presiding Officer. (G.O.Ms.877F, Dated:12-10-1922, High Court's CIRCULAR in P. Dis.No.1772 and 1912/1922.

The loss of a cheque book or blank cheque forms should be notified promptly to the Treasury Officer or Bank with whom the Drawing Officer has account for. (G.O.Ms.763/dated: 25-11-1933)

## **9. Running Note file**

Should be maintained by the Head Ministerial Officer, monitoring the work performance of the staff members working under his control once in a month.

## **10. Loans & Advance Register**

Entries to be made regarding the loans sanctioned to the staff members viz., House Building Advance Loan, Festival Advance, Marriage advance, Motor vehicle advance, etc.,.

## **11. Contingent Register**

Entries regarding the preparation of bills for the expenses of Telephone bill, News paper bill, E.B. Charges, furniture and other contingent bills.(office use materials including stationary items)

## **12. Increment register**

Sanction of periodical increment for the staff members shall be obtain from the Presiding Officer.

### **13. Maintenance of Service Registers**

The following entries to be made in the service register: Sanction of annual increment, temporary/part final of G.P.F., quinquennial attestation to be obtained once in 5 years from the staff concerned, regularisation, declaration of probation, movement of Selection Grade/Special Grade, promotions, transfers with joining date, surrender of E.L., availing of E.L., M.L., LLP., participation of strike, nomination to be obtained for CPS, GPF, DCRG, FBF and SPF. List of family members. Availing of vacation.

### **14. Office Order Book**

For allocation of work for the staff members and healthy administration.

Each Office order should be given separate serial number for each Calendar year

### **15. Fair Copy Register**

This register is kept by the Steno-typists. All proceedings except CMPs should be noted daily in the register, so that the fair copying of the final order therein is done without any delay. Fair copies bundles should be handed over to the Record Clerk under acknowledgement.

### **16. Furniture Register**

Availability of furniture should be entered in the register

### **17. Refund of Court Fee Register**

This register should be maintained for refund of Court fees to the concerned Advocate, while the case settled before Lok-Adalath and settled out of Court as per TNCF act.

The relevant entries should be made in this register for preparing of Refund Bill.

### **18. Appointment of Commissioner**

In the Suit, if any Commissioner is appointed, entries shall be made in the relevant register.

### **19. Appointment of Receiver**

In the Suit, if any Receiver is appointed, entries shall be made in the relevant register.

### **20. Separate register for cases stayed by High Court/ Supreme Court & Stayed by Section 10 CPC**

As per High Court's Circular in R.O.C.No.1479/92-F1, a separate register shall be maintained for watching the further course of action in the Stayed cases.



### **21. Succession Certificate issue Register**

Register regarding the issuance of Succession Certificate to the parties.

### **22. Return of unmarked document Register**

Entries regarding the return of unmarked documents to the parties shall be made in the register.

### **23. Permanent Register**

This register maintained for permanent registers viz., Original Suit register. It contains the number of Suit Registers.

### **24. Stock Register**

Forms and Cheque books received from the High Court/District Court to be entered in the register.

### **25. Appeal intimation Register**

In this register, the notices calling for records from the Appellate Courts should be entered then and there.

### **26. Call for Book, Made ready Book**

It should be maintained by the Examiner for call for the stamps for preparation of copies and enter the same after the compliance of copy applications in the made ready book.

### **27. Receipt Book**

Receipt of plan fees, printing charges shall be entered in the receipt book and acknowledgement also given to the concerned.

## **CRIMINAL SIDE – SESSIONS CASES**

### **REGISTERS**

The registers reflect the proceedings of cases/matters, both judicial and administrative, in a concise manner. There are many numbers of Registers maintained by individual staff members and section as a whole. The list of registers maintained are detailed as follows:-

#### **Sessions Filing Register (C.R.C. No.1):**

This register contains 12 columns. The Case number with name of the Committing Magistrate and the P.R. number of the Magistrate Court with Crime number will be entered. The description of the accused, nature of the offence, date of commitment, receipt of the records, commencement of trial and close of trial, the result of the Judgment will be entered. The date of Consignment of the case will find a place.

The number of appeals, if any, filed and the D. No. and the date on which the records were submitted to the High Court and the result of the appeal will be entered in this register.

**Disposal Register (C.R.A4):**

This register is the Disposal Register. It contains 26 columns. Entries relating to the disposal of cases, both convicted and acquitted cases, duration of the case, the number of accused persons and the total number of witnesses examined have to be made in this register.

The number of adult and Juvenile, male/female are to be entered in this register, in conviction cases.

**Register of Punishments (C.R. A.5):**

This register contained 45 columns. In this register all the cases entered in conviction alone will be entered. The substantive sentence and the fine if any, imposed will be entered in this register.

**Fine Register (C.R. A.16):**

The fines imposed in the cases concerned are entered in the Fine Register. The demand as well as the collection of fine amount have to be entered. This register contains 23 columns, contained the date of imposition of fine, amount of fine imposed and the collection of the fine amount.

**Fine Receipt Book:**

On receipt of the fine imposed from the accused, the same is entered in the fine receipt book and fine receipt is given to the accused concerned.

**Challan CrI. Misc. 72 Form Register:**

All the amounts collected as fine are to be remitted into the State Bank on the next day of its receipt. If it happens to be a holiday, the amount has to be remitted on the next day to the holiday.

**Witness Register (C.R. A.18):**

This register contains 12 columns. In this register all the witnesses for whom summons are issued are to be entered. After the examination of the witnesses, the Judge has to pass orders in this register for payment of batta or issue of court certificate as the case may be, to the witnesses appeared.

**Register of Batta and T.A. to Witnesses (C.R.A.16):**

This register contains 14 columns. The batta to the witnesses ordered to be paid by the Judge in C.R. 18 register, are to be paid to the witnesses. Entries to that effect are to be made in this register. The Judge has to sign this register daily.

**Register of Witness Batta collected from the parties (Private Witness Batta Register) (C.R. A.17):**

In this register entries related to the witness batta ordered to be paid by the parties are to be made. The batta to the witnesses has to be paid to the witnesses and necessary entries to that effect has to be made in this Register. The balance amount, if any, has to be returned to the counsel for the accused.

**Hearing Book (C.R. A.10) :**

The cases that were taken on file and posted to various dates will be entered in this Hearing Book. The cases disposed of on date of hearing should be rounded.

**Diary (C.R. A.8):**

The diary shall show the time at which the criminal proceedings of each day are commenced and the time at which they ended and shall indicate clearly the progress made on the hearing of each case, which was taken up, in the order.

**Cr.M.P. Register (C.R. A.3):**

The miscellaneous petitions that were taken on file and numbered are entered in this register as Cr.M.P. It contains 10 columns.

**Criminal Appeal Register (C.R. A.1):**

This register contains 10 columns. The name of the Court with case number, name of the appellant, the sentence awarded by the lower court with the law under which it was passed and the result of the appeal are entered in this register.

The date on which the records were submitted to the High Court with D.No. should also be entered. The result of the Revision if any are also entered in this register.

**Register of Revision Petitions (C.R. A.2):**

This register contains 8 columns. The number of the case. Name of the Revision petitioner, the order and name of the Court against which the Revision petition is filed and the nature and date of disposal should be furnished in this register.

The result of the appeal, if any, preferred in High Court will be entered in this register.

**CrI.Appeal Disposal Register (C.R. A.6):**

This register contains 11 columns. The number of appeals disposed of and the number of appellants whose cases were disposed of, and the duration of the case should be entered.

**CrI. Revision Petitions Disposal Register (C.R. A.7):**

The number of Revision petitions disposed of, the name of Revision petitioner and duration should be entered. nature of disposal of cases should also be mentioned.

**Register of Refund Certificate (C. R. A.18 ):**

This register contains 8 columns, viz. the month and the date of certificate of voucher, name of the court which imposed fine, the number of the case and date of Judgment in appeal, the name and residence of the individual to whom the refund is granted, the amount of refund and the D. No. and date on which refund certificate is issued should be entered in this register.

**F.I.R. Register:**

This register is maintained by the Head Clerk or FIR Clerk of the Judicial Magistrate Court. Entries relating to the receipt of the FIR should be made by him immediately on receipt of the FIR, after obtaining the date and time entry and initials of the Judicial Magistrate.

**Register of Enforcement Register (C.r. 8-A):**

This register contains 16 columns. In this register conviction (remand) particulars are detailed with the case number and the number of accused till the disposal of the appeal.

**Arrears of Fine amount – 30 A Register:**

In this register, the fine amount which were imposed but not collected from the concerned accused, are entered after the lapse of that month. Action will be taken to recover the fine amount.

**Register of Court Fees and Process Fees received (C.R. A.9):**

All the petitions received are entered in this register. It contains the receipt of the process fees and court fees. The total amount of process fees and court fees received are struck down every day. The Magistrate has to sign in this register daily.

**Property Register (C.R. A.12):**

Register of Case Property. The Head Clerk of the Magistrate Court has to make necessary entries regarding the properties received from the investigating agency in respect of the case concerned. The valuable properties are to be kept in the valuable box and the said box is sent to the Sub Treasury for safe custody.

**Cash Book (C.R. No.A.25(a):**

The cash like fine, salary and other amounts relating to the establishment are to be entered in this register daily.

**Receive Register (Cr 48):**

All the papers (Tapals) received by the courts concerned are entered in this register.

**Fair Copying Register:**

Fair Copying Register is maintained to make entries regarding the disposal of the cases to be fair copied.

### **Record Issue Register:**

In this register, the records that were called for appeals have to be entered. The records have to be submitted to the Appellate Court on receipt of intimation from the appellate court. The D.No. and the date on which the records were submitted to the Appellate Court have to be made in this register.

The disposal relating to the appeals have to be entered in this register as well as the Filing Register.

### **Destruction Register (CR A23):**

This register is maintained to show the destruction of records. This register contains 9 columns. All the cases disposed off will be entered in this register.

### **Destruction Register (Cr.A 23):**

Destruction should be made only after the expiry of the period prescribed under the Rules. A list of cases that are to be destroyed has to be prepared and submitted to the Chief Judicial magistrate, and on sanction by the Chief Judicial Magistrate, notification of the destruction of the case records has to be issued in the Gazette. On receipt of the notification, destruction of the records will have to be made.

### **Preparation and Submission of Statements and Court Wise Pendency (Civil)**

The following are the statements to be submitted to the High Court by the Lower Courts.

1. Monthly Statement - Advance Statement – Every 5<sup>th</sup>  
Monthly Statement (Regular) with Review – Every 5<sup>th</sup>
2. Quarterly Statement - Every 5<sup>th</sup> of Succeeding Quarter
3. Half yearly statement - Every 5<sup>th</sup> of Succeeding Half year
4. Annual Administration report - 15<sup>th</sup> of every January
5. Annual Statement - 15<sup>th</sup> of every January
6. Annual confidential report - 15<sup>th</sup> of every year
7. Salient features
8. Budget policy note statement
- Statement for Periodical and Annual Statement.
9. Year war pendency of old Original Suits
10. Year war pendency of Original suits
11. Senior Citizen Cases Statements
12. High Court Stayed Matters.
13. Statement regarding more than 15 years to 20 years old cases.
14. Statement regarding more than 20 years old cases.

## **Forms under Civil Rules of Practice**

- ❖ Form No.1 - cause title in suit or petition
- ❖ Form No.2 - cause title in appeal
- ❖ Form No.5 - formal part of plaint
- ❖ Form No.7 - formal part of original petition
- ❖ Form No.8 - particular of valuation of property
- ❖ Form No.9 - Notice of leave
- ❖ Form No.10 - application under order 1 rule 8
- ❖ Form No.11 - notice to permission to sue on behalf of numerous parties
- ❖ Form No.12 - Rule 19 - Vakalath
- ❖ Form No.13 - Rule 29 - Interlocutory Application
- ❖ Form No.14 - Rule 40 - Affidavit of solemn affirmation\
- ❖ Form No.15 - Rule 41 - (Certificate when deponent is unacquainted with the language of the affidavit or is blind or illiterate
- ❖ Form No.16 - Rule 45 - Certificate to be endorsed on an exhibit to an affidavit
- ❖ Form No.17 - Rule 48(1) - Application for transfer of a suit
- ❖ Form No.18 - Rule 48(1) - Notice of application to transfer suit
- ❖ Form No.19 - Rule 49-A - Common form of summons for
  - ◆ settlement of issues
  - ◆ ascertaining whether a suit is contested or not and, if not contested disposal
  - ◆ final disposal (Order V, rules, 1 and 5 of the Code)
- ❖ Form No.20 - Rule 50 - List of witness for issue of subpoena
- ❖ Form No.21 - Rule 60 - issues
- ❖ Form No.22 - Rule 75 - Letter of Request by one Court to the Presiding Judge of another court for the production of records
- ❖ Form No.23 - Rule 76 - Summons for the production of public records and other documents in the possession of public servant other than a court.
- ❖ Form No.24 - Rule 84 - Heading of the Judgment
- ❖ Form No.25 - Rule 85 - Form of concise statements
- ❖ Form No.26 - Rule 88 – decree under (O,XXI, r,11(1) of the Code)
- ❖ Form No.27 - Rule 91 – Order setting aside an exparte under which moneys have been recovered.
- ❖ Form No.28 - Rule 91- Decree dismissing suit after order in Form No.27
- ❖ Form No.29 - Rule 92 - Decree reversing the decree of lower court, under which moneys have been recovered
- ❖ Form No.30 - Rule 92 - Decree reversing the degree of lower court, under when Possession has been recovered
- ❖ Form No.31 - Rule 97 - setting of costs
- ❖ Form No.32 - Rule 99 - Order for withdrawal of suit
- ❖ Form No.33 - Rule 101 (2) (3) and (4) Statement of Objection and surcharge against an accounting party.

