

**RANGOON CITY CIVIL COURT RULES.**

**ORDER LIII**

**[ Amendment : 18.06.1989 ]**

**PART I.**

**Preliminary.**

1. These rules may be called **the Rangoon City Civil Court Rules** and shall apply to all proceedings hereafter to be instituted in the Rangoon City Civil Court, and as far as may be, to all proceedings that may be transferred to it under section 39 of the Rangoon City Civil Court Act.
2. In these rules unless there be something repugnant in the subject or context,-
  - (1) "The Act" means the Rangoon City Civil Court Act.
  - (2) "Bailiff" means any Bailiff of the Court.
  - (3) "The Code" means so much of the Code of Civil Procedure together with the Schedules and Appendices thereto, as is not expressly or impliedly excluded by the Act or these rules.
  - (4) "Prescribed" means prescribed by these or any duly authorized rules or orders or by the Code.
  - (5) "Process" includes a summons to a defendant or to a witness, a notice or any other process (not being a warrant) which has to be served through the Court.
3. The procedure to be followed in the Court shall be that laid down in the Code, subject to the provisions of the Act and of these rules.
4. All complaints, written statements, affidavits, petitions and other proceedings presented to the Court shall be in English and written or typewritten or printed, fairly and legibly, and in the prescribed form.  
Provided always that in proceedings to which all the parties are Myanmar and in which the relief sought does not exceed Rs. 500, all pleadings, petitions and affidavits may be written, typed or printed in Myanmar.  
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5. Written statements, petitions and affidavits, unless, filed in Court or before the Registrar, shall be presented to the Chief Clerk or to such other officer as may be appointed in that behalf, in like manner as is hereinafter provided for the presentation of complaints.
6. It is competent for the Chief Clerk to administer oaths to the deponents of affidavits to be filed in Court.

7. Copies of pleadings, petitions and affidavits must be served on the opposite party not less than 48 hours before the date fixed for hearing.
8. Unless the necessary process fees payable on a plaint or petition are paid within 48 hours from its admission, the suit or petition may be dismissed.

**Institution of Suits –The Plaint, its Presentation and Admission.**

9. Every suit shall be instituted by the presentation of a plaint.
10. The subject-matter of the plaint shall be divided into paragraphs numbered consecutively and each paragraph shall contain as nearly as may be a single allegation. Where a Myanmar or Indian date is given the corresponding English date shall be added. The names, descriptions and places of residence of the parties must be fully set out in the title or the omission to do so must be satisfactorily explained.  
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11. A plaint shall be presented to the Chief Clerk of the Court or to such other officer as the Chief Judge may from time to time appoint in that behalf. If the plaint be reasonably legible and be properly stamped, signed and verified and otherwise admissible in accordance with the provisions of the Code and of these rules it shall be received and a receipt shall be granted to the person presenting it. A diary form for the suit shall thereupon be opened by such Chief Clerk or other officer, who shall enter therein the name of the person presenting the plaint, the date of presentation and the documents (if any) produced or filed with the plaint.
12. There shall be filed with the plaint as many copies thereof as there are defendants to the suit. And the Chief Clerk or such other officer as aforesaid shall thereupon place the plaint with the diary form before the Registrar for his written order for the admission of the plaint and his direction for summons to issue upon payment of the necessary fees.
13. If it appears to the Registrar that the plaint should for any reason be amended or rejected, the matter shall be placed in the daily cause list on a suitable date before the Registrar for admission and the Registrar shall then deal with the matter in question or (if so desired) place the matter for admission before the Judge to whom such case would ordinarily be assigned.
14. If the person desiring to verify a plaint is not a party to the suit he shall obtain leave from the Registrar to verify and his application in that behalf shall be supported by affidavit showing his connection with the case and how the allegations made come within his knowledge or belief.

