

(Rules of the procedure for the trial of suits and other proceedings of a civil nature (The Chin Hills Regulation, 1896))

No. 14

THE BURMA GAZETTE, MAY 8TH, 1897.

No.14. – Under the provisions of section 12, sub-section (1), of the Chin Hills Regulation, 1896, the following rules are prescribed to regulate the procedure for the trial of suits and other proceedings of a civil nature under that section :-

RULES.

(a) Procedure in cases in which every party is a member of a hill tribe.

1. The courts shall not try any suit in which the matter in issue has been heard and finally decided by a court of competent jurisdiction in a former suit between the same parties in the same rights, or between parties under whom they or any of them claim.
2. Except with the permission of the court, every appearance, application, or act shall be made or done by the parties in person.
3. The plaintiff may commence his suit either by making to the Judge a verbal complaint, which shall be reduced to writing by or under the direction of the court, or by presenting a written plaint.
4. On a complaint being made or plaint presented, the court shall register the suit and examine the plaintiff or his agent as to the merits of his case.
5. If upon that examination it appears that there is no substantial cause of action, or that the claim is one which from its nature is not a proper subject of litigation in a civil court, the court may dismiss the suit.
6. If upon that examination it is found that the plaintiff sets forth a good cause of action, the court shall issue a summons to the defendant to appear and answer at a certain place and on a certain day.
7. The defendant and witnesses, named by each party, shall be summoned in such manner as the court directs.
8. Summons and all other processes of the court shall be issued without requiring any previous payment of fees, the cost of service or execution being recovered, if the court so directs, from the party declared liable to pay the same in the final order in the case.

9. Both the plaintiff and defendant should be present at the trial. But the court may try and dispose of a case in the absence of any of the parties, if there is no reasonable excuse for his absence. At the discretion of the court, a case which has been decided in the absence of any of the parties may be re-opened.

10. Any suit may be heard with the aid of assessors selected by the court.

11. Any evidence given in a language not understood by any party to a suit shall be interpreted to such party as the examination proceeds.

12. The court may call and examine as a witness any person whose evidence it considers necessary or desirable.

13. At the conclusion of the trial the Judge shall record a written order, stating the facts of the case, giving briefly the substance of the evidence, and containing his decision on the points in dispute. No other record of the statements of the parties or of the witnesses shall be necessary.

14. The order shall be explained to the parties in Chin and they shall be given a copy of the part containing the decision in the case.

15. The court shall, upon the application of the person in whose favour an order is passed, made verbally or in writing, execute its orders in the following manner, that is to say-

(a) An order for any property in the possession of the judgment-debtor, by giving possession of such property to the person in whose favour the order is passed, or, when the property is moveable and possession of it cannot from any cause be given, levying in the manner next hereinafter provided the amount fixed as an alternative;

(b) An order for partition, by dividing the property and giving the person in whose favour the order is passed possession of his portion;

(c) An order for money, by attaching moveable property and selling it by auction;

(d) An order for the performance of any act by the judgment-debtor, by attaching his moveable property and retaining it under attachment.

Judgment-debtor means the person against whom an order is passed.

16. Whenever a person has become liable as security for the performance of an order or of any part thereof, the order may be executed against him to the extent to which he has rendered himself liable in the same manner as an order may be enforced against a judgment-debtor.

(b) Procedure in cases in which one or more of the parties is not a member of a hill tribe.

17. In cases in which one or more of the parties is not a member of a hill tribe the court shall observe as far as possible the procedure prescribed in the Upper Burma Civil Courts Regulation, 1896.

Provided that any plaint or application may be instituted or made either verbally or in writing.

(c) Rules applicable to all cases.

18. Every court shall maintain a register in the form attached to these rules, in which the particulars of each suit or other proceeding shall be entered.

Register of Civil Suits.

Serial No. of case.	Date of institution.	Name and residence of complainant.	Name and residence of respondent.	Full particulars of case with date of its origin.	Final decision and remarks.
1	2	3	4	5	6

----- Footnote -----

[ပင်ရင်း- ၈၅၁၈၉၇ ရက်နေ့ထိ ပြန်တမ်းမှ ကူးယူတင်ပြသည်။]