- ❖ Form No.34-Rule 107-Interim decree appointing a Commissioner to vouch account.
- ❖ Form No.35 - Rule 108 and 118 - declaration as to partnership accounts
- ❖ Form No. 36 - Rule 108 - Interim Decree appointing a Commissioner to take accounts
- ❖ Form No.37 - Rule 109 - Report of Commissioner appointed to take partnership accounts
- ❖ Form No.38 - Rule 114 - Plain in a suit for dissolution of partnership or for an account for partnership dealing
- ❖ Form No.39 - Rule 115 - Order at first hearing when it appears that the plaintiff has neglected to make, or has been refused, inspection of partnership accounts; or when the plaintiff makes formal allegations of fraud.
- ❖ Form No.40 - Rules 100 and 119 - Interim decree in a suit for dissolution of a partnership
- ❖ Form No.41 - Rule 119 - Interim decree in a suit for dissolution of a partnership, to which persons entitled to a share of net profits are made parties.
- ❖ Form No.42 - Rule 123 - Partnership-Order upon the taking of accounts by the Court when assets are to be distributed among the partners.
- ❖ Form No.43 - Rule 123 - Order confirming of Commissioner's Report upon taking accounts, when the firm is solvent and assets are to be distributed among the partners and a receiver has been appointed.
- ❖ Form No.44 - Rule 123, 124 - Order confirming reports of the Commissioner, when the assets or part of them are to be realized or when the firm is insolvent.
- ❖ Form No.45 - Rule 123 - Final decree subsequent to the order in Form No.42
- ❖ Form No.46 - Rule 123 and 125 - Final decree after order in Form No.43
- ❖ Form No.47 - Rule 123 - Final decree - Distribution of assets after payment of debts and liabilities among the several partners, who hold the same in various proportions.
- ❖ Form No.48 - Rule 126 - Injunction and appointment of a Receiver
- ❖ Form No.49 - Rule 126 - Order on appeal from a final decree revering same and appointing a Receiver
- ❖ Form No.50 - Rule 126 - Order on appeal from a final decree reversing same and appointing a Receiver
- ❖ Form No.51 - Rule 128 - Application for certified copies
- ❖ Form No.52 - Rule 138 - Application for transmission of decree or order
- ❖ Form No.53 - Rule 141 (2) Execution Petition
- ❖ Form No.54 - Rule 152 – Notice Under (O.XXI, r.34(2) of he Code
- ❖ Form No.55 - Rule 153 – Concluding portion of a deed executed by the Judge.
- ❖ Form No.56 - Rule 153 - Endorsement of a Negotiable Instrument by the Judge.
- ❖ Form No.57 - Rule 157 - Lodgment Schedule



## **PART – IV**

### **BASIC LEGAL AND PROCEDURAL ASPECTS FOR THE STAFF MEMBERS WORKING IN CIVIL UNIT & SESSIONS COURTS**

#### **What is Complaint ?**

Complaint is the basic document of a civil nature of disputes. It is a verified statement of a person who files a civil suit, contains full description and address of both parties and the detailed particulars of the dispute required to be furnished as per Order VII Rule 1 C.P.C.

#### **Particulars to be furnished in Complaint as per Rule 1 of Order VII C.P.C.**

- a. the name of the court in which the Suit is brought;
- b. the name, description and place of residence of the plaintiff or plaintiffs;
- c. the name, description and place of residence of the defendant or defendants, so far as they can be ascertained;
- d. Where the plaintiff or the defendant is a minor or a person of unsound mind, a statement to that effect;
- e. the facts of the dispute in detail constituting the cause of action and when it arose;
- f. the facts showing that the court has jurisdiction;
- g. the relief which the plaintiff claims;
- h. Where the plaintiff has allowed a set off or relinquished a portion of his claim the amount so allowed or relinquished; and
- i. a statement of the value of the subject matter of the suit for the purposes of jurisdiction and of court fees, so far as the case admits.

In all, Every complaint shall comply with the rules contained in orders VI and VII CPC so far as they are applicable.

#### **Verification:**

Before taking up the complaint for scrutiny at random verification of the Preparation and construction of the complaint and its enclosures is necessary in the following aspects.

1. Whether the complaint is prepared in conger sheet and neatly stitched as per the instructions given in CRP.
2. Whether each page of the complaint is signed by the plaintiff.



3. Whether Vakalat of concerned advocate is filed along with plaint duly signed by the plaintiff or plaintiffs got attested accepted by the concerned advocate by making endorsement by his own handwriting as per the instructions laid down under Rule 19 C.R.P. and adequately stamped.
4. Whether the plaint allegations are divided into paragraphs and Nos. assigned to each paragraph as per Order VI R2 (2) CPC and dates sums and numbers shall be expressed in a pleading in figures and words.
5. Whether cause titles of both parties and Name and address of the concerned advocate detailed (particulars) pleadings about the material facts of the dispute as per Order VI R 2 CPC para of cause of action, State of Valuation, payment of court fee and jurisdiction particulars of valuation and payment of C.F. Nature of reliefs, para of verification of plaintiff and list of particulars and description of documents are set out in the plaint and signed by the counsel concerned.
6. Whether the plaint is stamped.
7. Whether the duplicate copy of plaint is placed as required in Order IV Rule 1 C.P.C.
8. Whether the verification of the plaint is made as per Rule 15(1) Order VI C.P.C.
9. Whether the verification is signed date of verification and place are stated as per Rule 15(3) of Order VI C.P.C.
10. Whether the supporting affidavit of the plaintiff is filed along with the plaint as per rule 15(4) of Order VI C.P.C.
11. Whether the description of property sufficient to identify it is set out as per Rule 3 Order VII CPC where the subject matter of the suit is immovable property?
12. Whether Batta Memo duly stamped with sufficient No. of copies process and copies of plaint is filed along with the plaint.

### **Scrutiny of the Plaint:-**

After finishing of the at random verification of the plaint as quickly as possible the scrutiny of the plaint has to be commenced immediately. The scrutiny means the thorough checking of the plaint, Cause title, pleadings sentence by sentence, correction of documents and dates, dates of causes of action in the pleadings with the dates mentioned in the para of cause of action.

- ❖ Checking of both the cause titles of plaintiff and defendants as to whether, the correct name, age, father's name or husband's name and full address are given.

- ❖ If one of the either parties are a minor the age of the Minor shall have to be given. It is a must.
- ❖ If the plaintiff is a minor it should be seen that affidavit of next friend is to be filed along with the plaintiff. If the defendant or one of the defendants is a minor, in application for appointment of guardian with affidavit shall be filed along with the plaint.
- ❖ Whether the address of the Lawyer appearing for plaintiff is correctly given is to be checked.
- ❖ Whether all the enclosures as per the amended CPC is along with the plaint are to be checked.
- ❖ Whether each page of the plaint is signed by the concerned person or persons filing the suit.
- ❖ Each and every line of the plaint is to be scrutinized with due care as to whether the suit is barred by any other act.
- ❖ Entire Pleadings to be thoroughly checked as to which section of C.F. Act is attracted to the subject matter of the suit for ascertaining the valuation and payment of court fees.
- ❖ Whether the suit is in time to be carefully checked.
- ❖ Whether pleadings to the effect the Territorial jurisdiction under sections 16 to 20 CPC and pecuniary jurisdiction are correctly explained is to be scrutinized.
- ❖ After ascertaining the correct provisions of C.F. Act applicable to the subject matter of the suit, whether adequate C.F. has been paid on the plaint is to be checked very carefully.
- ❖ Whether all dates of causes of action have been mentioned in the para of causes of action is to be checked.
- ❖ Whether the entire pleadings has constituted causes of action for the suit?
- ❖ Whether the statements to the effect of Limitation, jurisdiction and payment of C.F. are correctly given tax is t be checked.
- ❖ Whether relief's are correctly put forth in the plaint is to check very carefully.
- ❖ Some times two relief's would have been clubbed together and furnished as a single relief. Hence it is our duty to find out the said technique of the lawyer and collect sufficient C.F. for each and every distinct and different relief.
- ❖ Whether original of basic documents relied on for the purpose of the suit is filed to be seen.

- ❖ Whether the full description of documents are furnished with dates in the list of documents amended as per Order VII Rule 14 CPC is to be carefully checked. If the suit is filed against the Government, E.B. and Housing Board the issuance of the statutory notice and date of service is to be checked.
- ❖ Whether the para of verification has been correctly set out with dates and place of verification is to be seen.
- ❖ Whether the Vakalat is filed after complying with all requirements of Rule 19 CRP is to be carefully checked.
- ❖ If any deficiency is found in the plaint on the above points the plaint shall have to be returned as per the instructions given in Civil Rules of Practice and got the plaint corrected.

The Chief Ministerial Officer who is incharge of numbering the plaint is satisfied after scrutinizing the plaint on the aforesaid method of scrutiny and found the plaint is in order he shall take the plaint on file and assign suit No. to it by affixing the suit filing seal on the back of the plaint. Generally the quantum of payment of C.F. Act which are applicable to the subject matter of suit.

### **General Instructions to the Chief Ministerial Officers who is in charge of the verification and numbering plaint:-**

- ❖ Kindly avoid flimsy returns.
- ❖ Please rack-up all specific points of returns at a stretch in the first return itself.
- ❖ Please avoid several returns.
- ❖ Even after 2 returns the defects pointed out are not rectified the plaint may be returned as a last chance after placing it before the Judge for orders.
- ❖ Even then the defects are not rectified the plaint may be placed before the officer for orders for being taken up the plaint in open court for hearing the counsel for plaintiff and for favour of passing suitable orders thereon.
- ❖ Avoid the rack – up any question of return on the subject matter of the suit to be decided at the time of trial.

## **Court Fees and Suits Valuation**

### **What is Court fee?**

Fee collected in the shape of G.F. Stamps and stamp papers on the valuation of the subject matter of the Civil Suit under the provisions of C.F. Act. It is a Judicial receipt collected as if it is a land revenue.

## **What is Suits Valuation?**

1. The act of estimating and assessing the value of the different type of subject matter of civil nature suits according to provisions of C.F. Act as on the presentation of the plaint into Court as laid down U/o. 7 of C.F. Act.
2. Title Suit: The correct valuation of the civil suit as on the date of plaint shall only be ascertained from the pleadings set out in the plaint. The Advocates may quote the value of the suit in Title suits as mentioned in the title deed prior to the date of plaint. But it is not correct.
3. From the Scrutiny of the entire plaint pleadings a definite conclusion is required to be arrived at as to which provision of C.F. Act is applicable to the subject matter of the suit and then proceed to estimate the value of the suit accordingly and calculate the quantum of requisite C.F. payable as contemplate under the respective provisions of court.

### **Sec.7: The determination of Market Value has to be made under the provision of Sec. 7 of the C.F. Act.**

- i. If the subject matter of the suit in respect of cultivate lands the valuation for the purpose of C.F. should be determined on the 30 times of kist paid as on the date of plaint.
- ii. If the subject matter of the suit in respect of house sites or house properties the valuation for the purpose of C.F. should be determined on the market value of the said properties prevailing as on the date of plaint and not on the value mentioned in the documents of title deeds and any other documents.
- iii. Separate C.F. has to be collected for each and every distinct and different relief as per based on different causes of action as per Sec 6 of Court fees Act.
- iv. In any suit in which separate and distinct relief's are sought based on the same cause of action, the plaint shall be chargeable with a fee chargeable on the aggregate value of the reliefs as per Sec.6(1) of C.F. Act.
- v. Provided that if a relief is sought only ancillary to the Main relief, the plaint shall be chargeable with fee only on the value of the main relief.
- vi. Where more reliefs than one based on the same cause of action are sought in the alternative in any suit, the plaint shall be chargeable with the highest of the fees leviable on the reliefs.
- vii. As per Sec. 10 of C.F. Act in every title suits valuation ship (a Statement in the prescribed format, of particulars of the subject matter of the suit and plaintiff's

valuation thereof) shall be attached with the plaint. It is mandatory.

- viii. Some possible proof may be insisted to the effect of the market value of the property to determine the correct value as on the date of plaint.

### **MONEY SUITS :**

In suits for recovery of money (including a suit for damages or compensation or arrears of maintenance, of enmities or of other sums payable periodically fee shall be computed on the amount claimed, as per Sec.22 of C.F.Act.

The Chief Ministerial Officer of a Court who is in charge of numbering the plaint after collection of the requisite C.F. shall always have the latest C.F. Act in his hand to scrutinize the plaintiff's valuation of the subject matter of the suit with reference to the relevant sections of C.F. Act valuation of the suit and computation of C.F. will be varied from suit to suit and hence the verification and the reading of the sections of C.F.Act under which the subject matter of suit falls again and again is very much important.

### **Calculation of Court Fees:-**

Rs.8/- for the first Rs.100/-

Rs.7.50 for every hundred in excess of Rs.100/-

### **Valuation for movable property:**

1. The plaint has to be valued based on the value of the property on the date of filing of the suit.
2. Under Sections 25(a), 25(b), 27(c), 29, 30, 37(1), 37(3), 38, 45 and 48, market value of the property is 30 times the kist payable on the suit property.

### **ORDER 8 C.P.C. :**

**Written statement has to be filed within 90 days or within time extended by Court on specific reason.**

Issues must be in prescribed form and on settling it must be signed by Presiding Officer. (Form-21) (CRP 60)

### **Trial:**

After the filing of the suits and written statement issues are framed by the Presiding Officers concerned and the trial of the suit is to be proceeded.

The witnesses to be examined in the case have to be summoned. The witnesses

are to be examined and documents are to be marked. While marking the documents, the Bench Clerks should know as to who has presented the said document, on whose side the documents are marked. There should not be any mistake in marking the documents.

The witnesses to be examined on the side of the Plaintiff	Plaintiff's witnesses	P.Ws
The witnesses to be examined on the side of the Defendant	Defendant's witnesses	D.Ws.
The witnesses to be examined on the side of the petitioner	Petitioner's witnesses	P.Ws.
The witnesses to be examined on the side of the Respondent	Respondent's witnesses	R.Ws.
The witnesses to be examined on the Side of Court	Court's witnesses	C.Ws.

#### **Details of Marking of the documents**

##### **“ A “ Series :**

Marking exhibit : (1) Exhibit admitted in the evidence shall be marked as follows:

(i) if filed by the plaintiff or one of the several plaintiffs with the capital letter “A” followed by a numeral A. 1.A.2, A.3 etc.,

##### **“ B “ Series :**

(ii) If filed by the defendant or one of several defendants, with the capital letter “B” followed by a numeral B.1, B.2, B.3, etc.,

(iii) If court exhibits with the capital letter “C” followed by a numeral C.1, C.2, C.3, etc.,

##### **“X” Series :**

If third party exhibits with the capital letter “X” followed by a numeral X-1, X-2, X-3, etc.

After the marking of the documents, the Bench Clerk has to affix the seal in the exhibits and Reposition and get the signature of the Presiding officer, then and there;

After the evidence is recorded, arguments heard and judgment is pronounced. The Bench Clerk attached to the courts concerned have to make the records ready, and place them to the Presiding Officer concerned for dictating judgment to Stenos.