15. An agent desiring to institute a suit shall at the time of presenting the plaint produce his power of attorney for the scrutiny of the Chief Clerk or such other officer as afore-said who shall examine it and note its production in the diary, and the power of attorney shall be returned with a warning that it must be produced on the day of hearing for inspection.
16. (1) When an original document is produced by the plaintiff under Order VII, Rule 14, of the Code, the Chief Clerk shall put thereon his initials and a note of the date of presentation.  
(2) If a copy of such document is delivered to be filed with the plaint instead of the original, the Chief Clerk shall compare the copy with the original and certify as to its correctness by endorsement.
17. When a plaint has been admitted it shall be numbered and registered as a suit duly instituted and the Chief Clerk or other officer as aforesaid shall upon receipt of the proper fees issue a summons directed to each defendant.

**Summons –Its Service and the Service of Processes generally.**

18. The summons to the defendant shall require the defendant or defendants to enter appearance before the Registrar upon a date to be therein mentioned.
19. (1) In all suits for sums not exceeding Rs 150 the summons shall be for final disposal.  
(2) In all suits the value of which exceeds Rs. 1,000 the summons shall be for the settlement of issues.  
(3) And in all other suits the Registrar shall determine, at the time of issuing the summons, whether it shall be for the settlement of issues only or for the final disposal of the suit; and the summons shall contain a direction accordingly.
20. (1) In all suits in which summons is for the settlement of issues the defendant when he enters appearance shall be given an opportunity of filing a written statement in answer to the plaintiff's claim and the suit shall be assigned to a particular Judge for trial and a date fixed for hearing.  
(2) In all other suits a verbal defence may be recorded unless for any reason the Court considers a written statement desirable in the circumstances.
21. Ordinarily the interval between the date of issue of a summons and the day fixed for the appearance of the defendant or defendants shall not be less than-  
(a) where all the defendants reside within the local limits of the jurisdiction of the Court-  
(1) in suits the value of which exceeds Rs. 1,000 –fourteen days;  
(2) in all other cases –ten days;

- (b) where any one defendant resides in the Union of Myanmar but beyond the local limits of the jurisdiction of the Court –twenty-eight days;
- (c) where any one defendant resides in India or Pakistan –eight weeks ;
- (d) where any one defendant resides out of India or Pakistan and the Union of Myanmar –three months.

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22. Ordinarily a defendant residing within the local limits of the jurisdiction of the Court shall not be deemed to have had sufficient time to appear and answer unless the process was served on him not less than three clear days before the day fixed for appearance.
23. All processes and warrants, except committal and release warrants, shall be signed, sealed and issued by the Chief Clerk. Committal and release warrants and commissions shall be signed by the Judge who ordered their issue or by the Registrar on his behalf.
24. Processes or warrants for service or execution within the local limits of the jurisdiction of the Court shall be delivered for service or execution to the Bailiff, who shall endorse thereon the date of receipt by him. If the person to be served is known to the Bailiff, or to any of his staff, the Bailiff shall cause the process to be served forthwith. If the person to be served is not so known the Bailiff shall require the party applying for the process to provide some person to identify the person to be served and shall fix a time when one of the officers will be ready to proceed to effect service.
25. Processes for service in the Union of Myanmar but beyond the local limits of the jurisdiction of the Court shall, unless otherwise directed, be sent by post to a Court at the headquarters of a township in which the person to be served resides. If the process is to be served out of the Union of Myanmar it shall be served in the manner prescribed by Order V, Rules 21, 21A, 25, 25A and 26 of the Code, and if the process has to be sent to any Court having jurisdiction in the place where the defendant resides, the party at whose instance the process is issued shall name such Court.

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26. Unless otherwise ordered a second or subsequent process shall not be issued until the previous one has been returned.
27. Proof of service may be made by affidavit. Such affidavits must state fully all particulars which must necessarily be proved before the summons or process can be held to have been duly served. The Bailiff is empowered to administer the oath to the deponents of such affidavits.

