

CHAPTER XVII

DEPOSIT AND PAYMENT OF MONEY

1. All money required to be paid or deposited under these rules other than paper-book's costs shall be paid to the Accountant of the Court with a challan in Form No.20-A (civil), (*See at Page No. 223*) Appendix I.

2. The money due for the costs to be incurred in preparing paper-books in appeal cases should be deposited in the Local Treasury or in the Imperial Bank by the advocate of the party concerned with a challan in form No.20 (Civil), Appendix I (*See at page No. 222*).

3. The challan before it is tendered at the Treasury or the Bank must be placed in the box provided for the purpose at the counter in the Accounts Department. If the challan is founded to be in order, it shall be numbered serially and entered in the challan Register and than signed by the Challan Assistant and the Accountant.

4. All Challans tendered shall be made ready for delivery to the advocates or parties concerned so as to enable them to deposit the money in the Treasury or the Bank on the day on which the challan is issued. If the party concerned fails to tender the challan at the treasury or the Bank on the day of issue, a fresh challan must be taken out on the following day, unless the time within which the deposit should be made under the rules of the Court has expired, in which case the money will not be accepted without an order of competent authority:

Provided that if for sufficient cause beyond his control, as to which he shall satisfy the Registrar by a proper application setting out the cause, an advocate or party in prevented from tendering money under Rr. 1 and 2 by the hours fixed, and the deposit, if made on the following day, would be out of time, the registrar may direct the money to be received by an officer of the Court and such acceptance shall be deemed to be a valid deposit on the day on which it is accepted. The money so accepted shall, if the deposit is under R.2 of this Chapter be remitted to the local Treasury or the Imperial Bank by the Courts office on the following day with a challan duly held in and tendered by the advocate or the party when depositing the money.

5. The time by which deposits must be made under R.1 and challan must be placed in the box in the Accounts Department under R.3, shall be fixed from time to time by the Registrar having regard to the Courts office hours and those observed by the Treasury or the Bank.

6. On receipt of the advice of payment from the Treasury or the Bank, the fact that a deposit has been made should be communicated to the Appeal Section

concerned.

7. Money received in connection with the sale of paper-books, of cause lists and the forms must be forwarded by the Accountant to the Treasury or Bank, together with a challan, for credit to Government as soon as the total amount reaches Rs.300.

8. No money should be paid out of Court, except under an order of a Judge, the Registrar, the Deputy registrar or an Assistant Registrar.

9. Any surplus remaining after deducting the costs actually incurred in connection with the preparation of paper-books from the amount deposited with the Accountant of the Court may be refunded, in accordance with these rules upon request, to the party concerned by whom the deposit was made, or to the Advocate of such party.

10. Applications for refund [see Form No.21 (civil), Appendix I (*See at page No. 224*)] shall be signed by the party concerned or by his advocate.

11. No such application shall be presented unless it bears upon it a certificate in writing, dated and signed by the Accountant of the Court, that there is no stop-order in force affecting such money, or any part thereof, and stating the precise amount for the payment of which out of Court an order may be made.

12. Every application for the payment of money out of court shall state-

(a) the name of the advocate making the application or the description and address of the applicant claiming to be entitled to the money (if the application is made by the party in person);

(b) the capacity in which such applicant claims to be entitled to the money;

(c) the cause, appeal, matter or proceeding in which or the date of the order under which, the money to which the application relate was paid into court;

(d) the precise amount for the payment of which an order is applied for.

13. Every application for the payment of money shall be presented by the applicant claiming to be entitled to receive such money, or by an advocate acting on behalf of the applicant, or by the recognised clerk of such advocate. In all cases in which the application is not presented by the applicant, it must be signed by the advocate claiming to be entitled to receive such money.

14. If an application for refund appears to be defective, a Judge or the Registrar may make such order thereon as he considers proper, refuse to make an order thereon or order that notice to show cause shall issue to any person or any persons concerned in such application.

15. No payment shall be made under an order made under R.13 except

upon a repayment order signed by the Registrar.

16. When an application is made for the refund of Government promissory notes deposited as security in an appeal to the Supreme Court, the applicant shall deposit with the accountant a withdrawal fee of 4 annas percent.