## **Drafting of Decree**

Order XX Rules 6, 7, 9, 10, 12, 12-A, 13 to 19 in CPC and Rule 84 in C.R.P. and Form No.1, Decree for Original Suit.

The Stenographer or the person who are in charge of preparing the decrees are requested to follow the instructions provided in Order XX of the Code.

The decree shall agree with the judgement. The reliefs granted in the judgement shall find a place in the decree without omission. (Rule – 6)

The decree shall bear the date of Judgement, signature of the Judge who pronounced the judgement and court seal (Rule – 7)

Before going to draft the decree the judgment shall be read over twice carefully, by the decree drafting officer, and reliefs granted by the court in the above judgement shall be arrived, clause war as 1, 2, 3 & etc., This method will help to prepare/ draft a perfect decree.

The particulars set out o draft a decree in rules 6 and 7 in Order XX of the Code and Rule 84 of C.R.P. and Form No.1 Decree for original suit are taken up and assigned numbers consecutively and shown here under which are helpful to draft a decree.

### **Particulars to be followed are given below:**

1. Name of Court
2. Name of Judge and Designation
3. Date of Decree
4. Suit No.
5. Name of Plaintiff
6. Name of Defendant
7. Particulars of Claim, Date of presentation of plaint.
8. Final Hearing portion,
9. Reliefs granted by court
10. Time granted by Court if granted cost of suit.
11. Terms of compromise with I.A.No. and date.
12. Description of property
13. Cost of suit as taxed by officer of court.
14. Date of Decree and seal.
15. Signature of judge.
16. Designation of Judge.

The above particulars are in questionnaire manner. The decree shall be prepared/ drafted only by providing answers to the above particulars. That will be a perfect decree.

**Important points are given to follow strictly while drafting the decree:**

1. The age of the minor plaintiff and the age of the minor defendant shall be noted in the decree.
2. The name of the next friend of the plaintiff and the name of the guardian for the defendant shall be noted in the decree.
3. The leave granted by the court to the guardian to enter into compromise on behalf of the minors shall be noted in the decree with I.A.No. and date of order (Rule 7 in Order XXXII of the Code)
4. Time granted for payment of money shall be noted in the decree.
5. Commissioner's plan shall be attached to the decree.
6. Decree for partition and separate possession shall be engrossed on the non judicial stamp papers on the value arrived under Article 45 of Indian Stamp Act at 1 percent on the value.
7. The terms of compromise entered into between the parties shall be noted in the decree with I.A.No. and date of orders.
8. Description of property with Survey Number, extent and boundaries shall be noted in the decree.
9. Decree shall bear the court seal.
10. Decree shall be signed by the successor if his predecessor vacated the office without signing the decree (Rule 8 in Order XX of the Code). It shall not be sent to the predecessor for signature.

**EXECUTION PETITION [ORDER 21 CPC]**

**By whom and against whom**

**Who can apply for execution:**

1. The decree-holder
2. Representative of a decree-holder in representative suits
3. An assignee of a decree
4. When the decree-holder has died, the legal representatives of the decree-holder.

**Against whom the decree is executable:**

1. The judgment-debtor
2. Against the legal representative of the judgment-debtor
3. Against garnishee of the judgment-debtor.

Where the decree is executed against such legal representative, he shall be liable to the extent of the property of the deceased which has come to his hands and has not been duly disposed off.



## **EXECUTION PETITION [ORDER 21 CPC]**

### **Important Points**

1. The execution petition is filed to enforce the decrees and orders of courts through the process of court.
2. It should be filed under Order 21, Rule 10-11 of C.P.C.
3. The execution petition can be filed:
  - a. for the delivery of any property specifically decreed,
  - b. by attachment and sale or sale of the property without attachment.
  - c. by arrest and detention in prison
  - d. by appointing a Receiver, or
  - e. in such manner as the nature of the relief granted requires.

#### **4. Filing Papers :**

The execution petition should be accompanied by the certified copy of the decree in the case of suits and certified copy of the decretal order in the case of orders. It is not necessary to enclose the judgment or order copy. Necessary process fee to be paid for service.

#### **5. Execution petition:**

The execution petition must be in the prescribed form (Form 6 of App. E. of CPC) and must contain all the particulars to enable the court to pass orders.

#### **6. Vakalat:**

If the same counsel who appeared in the original proceedings, appears in the E.P. proceedings, fresh vakalat is not necessary.

#### **7. Stamps:**

In the execution petition necessary Court fee stamps should be affixed. In the decree copy or the decretal order, necessary stamps should be affixed.

#### **8. Limitation:**

Execution petition should be filed within twelve years from the date when the decree becomes enforceable.

If the decree is one for mandatory injunction, the execution petition should be filed within three years from the date of decree.

There is no prescribed period of limitation to enforce decree granting perpetual injunction (Articles 135 and 136 of Limitation Act, 1963).

In computing limitation for filing execution petition in respect of a mandatory injunction, period during which execution was stayed by court should be excluded (AIR 1990 Mad. 83 ).

**Notice to Respondent:**

If the execution application is filed after two years from the date of decree, the notice has to be issued to the Respondent (O. 21 R.22 CPC ) Court can in an appropriate case order execution without issue of notice if it considers that issue of notice would cause unreasonable delay or would defeat the ends of justice.

If the execution petition is filed within two years and if it is an exparte decree, notice should be issued to the Respondent.

**Simultaneous and number of execution petitions:**

The decree holder can file one or two or three execution petitions simultaneously asking for reliefs such as delivery of possession or sale of property or arrest and detention of the person.

If the decree is not discharged by the judgment-debtor any number of execution petitions can be filed within the prescribed period of limitation.

**EXECUTION**

- ❖ Order XXI Rule 1 to 106 and Section 36 to 74 in the Code.
- ❖ Order XXI Rule 11(2) and 15 of the Code Execution Petition
- ❖ Execution petition shall be prepared as per particulars set out in rule 11(2) and 15 of the Code Execution Petition.
- ❖ Execution Petition shall be prepared as per particulars set out in rule 11(2) and 15 in Order XXI duly signed by decree holder by the joined decree holder.
- ❖ All decree holder shall sign in the execution petition. It is executed by one on behalf of others permission of the court to be obtained.
- ❖ Order XXI Rules 105 and 106 of the Code
- ❖ To set aside order of dismissed for default and exparte.
- ❖ Application may be filed to restore the petition dismissed for default by decree holder and an application may be made by judgement debtor to set aside the exparte order. Application to be filed within 30 days from date of orders. Sec. 5 of Limitation applicable.
- ❖ Order XXI Rule 16 and Section 50 of the Code, Addint L.Rs. To Decree holder and Judgement debtor.
- ❖ If the decree holder is reported dead LR's can be added under rule 16 in order and
- ❖ If the judgement debtor is reported dead LR's can be added under section 50 of the code.
- ❖ Order XXI Rule 22 of the Code
- ❖ Show cause notice why the decree should not be executed.
- ❖ If the execution is made after 2 years from the date of decree, the show cause notice should be sent. It is mandatory. Otherwise the order passed becomes invalid. Appellate court also set the order passed on the above ground.

## **COURT FEES & SUIT VALUATION**

Court fees are collected to meet the expenses in rendering service of administration of justice through Courts. The Court fees collected cannot be utilised for any other expenditure at the State which are not connected with the administration of justice.

No document (Plaint, Vakalat etc.,) be filed or recorded in, or be acted on or furnished by any Court including the High Court or be filed, exhibited or recorded in any public office, or be acted on or furnished by any public officer ( Sec.4 TNCF & SV Act).

In criminal case, the Section shall not prohibit such filing or exhibition, if in Court's opinion, it is necessary to prevent a failure of justice.

The document which the whole or any part the fee prescribed has not been paid is produced or has, through mistake or inadvertence, been received in any Court or public office.

### **Ad Valorem Court Fees (Court fees based on Values)**

When the amount or value of the subject-matter in dispute does not exceed Rs.5/-	40 paise
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When it exceeds Rs.5 for every Rs.5 or part thereof in excess of Rs.5 , up to Rs.100/-.	40 paise
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When it exceeds Rs.100, for every Rs.10, or part thereof, in excess of Rs.100.	75 paise
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In short, Court fees for first Rs. 100 is Rs. 8 and for the remaining amount, a flat rate of 7.5 percent.

Some of the important sections relating to Tamil Nadu Court fee and Suit Valuation Act 1955 are furnished hereunder which will be helpful to scrutinize the plaint in the day-to-day affairs of the Courts:

### **Determination of Market Value : Immovable Property. (Sec.7)**

1. Save as otherwise provided, where the fee payable under this Act depends on the market value of any property, such value shall be determined as on the date of presentation of the plaint.

2. The market value of land in suits falling under Sections 25(a), 25(b), 27(a), 29, 30, 37(1), 37(3), 38, 45 or 48 shall be deemed to be :

(a) where the land is Ryotwari land - thirty times the survey assessment on the land.

Provided that, where the land forms part of a survey field and is not separately assessed to revenue, the value of such part shall be deemed to be thirty times such proportion of the survey assessment as the part bears to the entire survey field.

(b) Where the land is situated in an estate as defined in Sub Section (2) of Section 3 of the Tamil Nadu Estates Land Act, 1908 ( Tamil Nadu Act 1/1908 ), not being a land of the description mentioned in Sub-Clause (g) and such estate has been taken over by the Government under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari ) Act, 1948 ( Tamil Nadu Act XXVI of 1948)- thirty times the land revenue payable on the land under Section 23 of this Act; but if a ryotwari settlement has since been effected in pursuance of Section 22 of that Act, in respect of such land, thirty times the assessment as so fixed;

(c) Where the land is situated in an estate which became an estate under the Tamil Nadu Estate Land (Third Amendment )Act, 1936 (Tamil Nadu Act XVIII of 1936)- thirty times of the rent payable for the land as fixed under the Tamil Nadu Estates Land (Reduction of Rent ) Act, 1947 (Tamil Nadu Act XXX, of 1947 ).

(d) where the land is an “ estate “ as defined in the Tamil Nadu Estates Land Act, 1908 (Tamil Nadu Act I of 1908 ).

i. Where separate peishkush is recorded in the Collector’s register as payable for the estate - thirty times such peishkush;

ii. in any other case - thirty times the annual melvaram realisable from the estate;

(e) Where the land is a minor inam held under inam title deed - thirty times the assessment as noted in the villages ‘B’ Register.

(f) where the land is in an inam village which is not an ‘estate’ as defined in Sub Section (2) of Section 3 of the Tamil Nadu Estates Land Act, 1908) - thirty times the rent payable in respect of it;

(g) where the land is a house-site whether assessed to full revenue or not poramboke land, or is land not falling within the foregoing description - its market value;

### **Valuation & Court Fees:**

The following provisions are dealing with the valuation and collection of court fees in a civil cases.

### **Section 22: Suit for Money:**

In a suit for money (including a suit for damages or compensation or arrears of maintenance, of annuities or of other sums payable periodically), fee shall be computed on the amount claimed.

### **Section 23: Suits for Maintenance and Annuities**

a) in a suit for maintenance, Court fee is on the amount claimed, to be payable for one year;

(b) in a suit for enhancement or reduction of maintenance, on the amount by which the annual maintenance is sought to be enhanced or reduced;

(c) in a suit for annuities or other sums payable periodically, on five times the amount claimed to be payable for one year.

Provided that, whether the annuity is payable for less than five years, the fee shall be computed on the aggregate of the sums payable.

Provided further that, a suit for enhancement of maintenance shall be instituted in a court which will have jurisdiction to receive a suit for maintenance at the enhanced rate claimed and one for reduction of maintenance shall be instituted in a court which will have jurisdiction to receive a suit for maintenance at the rate which is sought to be reduced.

### **Section 24: Suits for Movable Property:**

(1) In a suit for movable property other than documents of title, fee shall be computed

(a) where the subject matter has a market value, on such value; or

(b) where the subject matter has no market value, on the amount at which the relief sought is valued in the plaint.

(2) (a) In a suit for possession of documents of title, fee shall be computed on one fourth of the amount or of the market value of the property secured by the document

(i) where the plaint alleges denial of the plaintiffs title to the money or the property secured by the document; or

(ii) where an issue is framed regarding the plaintiffs title to the money or property secured by the document;

Provided that where the allegation in the plaint or the issue framed relates only to a portion of the amount or property, fee shall be computed on one-fourth of such portion of the amount or on one fourth of the market value of such portion of the property.

(b) In a suit for possession of documents of title where the plaintiffs title to the money or the property secured by the document is not denied, fee shall be computed on the amount at which the relief sought is valued on the plaint.

## **Section 25: Suit for Declaration**

In a suit for a declaratory decree or order, whether with or without consequential relief, not falling under Section 26 –

(a) Where the prayer is for a declaration and for possession of the property to which the declaration relates, fee shall be computed on the market value of the property or on rupees One thousand and five hundred whichever is higher;

(b) where the prayer is for a declaration and for consequential injunction and the relief sought is with reference to any immovable property, fee shall be computed on one-half of the market value of the property or on rupees One thousand whichever is higher;

(c) where the prayer relates to the plaintiff's exclusive right to use, sell, print or exhibit any mark, name, book, picture, design or other thing and is based on an infringement of such exclusive rights, fee shall be computed on the amount at which the relief sought is valued in the plaint or on rupees two thousand, whichever is higher;

(d) in other cases, whether the subject matter of the suit is capable of valuation or not, fee shall be computed on the amount at which the relief sought is valued in the plaint or on rupees one thousand, whichever is higher;

## **Section 27 - Suit for Injunction:**

In a suit for injunction -

(a) where the relief sought is with reference to any immovable property, and

(i) where the plaintiff alleges that his title to the property is denied; or

(ii) where an issue is framed regarding the plaintiff's title to the property, fee shall be computed on one-half of the market value of the property or on rupees seven hundred and fifty whichever is higher;

(b) where the prayer relates to the plaintiffs exclusive right to use, sell, print or exhibit any mark, name, book, picture, design or other thing and is based on an infringement of such exclusive right, fee shall be computed on the amount at which the relief sought is valued in the plaint or on rupees two thousand whichever is higher;

(c) in any other case, whether the subject matter of the suit has a market value or not, fee shall be computed on the annual value amount at which the relief sought is valued in the plaint or on rupees one thousand whichever is higher.