28. No summons or other process shall be served or executed on a Sunday, Christmas Day or Good Friday except by the special leave of the Court.

**Appearance.**

29. If the defendants or any of them do not appear and the Court is satisfied that they have been duly served with the summons the suit shall be heard ex-parle as regards such defendants or any of them.

30. If the defendants or any of them do appear and wish to defend the suit, the Registrar shall either direct such defendants or defendant to file a written statement before the Judge to whom such case is assigned for trial, allowing such time as may be reasonable for the purpose, or direct that the case be placed before such Judge the following Court day for orders.

31. Advocates or pleaders instructed to appear and defend on behalf of any one or more defendants in a suit may enter appearance on his or their behalf at any time before the date for appearance by formal notice in writing addressed to the Chief Clerk and may at the same time file written statements in answer to the plaintiff's claim and the case will thereupon be placed for orders before the Registrar.

32. (1) A minor can only enter appearance by his guardian ad litem. And the Court shall, upon being satisfied of such incompetence, appoint a proper person to be such guardian upon application made to it either in the name or on behalf of such minor or by the plaintiff.

(2) (a) If on an application by the plaintiff, and after due notice to the proposed guardian and to the minor, the proposed guardian is not appointed, the Court may appoint one of its officers to act as guardian ad litem.

(b) In such case no notice need issue save to the officer concerned, and upon his sign-ifying to the Court his consent to act as a guardian the order appointing him shall be made, and he shall thereupon endeavour to get into communication with the minor's natural guardian or relatives with a view to ascertaining what defence should be pleaded in answer to the plaintiff's claim.

(c) The Court may at any time direct the plaintiff or other party having the conduct of the case to pay into Court a sum sufficient to defray such minor's expenses in defending the suit.

(3) The procedure provided for by this rule with regard to minors shall be adopted mutatis mutandi, with regard to persons of unsound mind.

33. Upon a written statement being filed or a verbal defence recorded the Judge to whom such case is assigned shall fix a date for trial, unless the matter can be disposed of on the pleadings.

34. Subject to the control of the High Court, the Chief Judge may from time to time make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof. And he may withdraw any suit or proceeding from any Judge and transfer it to himself or to any other Judge for disposal.

#### **Daily File and Cause Lists.**

35. All pending cases shall be entered in the daily file under the respective dates fixed for hearing.
36. A daily cause list for each Judge and one for the Registrar shall be prepared from the daily file and shall show the matters for disposal in such order as the Chief Judge shall direct.
37. Cases in the daily list shall be called on in turn in the order in which they appear in the list.
38. The daily cause lists shall be affixed to the Court notice boards daily before the Court opens.

#### **Documents filed in Court.**

39. The Chief Clerk is authorized to permit a party or his pleader to inspect in his presence or in the presence of an officer of the Court any document filed in a suit or proceeding in which he is a party or pleader.
40. Subject to the provisions of Order XIII, Rule 9, of the Code, documents filed in Court may be returned after fifteen days from the date of judgment unless the proceedings have in the meanwhile been sent for by the High Court.
41. No document not in the English language shall (unless the Court otherwise orders) be read or received in evidence without an authorized translation thereof:

Provided that in cases in which the pleadings may be in Myanmar, translations shall not be required of documents written in the Myanmar language.

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42. The Bench Clerks shall make and sign the endorsements required by Order XIII, Rules 4 and 6, of the Code, on documents admitted or rejected.