**Section - 30 : Suits for Possession :**

Suits for possession not otherwise provided for - In a suit for possession of immovable property not otherwise provided for, fee shall be computed on the market value of the property or on rupees One thousand, whichever is higher.

**Section -33: Suits Relating to Mortgage:**

In a suit to recover the money due on a mortgage, fee shall be computed on the amount claimed.

**Section - 37 : Suits for Partition :**

(1) In a Suit for partition and separate possession of a share of joint family property or of property owned, jointly or in common, by a plaintiff who has been excluded from possession of such property, fee shall be computed on the market value of the plaintiffs share.

(2) In a suit for partition and separate possession of joint family property or property owned, jointly or in common, by a plaintiff who is in Joint possession of such property, fee shall be paid at the following rates :-

When the plaint is presented to :

i. District Munsif's Court	Rupees One hundred
ii. The City Civil Court Chennai or Sub Court or a District Court	Rupees one hundred if the value of plaintiffs share is rupees thirty thousand or less; rupees five hundred if it is above rupees
iii. the High Court	Rupees One thousand

(3) where, in a suit falling under Sub-section (1) or Sub-Section (2), a defendant claims a partition and separate possession of his share of the property, fee shall be payable on his written statement computed on half the market value of his share or at half the rates specified in Sub-section (2), according as such defendant has been excluded from possession or his in joint possession.

(4) Where, in a suit falling under Sub-section (1) or sub-section (2), the plaintiff or the defendant seeks cancellation of decree or other document of the nature specified in Section 40, separate fee shall be payable on the relief of cancellation in the manner specified in that Section.

## **Section 42 : Suits for Specific Performance :**

In a suit for specific performance, whether with or without possession, fee shall be payable –

(a) in the case of a contract of sale, Computed on the amount of the consideration;

(b) in the case of contract or mortgage, computed on the amount agreed to be secured by the mortgage;

(c) in the case of a contract or lease, computed on the aggregate amount of the fine or premium, if any, and of the average of the annual rent agreed to be paid;

(d) in the case of a contract of exchange, computed on the amount of the consideration, or as the case may be, on the market value of the property sought to be got in exchange;

(e) in other cases, where the consideration for the promise sought to be enforced has a market value, computed on such market value, or where such consideration has no market value, at the rates specified in Section 50.

## **Courts Fees on Appeal (Sec.52)**

The fee payable in an appeal shall be the same as the fee that would be payable in the court of first instance on the subject matter of the appeal:

Provided that, in levying fee on a memorandum of appeal against a final decree by a person whose appeal against the preliminary decree passed by the Court of first instance or by the Court of appeal is pending, credit shall be given for the fee paid by such person in the appeal against the preliminary decree.

**Explanation (1)** – Whether the appeal is against the refusal of a relief or against the grant of the relief, the fee payable in the appeal shall be the same as the fee that would be payable on the relief in the Court of first instance.

**Explanation (2)** – Costs shall not be deemed to form part of the subject matter of the appeal except where such costs form themselves the subject matter of the appeal or relief is claimed as regards costs on grounds additional to, or independent of, the relief claimed regarding the main subject matter in the suit.

**Explanation (3)** – In claims which include the award of interest subsequent to the institution of the suit, the interest accrued during the pendency of the suit till the date of decree shall be deemed to be part of the subject matter of the appeal except where such interest is relinquished.



**Explanation (4)** – Where the relief prayed for in the appeal is different from the relief prayed for or refused in the Court of first instance, the fee payable in the appeal shall be the fee that would be payable in the Court of first instance on the relief prayed for in the appeal.

**Explanation (5)** – Where the market value of the subject matter of the appeal has to be ascertained for the purpose of computing or determining in the fee payable, such market value shall be ascertained as on the date of presentation of the plaint.

## **Section 66**

### **Refund in cases of delay in presentation of plaint, etc.:**

Where a plaint or memorandum of appeal is rejected on the ground of delay in its re presentation, or where the fee paid on a plaint or memorandum of appeal is deficient and the deficiency is not made good within the time allowed by law or granted by the Court, or the delay in payment of the deficit fee is not condoned and the plaint or memorandum of appeal is consequently rejected, the Court shall direct the refund to the plaintiff or the appellant, of the fee paid on the plaint or memorandum of appeal which has been rejected.

Where a memorandum of appeal is rejected on the ground that it was not presented within the time allowed by the law of limitation, one-half of the fee shall be refunded.

## **Section 69**

### **Refund on settlement before hearing :**

Whenever any suit is dismissed as settled out of Court before any evidence has been recorded on the merits of the claim, half the amount of all fees paid in respect of the claim or claims in the suit shall be ordered by the Court to be refunded to the parties by whom the same have been respectively paid.

**Explanation:-** The expression ‘merits of the claim’ shall have the meaning assigned to it in Sec 12.

(Note: This Section does not provide refund of court fees for settlement of appeals. There is no provision in TNSCF & SV Act regarding refund of court fees in appeal settled out of Court).

## **Section 69-A**

### **Refund on settlement of dispute under Section 89 of Code of Civil Procedure :**

Where the Court refers the parties to the suit to any one of the modes of settlement of dispute referred to in Section 89 of the Code of Civil Procedure, 1908 (Central Act V of 1908), the plaintiff shall be entitled to a certificate from the Court authorising him to receive back the full amount of the fee paid in respect of such plaint if the dispute referred by the Court is settled).

[Note: Since there is a specific provision contained in Section 21 of the Legal Services Authorities Act, Court fees are to be refunded for the appeal settled before Lok Adalat {2005(5) CTC577}].

## **Section 70**

### **Refund of fee paid by mistake or inadvertence:**

The fee paid by mistake or inadvertence shall be ordered to be refunded.

(Notes : Section 70 provides for refund of entire amount of Court fees paid by mistake or inadvertence)

## **THE LIMITATION ACT**

### **Bar of Limitation**

Subject to the provisions contained in Sections 4 to 24 (inclusive), every suit instituted, appeal preferred, and application made after the prescribed period shall be dismissed, although limitation has not been set up as a defence [Section 3(i)].

### **EXPIRY OF PRESCRIBED PERIOD WHEN COURT IS CLOSED (Section 4)**

Where the prescribed period for any suit, appeal or application expires on a day when the court is closed, the suit, appeal or application may be instituted, preferred or made on the day when the Court re-opens.

**Explanation** : - A Court shall be deemed to be closed on any day within the meaning of this Section if during any part of its normal working hours it remains closed on that day.

### **EXTENSION OF PRESCRIBED PERIOD IN CERTAIN CASES (Section 5)**

Any appeal or any application, other than an application under any of the provisions of Order XXI of the CPC may be admitted after the prescribed period if the appellant or the applicant satisfied the Court that he had sufficient cause for not preferring the appeal or making the application within such period.

**Explanation :-** The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this Section.

## **COMPUTATION OF PERIOD OF LIMITATION**

### **Section 12 - Exclusion of time in legal proceedings**

(1) In computing the period of limitation for any suit, appeal or application, the day from which such period is to be reckoned, shall be excluded.

(2) In computing the period of limitation for an appeal or an application for leave to appeal or for revision or for review of a judgment, the day on which the judgment complained of was pronounced and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be revised or reviewed shall be excluded.

(3) Where a decree or order is appealed from or sought to be revised or reviewed, or where an application is made for leave to appeal from a decree or order, the time requisite for obtaining a copy of the judgment on which the decree or order is founded shall also be excluded.

(4) In computing the period of limitation for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

**Explanation:-** In computing under this Section the time requisite for obtaining a copy of a decree or an order, any time taken by the Court to prepare the decree or order before an application for a copy thereof is made shall not be excluded.

### **Important Provision under Limitation Act and Court Fees Act**

S. No.	Name of Suits	Period of Ltn.	Article under Ltn. Act	Commencement of Limitation	Court Fees Section
1	Suit based upon current account	Three Years	Art. 1	The close of the year in which last item entered in account	Sec. 22
2	Suit for account of dissolved partnership firm	-do-	Art. 5	The date of dissolution	-do-
3	Balance price money for delivered goods	-do-	Art.13 & 14	The date of goods delivered	-do-
4	suit on promissory note/ bill of exchange	-do-	Art. 31 & 35	When the bill or note falls due	-do-

S. No.	Name of Suits	Period of Ltn.	Article under Ltn. Act	Commencement of Limitation	Court Fees Section
5	suit on Bond	-do-	Art. Art 28 & 29	The day so specified or the date of executing bond	-do-
6	For Arrears of rent	-do-	Art. 52	When the arrears becomes due	-do-
7	Declaration of title	-do-	Art. 58	when the right to sue first accrues	Sec. 25(d)
8	Set aside/ cancel the instrument or decree(Sec. 40 If plaintiff was party to deed / decree. Sec. 25(d) if the plaintiff not party to the deed/ decree.)	-do-	Art.59	when the fact entitling plaintiff to have the instrument or decree cancelled or set aside.	Sec.40 or Sec.25(d)
9	set aside the sale of minor property	-do-	Art. 60	When the minor attains majority	Sec. 25(d)
10	Redeem possessory mortgage	30 years	Art.61(a)	When the right to redeem or recover of possession accrues.	SEC.33
11	Redeem other mortgage	12 years	Art. 62	when the money becomes due	- do -
12	foreclosure of mortgage	30 years	Art.63(a)	When the money secured by mortgage becomes due	Sec. 33(9)
13	suit for recovery of possession based on previous possession	12 years	Art. 64	date of dispossession	Sec. 30
14	Recovery of possession upon title	12 years	Art. 65	When the possession of defendant becomes adverse to plaintiff	Sec. 25(a)
15	Recovery of possession from tenant	12 years	Art. 67	when the tenancy is terminated	Sec.43

S. No.	Name of Suits	Period of Ltn.	Article under Ltn. Act	Commencement of Limitation	Court Fees Section
16	Recovery of movable property	3 years	Art. 68	when the plaintiff learns in whose possession it is.	Sec.24
17	Damages/ compensation for malicious prosecution	1 years	Art.74	when the plaintiff acquitted	Sec. 22
18	suit for infringing copy rights	3 years	Art. 88	The date of infringement	Sec.50
19	Recovery of Trust/ Endowment property	12 years	Art.92 & 96	When the transfer known to plaintiff	Sec.28
20	Suit for pre-emption	1 year	Art. 97	when the sale is registered/ physical possession of property.	Sec.32
21	Arrears of Maintenance	3 years	Art. 105	when the arrears payable	Sec. 23
22	suit for partition(excluded from joint family)	12 years	Art. 110	when the exclusion known to plaintiff	Sec. 37(1)
23	suit for any other declaration	3 years	Art. 113	when the right to sue accrues	Sec. 50
<b>APPEALS</b>					
24	Appeal from acquittal	90 days	Art.114	Date of order	
25	Appeal against conviction	30 days	Art. 115(b)(ii)	from date of sentence	
26	Appeal against decree/ order	30 days	Art. 116(b)	The date of decree or order	Sec.52
<b>INTERLOCUTORY APPLICATIONS</b>					
27	Leave to defend the summary suit U/O.XXXVII, Rule 1 of C.P.C	10 days	Art.118	When the summons for judgment served	Sch.II Art.11
28	To implead Legal Representative of plaintiff/ defendant	90 days	Art.120	The date of death	- do -

S. No.	Name of Suits	Period of Ltn.	Article under Ltn. Act	Commencement of Limitation	Court Fees Section
29	To set aside abatement	60 days	Art.121	The date of abatement	Sch.II Art.11
30	To restore the suit in service stage U/O.IX, Rule. 4 of C.P.C	30 days	Art.122	The date of dismissal	- do -
31	To restore the suit in after service was completed. U/O. IX. Rule 9 of C.P.C	30 days	-do-	-do-	- do -
32	Restoration of Appeal. U/O. XLI. Rule. 19 of C.P.C.	30 days	-do-	-do-	- do-
33	To set aside the exparte decree. U/O. IX. Rule 13 of C.P.C. passed against the defendant	30 days	Art.123	The date of decree or date of knowledge when the notice/ summon not duly served	- do-
34	To set aside the exparte decree in Appeal passed against the respondent. U/ O. XLI. Rule 21 of C.P.C.	30 days	-do-	-do-	- do-
35	To review the judgment	30 days	Art.124	The date of decree/ order	- do-
<b>EXECUTION OF DECREE</b>					
36	To record payments or adjustment. U/O. XXI, Rule 2 of C.P.C.	30 days	Art. 125	When the payment or adjustment	Sch.II Art.11
37	To set aside the sale by Judgment Debtor. U/O.XXI, Rule 90 of C.P.C.	30 days	Art. 127	The date of sale	- do-
38	For restoration of possession. U/O. XXI, Rule 99 of C.P.C.	30 days	Art. 128	The date of dispossession	- do-
39	To remove the obstruction or resistance. U/O. XXI, Rule 97 of C.P.C	30 days	Art. 129	The date of obstruction/ resistance	- do-

S. No.	Name of Suits	Period of Ltn.	Article under Ltn. Act	Commencement of Limitation	Court Fees Section
40	For delivery of possession by action purchaser. U/O. XXI, Rule 95 of C.P.C.	1 year	Art. 134	When the sale becomes absolute/ confirmed.	- do-
41	To execute the Mandatory injunction decree. U/O. XXI, Rule 11(2) of C.P.C	3 years	Art. 135	The date of decree or when date is fixed for performance, such date	- do-
42	Execution of other decrees (other than decree for perpetual injunction and Maintenance decree)U/O. XXI, Rule 11(2) of C.P.C	12 years	Art. 136	When the decree becomes enforceable	- do-

### SESSIONS CASES

Final report filed by the investigating officer for the offences which are exclusively triable by Court of Session should be taken cognizance by the Judicial Magistrates as Preliminary trial cases.

The Preliminary trial cases should be committed by the Magistrate concerned to the Sessions court for trial.

The FIR relating to offences exclusively triable by the sessions court, received from the Police Station concerned should be received and entries for the receipt of such FIR and other records should be made in the FIR Register and the same should be kept in safe custody.

Further as soon as the records/documents in connection with the Sessions cases, are received, they should be filed along with the connected FIR, and after the receipt of the charge sheet or final report, the Head Clerk of the Magistrate Court should verify that all the records are available with the Charge Sheet.

If all the records are available as cited in the list of documents furnished along with the Charge sheet, the case should be taken cognizance and handed over to the Magistrate Clerk of the Magistrate Court to proceed further.

After taking cognizance the entire Papers should to be handed over to the Magistrate Clerk. The Papers should to be indexed, C.C. No. / S.T.C. No. / P.R.C. No. as the case may be and the relevant case number should be allotted and then the particulars should be entered in the relevant registers. Thereafter as per the orders

of the Judicial Magistrate, the Record Clerk should prepare the summons to the accused. Thereafter the case bundle should be given to Copyist for the preparation of copies of documents to be furnished to the accused U/S. 207 Cr.P.C.

After furnishing copies, the Judicial Magistrate should go through the records and analyse the offences committed by the accused. The accused shall be questioned with regard to the receipt of copies of documents and with regard to the means to engage an advocate to conduct the case. Then the Magistrate should commit the case to the Court of Sessions for trial, if the offences are exclusively triable exclusively by Sessions Court.

Charges are framed against the accused by the Sessions Court. The said charges should be read over and explained to the accused in Tamil or in the language known to the accused. The charge should contain the particulars regarding the time, place and person and the offence for which the accused stands charged. Thereafter, the case should be posted for trial notifying the dates.

Witnesses should be summoned for the dates noted by the Presiding Judge for their examination.

Properties relating to the said case should be called for from the subordinate courts concerned and made ready for trial of the cases. Public Prosecutor should begin the case.

The witnesses summoned should be examined in court. Documents should be marked. The properties received and proved should be marked as material objects.

After the examination of the witnesses are over, the accused should be examined under section 313 Cr.P.C. with reference to the evidence found incriminating against. Written statement of the accused can be submitted by the accused. Defence witnesses if any are to be examined.

Arguments of both the Public Prosecutor and the Counsel for the accused should be heard. The Counsel for the accused and Public Prosecutor can submit their written arguments.

After hearing the arguments, the Judge should pronounce his judgment.

The Sessions clerk should write the sessions filing register regarding sessions case number, P.R. case number, crime number, name of the Police Station and number of accused persons and the charges framed against the accused.

After the disposal of the case, the Sessions clerk should make necessary entries in the disposal register, Register No. 7 and 8 and Enforcement register (8-A) and also the Case Property Register maintained in the District Court.



The fine, if any, awarded should be entered in the Fine Register and the Judge should sign in the fine register.

### **Consignment of records to the Record Section**

After the disposal of the Sessions cases, the Sessions Clerk should consign the records to Central Record Room duly indexed and authenticated.

### **Records to be submitted to the High Court for appeal**

As soon as the appeal intimation is received from the High Court, the sessions records should be submitted to the High Court under parts I to IV. The material objects relating to the said sessions case should be submitted to the High Court.

After the disposal of the appeal, if the conviction under the said Sessions case is confirmed, then the translator should send the warrant with the accused to the Jail, in case the accused had already been released on bail by the appellate court.

### **DISPOSAL OF CASE PROPERTIES**

- ❖ The term “Property” includes any kind of document or article regarding which an offence appears to have been committed, or which appears to have been used in the commission of any offence.
- ❖ Whenever any article / property is seized, in the course of investigation into an offence, the investigating officer shall report the same to the Magistrate concerned. Submission of seizure mahazar or a special report with details of the articles seized is sufficient for the purpose.
- ❖ On such reporting the Magistrate may make appropriate order, including interim order, regarding its custody / disposal, even though the property / articles are not physically produced before him. Ref: Section 457(1) CrPC.
- ❖ Section 451 CrPC is repository of the criminal courts’ power to direct custody of the property during enquiry or trial. That’s pending disposal of the case.
- ❖ In criminal cases before the Court of Session, when trial is completed, the Court itself may make final order for the disposal of the property. That’s it may order destruction or confiscation or delivery to any person who establishes his claim. Ref: Section 452 (1) CrPC.
- ❖ Instead of itself making the final order, the Court of Session may also direct the property to be delivered to the Chief Judicial Magistrate who shall hold a detailed enquiry and issue final order in accord with the provisions in Sections 457, 458 and 459 CrPC.

- ❖ However, if the property is livestock or is subject to speedy and natural decay, the Court may dispose it of immediately. Otherwise the final order of disposal shall not be carried out for a minimum of two months, or if an appeal is presented, until such appeal is disposed.
- ❖ As a matter of caution, the Sessions Judge may address the Superintendent of Police or the Public Prosecutor concerned and verify whether any appeal has been preferred at the instance of the State or the accused. If so, particulars thereof shall be obtained and the disposal of the property shall be deferred till the appeal is finally decided.
- ❖ If any property is ordered to be returned to any person and if that person fails to establish his claim within six months, the Court need not wait any further. It may order confiscation to the Government. Ref: Section 458 CrPC.
- ❖ In cases involving counterfeit coins, the Court shall forward the dies, moulds, etc., to the nearest Treasury with a request to remit them to the Mint for examination. The Court shall attach a concise statement of the case and the sentence passed. Ref: Rule 295 (1) Criminal Rules of Practice, 1958.
- ❖ In the case of forged currency notes, the court shall handover them to the police concerned with instruction to forward the notes to the Issue Department of the Reserve Bank of India with a brief report of the case. Ref: Rule 295(3) Criminal Rules of Practice, 1958.



# **CHAPTER - II**

## **CRIMINAL UNIT**

## **PART – I**

### **COURTS – JURISDICTION, ADMINISTRATION & CONTROL**

#### **CRIMINAL COURTS**

❖ In every District, the High Court shall appoint a Chief Judicial Magistrate in accordance with Sec.12 of the code Criminal Procedure.

#### **ADMINISTRATION IN THE COURT OF CHIEF JUDICIAL MAGISTRATE**

- ❖ The Chief Judicial Magistrate is also incharge of the Administration of all the Criminal Unit Courts functioning in the District.
- ❖ The Chief Judicial Magistrate is the appointing authority in respect of the post of Record Clerks, Office Assistants, Sweepers, Watchmen and Masalchies in Criminal Unit. The Chief Judicial Magistrate after making appointment to these posts shall report the seniority of the recruited persons to the District Judge for the purpose of maintaining a consolidated seniority list and in the event of filling up these posts by promotion, the Chief Judicial Magistrate shall address the District Judge for suggesting the senior most person from the consolidated seniority list and may thus fill up these posts.
- ❖ The Chief Judicial Magistrate is the inspecting authority for all Criminal Courts (Judicial Magistrate Courts) functioning in the District.

**The following Category of cases are dealt with by the Chief Judicial Magistrate Court.**

As Chief Judicial Magistrate	:	The Court of Chief Judicial Magistrate may pass any sentence authorised by law except a sentence of death or of imprisonment for life or imprisonment for a term exceeding seven years.
As Assistant Sessions Judge	:	The Court of Assistant Sessions may pass any sentence authorised by law except a sentence of death or of imprisonment for life or imprisonment for a term exceeding ten years.
Execution Petitions	:	Execution Petitions relating to MCOP Cases are being tried by the Chief Judicial Magistrate.

Vigilance and Anti-corruption Act cases :	Cases relates to Vigilance and Anti- corruption Act are being tried only by the Chief Judicial Magistrate where there is no Special Court for Vigilance & Anti Corruption Act Cases.
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### **Motor Accident Claims Tribunal**

Motor Accident Claims Original Petitions :	There is no separate filing of MCOP cases in the Chief Judicial Magistrate Court functioning in the District Head
	Quarters. Entire MCOP Cases are taken on file only in the Principal District Court/District Court concerned and certain cases are being transferred to the Chief Judicial Magistrate Court for disposal.

### **PREPARATION AND SUBMISSION OF STATEMENTS:-**

After receiving the periodical statements from the Magistrate Courts functioning in the District, consolidated statements have to be submitted to the High Court, Madras periodically as detailed below.

- ❖ Monthly Statement
- ❖ Monthly Review Report
- ❖ Quarterly statement
- ❖ Half-yearly Statement
- ❖ Annual Statement

The Chief Judicial Magistrate scrutinizes the Calender received from the Magistrate Courts functioning in the District.

### **JUDICIAL MAGISATRATE COURTS**

The Magistrate Courts functioning in the District shall submit the following statements to the Chief Judicial Magistrate for onward submission to the High Court.

- ❖ Monthly Statement
- ❖ Monthly Review Report
- ❖ Quarterly statement
- ❖ Half-yearly Statement
- ❖ Annual Statement

The Magistrate Courts have also to send a report to the Chief Judicial Magistrate about

- ❖ Lock up visits

**The following Category of cases are taken cognizance by the  
Judicial Magistrate**

- ❖ I.P.C. Offences
- ❖ Motor petty cases
- ❖ Factories Act
- ❖ Drugs & Cosmetics Act
- ❖ Offences mentioned in Industrial Disputes Act, 1947 and other Labour Laws
- ❖ Prevention of Food Adulteration Act
- ❖ Tamil Nadu Shop and Establishment Act
- ❖ Forest Act
- ❖ Prevention of Women from Domestic Violence Act
- ❖ Minimum Wages Act
- ❖ Essential Commodities Act
- ❖ Offences under the Railway Act
- ❖ Cases registered by the Central Crime Branch / District Crime Branch
- ❖ Tamil Nadu Prohibition Act
- ❖ Petitions under Section 125 of Cr.P.C
- ❖ Petitions under Section 446 of Cr.P.C
- ❖ Offences categorized as Land Grabbing cases
- ❖ Offences under the Negotiable Instrument Act



## **PART – II**

### **DUTIES AND RESPONSIBILITIES OF THE STAFF MEMBERS WORKING IN CRIMINAL COURTS**

#### **CHIEF JUDICIAL MAGISTRATE COURT**

##### **ADMINISTRATIVE WORK**

##### **I SHERISHTADAR**

- ❖ In charge of administration and exercises general supervision and control over all members of the staff
- ❖ Scrutiny of the files relating to all Sections and Courts and submit the same to the Chief Judicial Magistrate
- ❖ Supervision of attendance of the staff members
- ❖ Causing to post substitutes for the Magistrates and staff members who enter on leave/other duty.
- ❖ Checking daily tapals and distribution to the sections concerned
- ❖ Custodian of Round Seal
- ❖ Maintaining the Service Register of Judicial Officers, staff of Chief Judicial Magistrate Court.
- ❖ Sanction of Casual Leave, R.H. Permission applied by the Judicial Officers as well as staff of this court.
- ❖ Submission of leave applications of the Judicial Officers to the High Court for sanction of Earned Leave, UEL on MC, etc.,
- ❖ Filling up the post of Office Assistant, Night Watchman, Masalchi whenever vacancies arises through employment exchange and also transfer and posting of Record Clerk, Office Assistant and Night Watchman and Masalchi in the district.
- ❖ Fixing of pay and sanction of annual increments of staff of the court.
- ❖ Writing of running note file of the staff of the court.
- ❖ Obtaining orders for nomination of Judicial Officers to record statements of witnesses U/s 164 Cr.P.C. and Identification parade of the accused whenever requisition filed by the police officials concerned.
- ❖ Regularization of Office Assistant, Night Watchman and Masalchi post.
- ❖ Appointment of Selection and Special Grade in the post of Office Assistant, Night Watchman and Masalchi
- ❖ All other correspondence relating to the administrative work
- ❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.

## II HEAD CLERK

- ❖ Scrutiny of the monthly statements and put up review of the work of all Judicial Magistrates
- ❖ Attending to work relating to disciplinary action against staff members
- ❖ Attending to confidential correspondence
- ❖ Checking the accounts daily with the assistance of the Accountant
- ❖ Signing receipts and pay orders for the receipt of Criminal Court Deposits and miscellaneous amounts, etc., and maintain the same
- ❖ Checking Service Stamp Accounts and Despatch Register daily
- ❖ Maintenance of running note files and check the personal registers of A, B, C, D and E Sections
- ❖ Scrutiny of all correspondence files handled by the following sections:-
  - a) Establishment Section
  - b) Property Section
  - c) Record Section
  - d) Correspondence Section
  - e) Press and Statistics Section
  - f) Bills Section
  - g) Accounts Section
  - h) D.R.O. Section (Deposit Refund Order)
- ❖ Attending Preliminary checking of records and registers for the Annual Inspection of Judicial Magistrate Courts in the district and also accompany the Chief Judicial Magistrate on the date of Annual Inspection and also accompanied with the Chief Judicial Magistrate at the time of making surprise inspection as directed.
- ❖ Preparing of office notes for sanction of loans and advances applied by the staff of this court.
- ❖ Submission of Loans and Advance applications of the Judicial Officer to the Hon'ble High Court whenever applied by them.
- ❖ Preparing of office copy of the bills relating to the court.
- ❖ Allotment of funds to the Subordinate courts of the criminal unit.
- ❖ Submission of annual inspection notes of the subordinate courts to the Hon'ble High Court.
- ❖ Preparing of monthly review on the property statements, copies statements, 317 Cr.R.P.



- ❖ Writing of property registers as well as valuable case property register.
- ❖ Keeping of security bonds furnished by the Head Clerk for safe custody and also receiving of fine amount, security amount and cheques and Demand Drafts in the criminal cases.
- ❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.

#### **OTHER STAFF**

<b>CADRE</b>	<b>DUTIES &amp; RESPONSIBILITIES</b>
<b>TRANSLATOR</b>	<ul style="list-style-type: none"> <li>❖ Attending in open court relating to criminal side cases i.e. Labour cases, Factories Act Cases, Drugs Cases, Special cases (V &amp;AC), M.C.Cases and cases against police officials arising in the head quarters. Maintenance of criminal registers and records and all criminal cases taken on file in this court. She also deputed for the Judicial Magistrate Courts for inter checking of records and registers with the Head Clerk of this court during the preliminary checking of annual inspection notes.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>GRADE II BENCH CLERK</b>	<ul style="list-style-type: none"> <li>❖ One Bench Clerk for Civil Work, attending in open Court MCOP and E.P. Cases and one Bench Clerk for Criminal work. Attending Sessions cases, SARFAESI Act Cases and also assisting the Head Clerk Branch for preparation of cheques in MCOP Cases and maintaining all accounts in Civil Court Deposit. Preparing refund bill of court fees in the civil side</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>ASSISTANT</b>	<ul style="list-style-type: none"> <li>❖ One Assistant is attached with Sherishtadar and he is attending personal registers, maintaining G.O.s, maintaining Service Registers files and registers, receiving of all tapals, submission of reply to all tapals on the day to day work as directed by the C.J.M and Sherishtadar.</li> <li>❖ One Assistant is attached with the Head Clerk branch. She is maintaining accounts registers in criminal side and civil side, preparing of bills and sending the same to the Treasury(Paybills of Officer, staff, contingent bills, Petrol bills etc.,) . Receiving of “B” branch tapals in the criminal side and maintaining of F.I.R. register, RCS Register, FAD register.</li> <li>❖ Another Assistant is attending indexing of MCOP cases, E.P.cases and contested cases in criminal side, maintaining of record room, receiving of records from the various courts. Submission of records to the appellant courts both in Civil and Criminal side and sending of consignment to the District Court. Destruction of records and registers.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
<b>STENO TYPIST</b>	<ul style="list-style-type: none"> <li>❖ Preparation of orders and judgments after taking notes from the Chief Judicial Magistrate, in all cases. Submission of Calendar and Judgments to the Principal District Court. Maintaining Periodical Register and Library Register and also distributing the periodicals to Subordinate Courts. Drafting decrees in MCOP contested cases</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>JUNIOR ASSISTANTS</b>	<ul style="list-style-type: none"> <li>❖ Statistical work have been allotted to two Junior Assistants. They have collected the monthly statements, quarterly statements, Half-yearly statements and Annual Statements and other statements and submitted to the Hon'ble High Court, Madras and also submitted to the Principal District Court, whenever required. Preparation of monthly review and quarterly review.</li> <li>❖ Another Junior Assistant is maintaining forms and Registers, Stationary articles, furnitures. Sending of demands to the stationery office for supply of stationaries to the entire subordinate courts in the criminal unit. Allotment of jail made articles, forms and registers from the government press concerned. Distribution of the above said</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<p>stationery articles, jail made articles, forms and registers to the Subordinate courts of this criminal unit. One of the Junior Assistant has been deputed to the Bank for remitting fine amount along with one office assistant whenever necessary.</p> <ul style="list-style-type: none"> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<p><b>TYPIST/COPYIST</b></p>	<ul style="list-style-type: none"> <li>❖ One Typist is attending in open court. After court work is over she is attending the correspondence work and also perusing of Calendar and Judgment received from various courts of this district and attending other works allotted by the staff concerned if urgently. Drafting of decree in MCOP otherwise disposal cases.</li> <li>❖ One typist is working in office and she is typing all statements, all correspondence work and also checking of Calendar and Judgment received from various subordinate courts in this district.</li> <li>❖ Two typist are preparing of copies U/ s 207 Cr.P.C. For furnishing to the accused person and also preparing certified copies on copy stamp papers. Their services have been utilized in the open courts and typing of correspondence work.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<ul style="list-style-type: none"> <li>❖ Among these two typist one typing is deputed to making entries of receive tapals in the receive register and one typist is attending despatch work</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>EXAMINER OF COPIES</b>	<ul style="list-style-type: none"> <li>❖ Entering of copy applications both in civil and criminal , comparing of copies and summons and non-judicial stamps, maintaining of registers relating to the copy applications in both civil and criminal, preparing of certified xerox copies whenever required by the counsel concerned.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>READER</b>	<ul style="list-style-type: none"> <li>❖ Comparing of copies prepared by copyist, copy stamps and also assisting the Examiner of copies relating to copyist establishment</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>RECORD CLERK</b>	<ul style="list-style-type: none"> <li>❖ Attending in open court, preparing of accused summons, witness summons, as per direction of the court. Entering of petitions in 12-A register, assigning C.M.P.Nos. on the relevant petitions (bail petition, recall petition,</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
	<p>311 Cr.P.C. Petition, 317 Cr.P.C. Petitions etc.,). Obtaining signatures from the witnesses in the witness attendance register at the time of examination of witness. Preparing of fine receipt to issue to the accused person concerned. Maintaining of process register, in criminal side. Assisting two Bench Clerks in their respect branches</p> <ul style="list-style-type: none"> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>MACHINE OPERATOR</b>	<ul style="list-style-type: none"> <li>❖ Taking of certified xerox copies of documents whenever required by the concerned counsel/parties after receiving copy application from the Copyist establishment. Assigning entries of petitions in 19-A register in the civil side. Maintaining of Xerox copies register</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>

## **JUDICIAL MAGISTRATE COURT**

### **ADMINISTRATIVE WORK**

#### **HEAD CLERK**

- ❖ Preparing Pay bills , contingent bills.
- ❖ Fixing of pay of staff members and sanction of annual increments.
- ❖ Writing of running notes of the staff correspondence relating to administrative work.

- ❖ Attending all correspondence.
- ❖ Receiving of properties, and return of properties to the petitioners concerned.
- ❖ Making entries in the property register regarding the receipt of properties and also interim orders.
- ❖ Disposal of case properties as per order.
- ❖ Maintaining the case property register for valuable box.
- ❖ Maintaining property room.
- ❖ Receiving fine amount, security amount and cheques and Demand Drafts.
- ❖ Maintaining 164 Cr.P.C. Statements, Dying Declarations under safe custody
- ❖ Submitting the records in P.R.C. Cases to the Sessions Court.
- ❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.

#### **OTHER STAFF**

<b>CADRE</b>	<b>DUTIES &amp; RESPONSIBILITIES</b>
<b>Magisterial Clerk / Gr.III Bench Clerk</b>	<ul style="list-style-type: none"> <li>❖ Attending Court work, preparing all statements, taking the cases on file and making entries in No.4 Register, disposal register and maintaining all registers relating to magisterial work.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>Steno typist</b>	<ul style="list-style-type: none"> <li>❖ Preparation of orders and judgments after taking notes from the Judicial Magistrate in all cases. Submission of Committal orders to Principal District Court. Thiruvallur and Calendar and Judgments to the Chief Judicial Magistrate and Maintaining Periodical Register and Library Register, 18 A Register , Fair copy Register.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>

CADRE	DUTIES & RESPONSIBILITIES
<b>Junior Assistant</b>	<ul style="list-style-type: none"> <li>❖ Maintaining F.I.Rs , FIR Registers, consignment of records, maintaining consignment Register, destruction Register &amp; Destruction of records, preparing remand warrant, bail bonds.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>Examiner of Copies</b>	<ul style="list-style-type: none"> <li>❖ Comparing the copy applications and copies made under 207 cr.p.c. with original records and indexing the cases bundles. Preparing 317 Cr.R.P statement.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>Copyist/Typist</b>	<ul style="list-style-type: none"> <li>❖ One attending copy applications, put up with back records , obtaining grant orders from the Officer, preparing copies u/s 207 Cr.P.C. Making entries in 207 Cr.P.C. Register and Copy Application Register and one attending open Court and correspondence. Typing statements , assisting other office work if necessary.</li> <li>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</li> </ul>
<b>Record Clerk</b>	<ul style="list-style-type: none"> <li>❖ Attending in open court, preparing of accused summons, witness summons, as per direction of the court. Entering</li> </ul>



CADRE	DUTIES & RESPONSIBILITIES
	<p>of petitions in 12-A register, assigning C.M.P.Nos. on the relevant petitions (bail petition, recall petition, 311 Cr.P.C. Petition, 317 Cr.P.C. Petitions etc.,). Obtaining signatures from the witnesses in the witness attendance register at the time of examination of witness. Preparing of fine receipt to issue to the accused person concerned. Maintaining of process register, in criminal side. Assisting Bench Clerk.</p> <p>❖ To attend all other duties as assigned by the District Judge / Presiding Officer then and there by means of office order or by means of oral order.</p>

## **SECTIONS IN CRIMINAL UNIT**

### **CHIEF JUDICIAL MAGISTRATE COURT**

#### **ESTABLISHMENT SECTION**

- ❖ Handling matters regarding appointment, promotion, transfer and
- ❖ posting of staff members
- ❖ Preparation of estimates of vacancies
- ❖ Preparation of proposals for permanent retention of temporary posts and further continuance of temporary posts and additional staff
- ❖ Handling retirement file
- ❖ Preparation of provisional pension proposals
- ❖ Preparation of periodical statements
- ❖ Preparation of seniority list of the staff members
- ❖ Maintenance of Service Registers of the officers and staff members
- ❖ Nomination of officers and staff members for Evening Court and Holiday remand duties

- ❖ Preparation of proceedings for allowances to the staff members
- ❖ Handling all kinds of leave applications, including surrender leave applications, of the Magistrates and staff members
- ❖ Maintenance of attendance register and late attendance particulars
- ❖ Handling matter relating to contribution pension scheme and preparation of proceedings
- ❖ Communication of GO's and circulars to officers and staff members
- ❖ Handling matter relating to New Health Insurance Scheme

## **CORRESPONDENCE SECTION**

- ❖ Handling correspondence
- ❖ Preparation of note for nomination of Magistrates
  - ◆ to record confession and statement u/s.164 Cr.P.C
  - ◆ to conduct test identification parade
  - ◆ to record tender of pardon
  - ◆ to record dying declaration
  - ◆ to hold prison adalat
  - ◆ to hold inquest
- ❖ Transfer of FIR cases
- ❖ Looking after power supply work
- ❖ Preparation work for Annual Inspection and Meetings
- ❖ Handling matter relating to training for Special Magistrates
- ❖ Handling matter relating to Magistrates' quarters and van facility and police court orderly allotment
- ❖ Handling public toilet file in the compound of unit
- ❖ Handling matter relating to buildings
- ❖ Preparation and follow - up work relating to petitions under Right to Information Act
- ❖ Distribution of tapals
- ❖ Service of Summons and Notice, Execution of warrant, etc.
- ❖ Communicating the orders of the Hon'ble High Court, regarding vacation and holidays for courts and etc.

## **BILLS SECTION**

- ❖ Preparation of pay bills and other bills of entire establishment and officers
- ❖ Maintenance and handling of MTC- 70
- ❖ Preparation of Arrears bills
- ❖ Preparation of LTC bills
- ❖ Issuance of L.P.C.
- ❖ Maintenance of Appreciation Register
- ❖ Preparation of Medical bills for staff members
- ❖ Preparation of surrender leave salary bills
- ❖ Preparation of G.P.F. Temporary advance bills
- ❖ Preparation of Refund bills
- ❖ Preparation of Medical, Newspapers and other allowances bills of officers
- ❖ Preparation of Evening court bills
- ❖ Maintenance of Recovery Registers

## **ACCOUNTS SECTION**

- ❖ Preparation or Budget periodically
- ❖ Preparation of reply to Audit queries and maintenance of audit para file
- ❖ Handling matter relating to GPF Temporary Advance and Part Final withdrawal for staff members and 90% and 75% part final withdrawal for all staff members.
- ❖ Maintenance of Loans and Advances register
- ❖ Checking main fine accounts
- ❖ Maintenance of file relating to Computer - Judicial Service Center
- ❖ Maintenance and handling of Register of fines imposed, written off and refunded
- ❖ Register of fines uncollected
- ❖ Default Register of Fine imposed
- ❖ Register of witness batta deposited and paid
- ❖ Register of receipts and payments account of maintenance, compensation etc.
- ❖ Checking – Receipt book, Fine register, Collection register of all courts, Daily cash book, Monthly cash book, Miscellaneous register
- ❖ Preparation of proceedings for and payment of, telephone bills
- ❖ Preparation of proceedings for conveyance allowance

- ❖ Preparation of proceedings regarding Newspapers bills, Medical bills, Electricity charges, service postage and water charges
- ❖ Maintenance of CJM's car and handling matters relating of petrol bills for CJM's car and pocket allowance to the car driver
- ❖ Arrangement of phones for all units
- ❖ Handling matters relating to transfer grant to all transferee officers

### **DEPOSIT REFUND ORDER SECTION/REMAND ASSISTANT**

- ❖ Refund of fine deposits
- ❖ All reconciliation work
- ❖ Receipt and expenditure statement
- ❖ Preparation of DCB Statement
- ❖ Preparation of Lapse Statement
- ❖ Remand Assistant : (Other than the work mentioned at 1 to 5 above)
  - ◆ Nomination of officer and staff members for remand duty
  - ◆ Nomination of officers and staff members for Evening court duty

## **JUDICIAL MAGISTRATE COURT**

### **PROPERTY ROOM**

- ❖ Receiving and returning non-valuable case properties as per the order of the Magistrates
- ❖ Sending and receiving the samples from laboratories
- ❖ Destruction and confiscation of properties
- ❖ Monthly statement regarding disposal of properties
- ❖ Purchase and distribution of stationery forms, furniture , computer parts, etc
- ❖ Maintenance of furniture, computers, xerox machines, typewriters, etc
- ❖ Supply of uniforms to eligible staff members
- ❖ Receiving forms 1 to 60 from the Hon'ble High Court and distribute to all Courts and Sections
- ❖ Preparation of indent to get seal and rubber seals for use in the office and courts
- ❖ Maintenance of 'B' property Register
- ❖ Maintenance of Brought Forward Register

- ❖ Maintenance of Stationery Distribution Register
- ❖ Attending the work in video conference room
- ❖ Arranging for destruction and disposal of property

## **RECORD ROOM**

- ❖ Custodian of records of cases disposed of and registers of the courts and office
- ❖ Receiving records of cases disposed of and registers of the courts and office
- ❖ Submission of records for revision and appeal
- ❖ Taking action to re-commit the accused in cases of appeal and revision
- ❖ Maintenance of Destruction Register
- ❖ Receiving tapals from the Hon'ble High Court and other tapals
- ❖ Maintenance of Library
- ❖ Preparing library books bills and also sending library books for binding to Central Prison, Puzhal, through proper channel
- ❖ Distributing library books, like AIR and other law journals, to other units
- ❖ Making entries in the register maintained in the Record Room
- ❖ Stitching appeal records and also taking appeal records to the Appellate Courts
- ❖ Arranging the records year-wise and taking out the records whenever required by the office, courts and copyist section

## **CASH ROOM**

- ❖ The cashier, who furnishes cash security, is in-charge of cash room.
- ❖ Collection of fines, payment of batta to witnesses, disbursement of compensation, receipt of cash security, etc., of all courts.
- ❖ Signing of receipts and money order forms
- ❖ Preparation of chalan for remittance, etc.
- ❖ Delivery and receiving back of valuable property boxes of all courts
- ❖ Preparation of contingent bills, bills for office expenses, etc.
- ❖ Preparation of chalan for daily bank remittance

## **COPYIST SECTION**

### **1) Copyist Superintendent**

- a) Maintenance of C.A. Register, CA Numbering Register, and Stamp Register
- b) Checking, signing and furnishing of copies u/s 207 Cr.P.C.
- c) Signing the copies prepared on copy application
- d) Preparation of xerox bills
- e) Overall supervision of copyists, examiners and xerox operator

### **2) Examiners:**

- a) Receiving relevant documents from the courts concerned on receipt of copy application
- b) Putting up the same for obtaining grant order from the officer
- c) Giving the documents of which copies are to be taken to the typist or to the xerox operator, for preparation of copies

### **3) Typist:**

Preparation of copies on receipt of records from the Examiners

### **4) Xerox Operator:**

- a) Taking xerox copies of relevant documents for copy application
- b) Taking xerox copies of the files received from various sections of the office

## **DESPATCH SECTION:**

- ❖ Receiving and delivery of tapals
- ❖ Maintenance of Service postage stamp account

## **NUMBERING SECTION:**

- ❖ Assigning number to the cases having been taken on file
- ❖ Maintenance of the register concerned.



## PART – III

### LIST OF REGISTERS MAINTAINED IN THE CRIMINAL COURTS

The List of Registers maintained are detailed as follows:-

Register No.	Name of the Registers	Sections maintaining the Registers
1	Register of Appeal Cases	Criminal Filing Section
2	Register of Revision Cases	Criminal Filing Section
3	Register of Miscellaneous Cases	Criminal Filing Section
4	Register of Results of Cases (Old No.7)	Bench Clerks
5	Register of Punishments (Old No.8)	Bench Clerks
6	Register of Appeal Cases: Disposed of:	Bench Clerks
7	Register of Revision of Cases: Disposed of	Bench Clerks
8	Diary Register (Sessions and Magistrate Courts)	Bench Clerks
9	Register of Court Fees and Process Fees received (Old No.12)	Filing Section
10	Hearing Book	Bench Clerks
11	Register of Referred Charge Sheets	Cash Section
12	Register of Case Properties	Cash Section
13	Register of Unclaimed Properties	Cash Section
14	Register of Calendar Received (Sessions Court & Chief Judicial Magistrate Courts)	Cash Section
15	Register of Refund Certificate	Cash Section
16	Register of Fines	Cash Section
17	Register of Witness Batta Collected from Parties	Cash Section
18	Register of Witness Attendance in Criminal Courts	Bench Clerks
19	Register of Batta and Traveling Allowances to Witness	Cash Section

Register No.	Name of the Registers	Sections maintaining the Registers
20	Register of Long Pending Cases	Bench Clerks
21	Record Destruction Register for Criminal Courts	RK-II
22	"A" Cash Book	Cash Section
23	Criminal Process Register	Record Clerk
B1	Register of Calendar and Preliminary Cases	Criminal Filing Section
CR.74	Record Issue Register	RK-II

## **MAINTENANCE OF CRIMINAL COURT REGISTERS**

### **Compendium of Docket Entries and Record Upkeep**

1.	Register No. 55	All the papers which have been received by the Court must be entered in the register. All the papers should be initialed by the Presiding Officer and affixing the date seal of the Court. The clerk concerned should watch the initial and date seal on the papers received and handed over the paper to the person concerned with acknowledgment. The column of disposal mentioned in this register should be filled up then and there.
2.	FIR Register	All the F.I.R. received by this Court should be entered as each and every police station – War separately, whenever on receipt of charge sheet or refer charge sheet the date of receipt and no. assigned by the police has to be entered in the prescribed column. The acknowledgment of the receipt of charge sheet or refer charge sheet must be obtained in this register. The case No. and the R.Cs. No. should be mentioned by the concerned without any omission which will much helpful for future reference of this office work.



3.	Register of Referred Charge Sheet	While assigning the R.C.S. No. in receipt of complaint preferred by the persons the signature of the complainant in the Register Notice should be verified. Notice should be given to the person concerned. The same should be received through the Inspector of Police concerned with the opinion of APP or PP as the case may be.
4. 5.	Register No. 4 and STC Register	All the Charge sheet received from the FIR clerk concerned, the concerned clerk maintained these registers should verify the charge and connected records correctly and then assign the Case No. within the period of 3 days after receipt of chargesheet. The Column of taken of file, date of appearance, date of commencement of trial, date of close of trial should be correctly noted then and there which will helpful to all the statements in Criminal Side for preparation.  In the STC Register while making entries for the disposal of cases, the disposal of property order must be written by the Presiding Officer.
6.	M.C. Register	In this register the cases arised under Sec 125 Cr.P.C. and 446 & 350 Cr.P.C. alone should be entered. In respect of cases filing under Sec.446 Cr.P.C. 350 Cr.P.C. concerned, the connected records kept in the main case should be taken out separately and kept in the M.C. case bundle at the time of filing till its disposal.
7.	Diary Register	The Diary should be written elaborately without omission as per the entries made in the compendium of docket entry. The time of commencement and close of Court work and Abstract for witnesses and cases and collection of fine amount must be written along with C.M.P. Time granted under Sec. 424 Cr.P.C. and 389 (3) Cr.P.C. it should be specifically

		mentioned in the Diary. The Diary should be signed by the presiding Officer for each and every day.
8.	Hearing Book	All the cases brought to Diary should be accounted for in this register and the re-posting of the cases must be entered immediately. Further time granted for payment of fine u/s 424 Cr.P.C. and suspension of sentence u/s 389 (3) Cr.P.C. should be entered in this register with 'ear mark'.
9.	Register No. 12 Register of Court Fees and Process Fees	All petitions and memos filed on Open Court in respect of the cases should be entered. The initial of the Presiding Officer on petition and the punching of stamp should be watched by the concerned clerk before making entries.
10.	Criminal Miscellaneous Petitions Register	The Judicial Order passed by the Presiding Officer, on each petition, should be assigned CMP No.
11.	Register No.7 Register of Results of Cases	All the disposal cases should be entered in this register even Transfer, acquittal or conviction. In Col. 2, the period of duration should be taken into account from the first date of appearance of the accused before the Court. The disposal entries made in this Register should be tallied with the Monthly statement.
12	Register No.8 Register of Punishments	In this Register only punishment such as imposed of fine, sentence and committal should be entered. If any person is convicted to sentence and to pay the fine simultaneously, the number of person must be entered in the column of "with fine".
13	Fine Register	The concerned clerk should watch the entries made for Govt. Fine and Local Body Fine and compensation amount in concerned column. The collection and Remittance of fine should also be entered with the initial of Judge.

14	Fine Receipt Book	As per the fine amount entered in the fine register fine should be collected and the signature of the person concerned should be obtained in the counter-foil.
16	Destruction Register	All the disposed cases, the date of disposal and upto which it should be retained must be made in the prescribed column in Part I and Part II as the case may be as per rule 376 Cr.R.P.
17	Process Register	All the process ordered by the Presiding Officer should be prepared and entered in the register. This register should be compared with the process of the Police Station concerned and should be obtained the Signature of the SHO, once in two months. The concerned clerk should watch the process returned by the concerned police and Rounded off on receipt of the process.
18	Register No. 27 Register of Local Body Cases	All the fine collected under the Head of Local Body should be entered in this register for each and every Local Bodies separately
19	Docket entry	The docket entries should be properly noted for each and every cause of action and all the docket entry papers should be stitched for date wise without any damage condition.
20	Indexing	All the papers concerned in case records should be arranged datewise and assigned the number as Part I and II records separately. The concerned clerk for Indexing work should watch the date seal and the Court seal in papers. After index work the case bundle should be handed over to the Record Keeper and Record Keeper should give the acknowledgement in the concerned register.
21	Submission of Records to High Court	The records which have been called for from the Honourable High Court, has to be submitted

		at once without delay as per the High Court Index such as Material parts of records English and Tamil separately.
22	Destruction of records	The ripe for destruction of records list should be submitted to the C.J.M. for onward transmission to the Collector for publication in the District Gazette for each and every year, and after the publication the record should be destroyed then and there, and necessary entries should be made in the Destruction Register in the relevant column.
23	Despatch of Records	All papers despatched from court should be entered in the register and despatched. i) Despatch of records such as 164 statement ii) Dying Declaration iii) Identification Parade.  The above three documents are valid one. While despatching the above items it should be despatched carefully ie., sending by Registered post with A.D., and should watch whether it was received by the addressee.

## **PREPARATION AND SUBMISSION OF STATEMENT**

### **SESSIONS DIVISON (CRIMINAL)**

The following Sessions (Criminal Statements are to be submitted to the High Court)

1. Monthly Statement (Sessions)
2. Periodical Statement - I Period, II Period & III Period
3. Salient Features Statements (April to March)
4. Monetary Statements (Half years statement)
5. Annual statements

### **CRIMINAL COURTS STATEMENT**

1. Monthly statement
2. Weekly statement

3. Quarterly statement
4. Half yearly statement
5. Salient feature statement (April to March)
6. Annual statement
7. Index of Session Statement relating to the Court of Session



1. Statement showing the Nationality, number of working days and of the Judicial Officers exercising Criminal jurisdiction in the Sessions Courts.
2. Statement showing the number of offences reported and persons tried, convicted and acquitted of such offences in the District.
3. Statement showing the number of General results of the enquiries and trials in Criminal Courts Original jurisdiction in the District.
4. Statement showing the punishments initiated by the Criminal Courts (Original Jurisdiction in the District No.V Party I)
5. Statement of proceedings under Section 195, 203 and 315 Cr.P.C.
6. Statement showing the exhibition of loss due to extra statutory remission as per High Court's Official Memorandum Roc. No. 3712/A-1/dt/26-8-1974
7. Statement showing the particulars of fines imposed and realized as a result of prosecution for contravention of central law and under Companies Act 1956 and other laws in the Union.
8. Explanation for old cases (Sessions, Criminal appeals and Revision)
9. Administration report of Criminal Justice.

While preparing the statement care must be taken that the number of suits or cases shown as pending at the close of one period is entered as pending at the beginning of the next. When however, the entries must differ by reason of an error in a previous return, a note should be added explaining the discrepancy and pointing out the parts where corrections should be made.



## **PART – IV**

### **BASIC LEGAL AND PROCEDURAL ASPECTS FOR STAFF WORKING IN THE CRIMINAL COURTS**

Enumerated below are the important points on law and procedure to be taken note of and to keep in their knowledge, for the day-to-day work of the staff members concerned. It may be noted that what is set out in this part is not inclusive of every situation they would face. The staff members are required to go through the procedure as and when required and where a situation is unusual and is not handled earlier, before initiating the first step, they shall seek the guidance of the officer.

#### **JUDICIAL MAGISTRATE COURTS**

##### **I. FIRST INFORMATION REPORT**

- ❖ To verify, on receipt of FIR, that it is accompanied by the complaint (in case the complainant is the investigating officer, complaint would not accompany FIR, when the offences alleged are under Copyright Act, Tamil Nadu Prohibition Act, etc.)
- ❖ To place before the officer, after verification as at Sl. No.1 above
- ❖ To place it before the Presiding Officer for his endorsement regarding the date and time of receipt of the same in the court.
- ❖ To make entry in the FIR Register
- ❖ To put up FIR along with the applications whenever filed

##### **II. REMAND OF ACCUSED IN JUDICIAL CUSTODY**

1) When the accused is brought for remand, verify whether the following documents are filed:-

- ❖ FIR, if not already sent
- ❖ Complaint, if not already sent
- ❖ Arrest Card
- ❖ Arrest Memo
- ❖ Documents, like statement u/s.161 Cr.P.C., confession of the accused, etc. connecting him with the accusation, if the name of the accused is not mentioned in the FIR

- ❖ Seizure Mahazar, wherever applicable
- ❖ Form 95 with property, wherever applicable
- ❖ Any other relevant document

2) To prepare the Warrant as per the order of the Judicial Magistrate and if the accused is aged from 18 to 21 years then as per the order of the Judicial Magistrate the Warrant has to be forwarded to the Borstal School, for detention

### **3) Juvenile:**

In respect of cases with regard to the Juvenile in Conflict with Law, the following aspects are to be looked into while perusing the records.

- ❖ The document in respect of the date of birth of the Juvenile in Conflict with Law.
- ❖ FIR, if not already sent.
- ❖ Complaint, if not already sent.
- ❖ Documents pertaining to apprehension of the Juvenile in Conflict with Law and intimation to the relatives of the Juvenile in Conflict with Law.
- ❖ Documents, like statement u/s.161 Cr.P.C., confession of the Juvenile in Conflict with Law, etc. connecting him with the accusation, if the name of the Juvenile in Conflict with Law is not mentioned in the FIR
- ❖ Seizure Mahazar, wherever applicable
- ❖ Form 95 with property, wherever applicable
- ❖ Whether the Probation Officer has been intimated
- ❖ Any other relevant document

To prepare the Warrant as per the order of the Principal Magistrate enabling the police persons to keep the Juvenile in Conflict with Law in the Government Observation Home for Boys and Girls as the case may be.

### **4) Surrender of accused before the court other than the jurisdictional court during investigation:**

Whenever an accused, apprehending arrest by the police, surrenders before the court which is not the Jurisdictional Court, the Judicial Magistrate may remand the accused and thereafter

- ❖ As per the orders of the Judicial Magistrate the surrender petition and other connected papers are to be sent to the Jurisdiction Court along with the covering letter of a Judicial Magistrate.

- ❖ As per the orders of the Judicial Magistrate warrant shall be prepared mentioning interalia that in the next hearing for remand extension the accused shall be produced before the jurisdictional Court.
- ❖ As per the orders of the Judicial Magistrate an intimation about the surrender and remand should be sent to the Jurisdiction Police Station forthwith.

#### **5) Production of Accused on P.T. Warrant**

- ❖ To verify whether the particulars of crime number and the Police Station and the Prison/Jail, in which he is presently detained, are mentioned in the requisition.
- ❖ To verify whether the particulars of the accused in the requisition and in the records of the case, in which he is sought to be remanded tallies.

### **III. REMAND OF ACCUSED IN POLICE CUSTODY**

- ❖ To verify whether the application is filed within the first remand period of 15 days
- ❖ To verify whether the petition, along with the affidavit of the Petitioner/ Investigating Officer is duly attested by the competent person
- ❖ To furnish a copy of the petition and the affidavit to the accused
- ❖ To furnish a copy of the order passed by the Court to the Petitioner/ Investigating Officer, Public Prosecutor and the accused
- ❖ To forward a copy of the order to the Chief Judicial Magistrate
- ❖ To obtain acknowledgement from the Police with date and time on the office copy of the order that the accused is handed over to police for escort to Jail or Police Station.

### **IV. BAIL APPLICATION**

- ❖ To verify whether the crime number and the name of the police station are mentioned in the application
- ❖ To verify whether the offences alleged against the accused are bailable or non- bailable and that appropriate provision, i.e. Section 436 or 437 Cr.P.C., is mentioned
- ❖ To verify whether any order of bail was granted already



- ❖ After numbering the application, when endorse the following particulars and endorse the same for hearing :-
  - ♦ Crime number
  - ♦ Name of the Police Station
  - ♦ Date of Remand
  - ♦ Offences
  - ♦ Details of similar application filed earlier
- ❖ If the application is filed u/s.167(2) Cr.P.C.
  - ♦ To verify that the provision, viz. 167 (2) (a) (i) in case the offence is punishable with death, imprisonment for life, and imprisonment for a term of not less than ten years (where detention period is not less than 90 days) or 167(2)(a)(ii) in case it relates to any other offence (where the detention period is not less than 60 days), is specifically mentioned
  - ♦ To verify whether final report has been filed and if the final report has been filed, then the petition u/s. 167(2) of Cr.P.C. has to be returned.
  - ♦ If final report has not been filed, then, while preparing the note, mention the following particulars:-
    - Date of first remand
    - Total number of days the accused has been in detention till the previous day of the application

## **V. APPEARANCE / SURRENDER OF THE ACCUSED ON ANTICIPATORY BAIL**

- ❖ To verify whether the anticipatory bail order has been received in the Court
- ❖ To verify whether, along with the application, copy of the order granting anticipatory bail is produced
- ❖ To verify whether the particulars of the person who appears/surrenders and that in the records are one and the same
- ❖ To verify whether the particulars of the crime number, police station, and offences as mentioned in the anticipatory bail order and that in the case records are one and same
- ❖ To verify whether the accused appears/surrenders before the court within the time as directed in the order
- ❖ To verify that the identification marks, residence address and personal particulars of the accused are mentioned in the application.

## **VI. SURETY PAPERS**

- ❖ To verify that the surety is solvent for the amount of the bond as ordered
- ❖ To verify that the document, like family card mentioning the address of the surety, and the document showing the solvency of the surety, are filed
- ❖ After sureties are verified by the Court, to see whether they have been accepted; if accepted, to prepare bail bond clearly mentioning the amount and the condition as specified in the bail order
- ❖ Get the bond executed by the sureties.
- ❖ To forward the bail bond to the Superintendent of the Prison / Jail concerned in case of bail.  
In case of anticipatory bail, to file the bond along with the case records.
- ❖ When the bail bonds are received back from the Prison/Jail authorities, to file the same along with the case records
- ❖ As per the orders of the Judicial Magistrate the surety papers have to be immediately sent to the jurisdictional court, if the case is not on the file of the court, where the sureties are verified.

## **VII. INTERIM CUSTODY OF PROPERTY**

- ❖ To put up a note indicating the interest of the applicant in the property.
- ❖ In case of vehicles,
  - ◆ To verify whether the applicant's name is found mentioned in the Certificate of Registration of the vehicle
  - ◆ To verify that the registration number, engine number, and chasis number of the vehicle is in accordance with the records furnished by the prosecution.
- ❖ To put up a note in case of valuable properties, like gold jewels or cash, whether the applicant is the owner of the properties.
- ❖ In case more than one person are the owners of the property and the application is filed by any one person, letter of 'No Objection' from the other owners to be filed
- ❖ When surety papers are filed, to follow the instructions, as necessary, as mentioned at VI above
- ❖ When the property is handed over to Claimant in pursuance of the order of the Court, due acknowledgment shall be obtained from him and his signature shall be attested by his counsel as well as by the responsible officer, if any and then to place the same before the Presiding Officer.

## **VIII. DISPOSAL OF CASE PROPERTIES**

- ❖ The term “Property” includes any kind of document or article regarding which an offence appears to have been committed, or which appears to have been used in the commission of any offence.
- ❖ Whenever any article / property is seized, in the course of investigation into an offence, the investigating officer shall report the same to the Magistrate concerned. Submission of seizure mahazar or a special report with details of the articles seized is sufficient for the purpose.
- ❖ On such reporting the Magistrate may make appropriate order, including interim order, regarding its custody / disposal, even though the property / articles are not physically produced before him. Ref: Section 457(1) CrPC.
- ❖ Section 451 CrPC is repository of the criminal courts’ power to direct custody of the property during enquiry or trial. That’s pending disposal of the case.
- ❖ Wherever possible, the Magistrate may, on the basis of the evidence the prosecution collected and any other peace of reliable material, entrust interim custody to any rightful person with conditions suitable to the context.
- ❖ Whenever cash is recovered and produced, xerox / photo copies thereof may be taken, and the amount may be deposited in a nationalized bank. Else interim custody may be granted. Copies of such currencies may be safely kept with the records.
- ❖ On the property being disposed in any one of the above stated manners, the Headclerk / Staff concerned shall make appropriate noting under the relevant entry in the Register of case properties with the acknowledgment of the party concerned.

## **IX. CLOSURE OF F.I.R.**

- ❖ In summons cases, if the investigation is not concluded within 6 months from the date of arrest of the accused, further investigation could be stopped (Refer to Sec.167(5) Cr.P.C.)
- ❖ Such FIRs to be identified from time to time and the same has to be placed before the Judicial Magistrate for appropriate orders

## **X. LIMITATION FOR TAKING COGNIZANCE OF CERTAIN OFFENCES (Secs. 468 and 469 Cr.P.C.)**

### **1) The period of limitation is –**

- ♦ Six months, if the offence is punishable with fine only
- ♦ One year, if the offence is punishable with imprisonment for a term not extending one year
- ♦ Three years, if the offence is punishable with imprisonment for a term extending one year and not exceeding three years

### **2) Commencement of period of limitation:-**

- ♦ The period of limitation commences on the date of offence
  - ♦ Where the commission of offence was not known, the date commences on the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier.
  - ♦ Where it is not known by whom the offence was committed, the limitation commences on the first day on which the identity of the offender is known to the person aggrieved by the offence or to the investigating officer whichever is earlier.
- 3) In computing the period of limitation, the day from which such period is to be computed should be excluded
- 4) Such FIRs to be identified from time to time so as to reduce pendency of FIRs

## **XI. FINAL REPORT**

The Investigating Officer will lay a final report before the Jurisdictional Court. The FIR Clerk should forthwith place the same before the Presiding Officer

- ❖ To obtain endorsement on all papers and for consideration.
- ❖ When the report is taken cognizance then number has to be assigned such as
  - ♦ Calender case (C.C.), in case the offences are triable by Magistrate Court
  - ♦ Preliminary Registration Case (P.R.C.), in case the offence are triable by Sessions Court.

Secondly if the investigation does not reveals the commission of any cognizable or non cognizable offence then the Police Officer will lay a report by mentioning any one of the following categories

- ♦ “Action dropped”
- ♦ “Mistake of fact”
- ♦ “Mistake of Law”
- ♦ “Civil in nature”
- ♦ “Undetected”

The FIR clerk shall place the same before the Presiding Officer for issuance of notice to the de facto complainant.

### **P.R.C., C.C., S.T.C. CASES, WORK AND PROCEDURE**

#### **RECEIPT, LIMITATIONS AND CLOSURE OF F.I.Rs.**

FIRs will be filed into courts by the respective Police Station in cases involving cognizable offences. On receipt of FIR, the Presiding Officer of the court will put his initial on it and the same will be date sealed on each sheet. The FIR will be entered in the “Register of papers Received” (CR.No.48) and entrusted to the Clerk concerned. Then the FIR should be entered in the FIR Register allotting separate pages for each Police Station. The documents received thereafter in connection with that case (FIR), should be filed with that duly indexed. When the Final Report / Charge Sheet is received from police in that case, the same should be entered in the FIR Register against the relevant entry. If the police filed charge sheet the same should be scrutinized and taken on file as a PRC case or calendar case or STC case according to the nature (Section) of Offence for further proceedings. If the police filed Referred charge sheet it should be numbered as RCS after getting necessary orders of the Magistrate.

Section 167(5) Cr.P.C. Prescribes a time limit within which the police has to complete their investigation in certain cases. If the police has not completed investigation in such cases within the stipulated period, the court can stop further investigation in such cases and close the FIRs.

Section 468(2) Cr.P.C. prescribes certain period of limitation for certain offences, and the court is barred to take cognizance of such offences after the expiry of the period of limitation prescribed under section 468 Cr.P.C. At the time of considering long pending F.I.Rs, for taking them on file a short notice has to be issued to the police concerned. The F.I.Rs may be closed under section 468(2) Cr.P.C., if no reply or final report has been received from the police concerned.

## **P.R.C. CASES**

Separate registers should be maintained for Calender Cases and Preliminary Register Cases. After receiving the charge sheet filed by the polices concerned it should be verified and scrutinized by the Bench Assistant and entered as Calendar cases or Preliminary Register Cases as per the orders of the Presiding Officer and numbered as C.C. or P.R.C.

All offences which are classified as exclusively triable by a Court of Sessions under the IPC are to be taken cognizance as PRC cases in the Magistrate Courts and committed to the Court of Session u/s. 209 CrPC after furnishing copies u/s. 207 CrPC. In cases of private complaints the provisions under section 201 to 204 CrPC should be taken into account. Further there should be no delay in the committal proceeding in Magistrate Courts which is expected to be completed in 6 weeks as per rule 87(2) of Crl. Rules of Practice.

After taking cognizance of the C.C. cases, the records should be handed over to the copyist for preparation of copies u/s 207 CrPC. In the register of Calendar cases, the date of appearance of the accused commencement of trail and close of trial should be noted promptly in the specific columns allotted in the register. Finally, the result of the case should be entered along with the date.

In STC cases, charge sheet filed by police officials concerned should be verified according to law under the sections mentioned in the charge sheet. The cases which have to be tried summarily by Magistrates (the punishment for which offence is below three years) may be taken cognizance by the order of the Presiding Officer and taken on file as S.T.C At the time of commencement of enquiry, the plea of the accused should be personally accepted and noted by the Presiding Officer. When the accused is ordered to be sentenced or acquitted at the end of the enquiry in these cases the above said facts should be clearly entered in the register along with the necessary order for disposal of properties by the Magistrates. Judgments in Contested S.T.C. cases should be passed in the register.

## **MISCELLANEOUS APPLICATIONS**

All the petitions / Applications presented in court should be entered in Register No.12. The court fees affixed on such petitions have to be brought into account. All miscellaneous petitions such as petitions to condone absence u/s. 317 CrPC etc., are to be registered as Cr.M.Ps and entered in the CrMP Register and brought to the Diary. Such petitions should be kept in the case duly indexed.

## **BAILS AND BONDS**

Sections 436 to 439 CrPC deal with the procedure to grant to Bail to the accused person. If the court grants Bail to the accused. A bond has to be obtained from the accused and sureties as per the order of the court for his due appearance in court. If the accused is in jail the bond has to be sent to the jail for his signature before the Jail Superintendent. Sections 441 to 443 CrPC deal with Bail Bonds of accused and sureties.

## **SURETY NOTICES**

If the accused has not appeared in court as per the Bail Bond and if he evades any condition ordered by the Court as per Bail bond the bond has to be forfeited and a notice should be issued to the sureties Section 446 A CrPC deals with the procedure when the Bond has been forfeited.

## **WARRANTS**

At the conclusion of trial, the Court if the accused is held guilty of the offence charged will inflict appropriate sentence as per law. If the accused is sentenced to pay fine only the accused can pay fine. If the accused does not pay the fine amount he has to be sent to the prison to undergo the default sentence. So also, in cases where the accused is sentenced to suffer imprisonment he has to be committed to the prison to suffer the sentence. In such circumstances a warrant of commitment has to be issued. The warrant of commitment should contain all the relevant information including the particulars required for giving set off u/s. 428 CrPC. The warrant has to be carefully prepared.

## **PREPARATION OF COPIES U/S 207 Cr.P.C.**

In cases instituted on police reports, the provision u/s. 207 CrPC is a mandatory provision as per which, the Magistrate has to furnish copies of the Police Report and other documents relied by the prosecution to the accused without delay and free of cost. Therefore immediately after the case is taken cognizance, the records should be entrusted to the Copyist of that court for preparation of copies u/s 207 CrPC who in turn should check the records carefully and prepare copies on plain papers with endorsement as True Copy, for furnishing to the accused. As the delay in furnishing copies to the accused, will tell heavily upon further proceedings of the case, much care should be taken to avoid delay in this regard.

## **COMMITTAL PROCEEDINGS**

All the offences which are classified in the IPC as offences exclusively triable by the Court of Sessions are taken on cognizance as PRC cases in the Magistrate Courts and committed to the Court of Sessions u/s 209 CrPC after furnishing copies u/s 207 CrPC. In cases of Private Complaints the provision under section 201 to 204 CrPC should be taken into account. Further there will be no delay in committal proceedings in Magistrate Courts which is expected to be completed in 6 weeks.

## **CALLING WORK**

A register procedure can be formulated for calling work for the smooth conduct of court proceedings.

For example : The following procedure may be adopted:

- ♦ Appearance cases
- ♦ Furnishing of copies, Questioning of accused, Framing of Charges etc.,
- ♦ Arguments DWs etc.,
- ♦ Trial, Examination of Witnesses.
- ♦ Petitions, admission cases and misc. proceedings etc.,

## **CERTIFIED COPIES**

Certified copies of documents should be prepared by the copyist section of the court on application and on payment of prescribed charges. Copies of all documents cannot be granted in criminal cases. Specific orders of the Magistrate are necessary for grant of copy of any documents. There are certain documents copy of which should not be granted. Magistrates are guided in this respect by the Book of "Guidance to Magistrates".

## **STAYED CASES**

Stayed cases should be watched periodically as to the receipt of any orders from Higher Courts. A register may be maintained to watch the receipt of such orders and records from the Higher Courts so that further proceedings can be taken up in these cases as and when final orders are received from the higher courts.



## DOCKET ENTRIES

The minutes of the daily proceedings of the court (docket entries) should be made by the Magistrates only. The practice of permitting the Bench Clerk to write the minutes should not be allowed.

Other details as to the trial and disposal of cases and as to the disposal and destruction of properties and case records and as to submission of records to higher courts are dealt with under the relevant registers.



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Valuable suggestions for improvement are most welcome.

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