#### **Summons to Witnesses.**

43. A party or his pleader may apply for a summons to a witness in any suit or proceeding at any time after its institution and during its pendency. The application shall be presented to the Chief Clerk. If he thinks that for any reason it should not be granted, he shall take the orders of the Registrar on the point.
44. The party applying shall, within twenty-four hours from the time when the application is filed, pay to the Bailiff such sum for the travelling and other expenses of the person or persons summoned as the Bailiff may direct according to the following scale:-

						Maximum.			Minimum.		
Rs.	A.	P.		Rs.	A.	P.					
Soldiers, mariners, labourers, carriers, domestic servants, sircars,											
etc.	...	...	...	...	...	2	0	0	1	2	0
Tradesmen	...	...	...	...	...	6	0	0	2	0	0
Merchants, managers of banks, zemindars, gentlemen of property						16	0	0	4	0	0
Auctioneers, brokers, professional accountants					...	10	0	0	3	0	0
Professional men	...	...	...	...	...	16	0	0	4	0	0
Editors, engineers and surveyors				...	...	10	0	0	4	0	0
Officers in civil employ drawing not less than Rs. 500 a month,											
according to rank		...	...	...	...	16	0	0	6	0	0
Military and naval officers, according to rank					...	16	0	0	6	0	0
Shroffs, bunnias, schoolmasters, commanders and officers of ships						8	0	0	3	0	0
Articled and other clerks			...	...	...	8	0	0	3	0	0
Police Inspectors, petty officers, military and marine					...	6	0	0	3	0	0
Customs-house officers and engine-drivers					...	6	0	0	3	0	0
Godown sircars	...	...	...	...	...	3	0	0	1	8	0
Females according to station		...	...	...	...	6	0	0	1	2	0

In special cases or in cases not provided for in the scale, the Court shall allow such fees as it thinks fit:

Provided-

Firstly, - that in cases to which Government or a Local Authority is a party-

- (a) no payment into Court will be required for the travelling and other expenses of a servant of Government or of a Local Authority who may be required to be summoned at the instance of Government or the Local Authority respectively to give evidence in his official capacity;
- (b) the amount to be paid into Court for the travelling and other expenses of a servant of Government or of a Local Authority whose salary exceeds Rs. 30 and who may be required to be summoned at the instance of a party other than the Government or the Local Authority respectively to give evidence in his official capacity in a Court situate at a distance of more than five miles from his head-quarters shall be equivalent to the travelling and halting allowances admissible under the rules applicable to him in his official capacity.

Secondly,- a servant of Government or of a Local Authority whose salary exceeds Rs. 30 per mensem giving evidence in his official capacity in a suit to which Government or the Local Authority respectively is a party-

- (a) when giving evidence at a place more than five miles from his headquarters shall not receive anything under these rules, but shall be given a certificate of attendance;
- (b) when giving evidence at a place not more than five miles from his headquarters shall, in cases where the Court considers it necessary, receive under these rules actual travelling expenses, but shall not receive subsistence, special nor expert allowances.

Thirdly, -a servant of Government or of a Local Authority whose salary does not exceed Rs. 30 per mensem giving evidence in his official capacity shall receive his expenses from the Court.

Railway servants summoned by the Court as witnesses, and travelling by rail to attend the Court, shall be paid the railway fare to which they are entitled under the rules for the payment of witnesses without regard to the fact that they may have travelled under a pass and not on actual payment of the fares.

- 45. The Chief Clerk shall issue summonses as soon as possible after the Bailiff has endorsed on the application his receipt for the money paid.
- 46. Fees paid to witnesses otherwise than through the Bailiff shall be certified to the Court before a witness is examined, and if not so certified shall not be allowed in taxation of costs.
- 47. In cases where the witnesses reside beyond the local limits of the jurisdiction of the Rangoon City Civil Court, the Bailiff shall remit the expenses of the witnesses by money order to the Court to which the summons is to be sent for service.
- 48. The Bailiff shall receive all money sent by other Courts as expenses of witnesses and commissions.



49. On receipt of a summons to a witness issued by another Court, the Chief Clerk shall send it to the Bailiff, who shall note on it whether any and, if so, what money has been received as expenses of the witness. If the money received as expenses are sufficient, the Chief Clerk shall then make an order for the issue of the summons.
50. On receiving a commission for the examination of a witness from another Court, the Chief Clerk shall send it to the Bailiff, who shall note on it whether any and, if so, what money has been received as expenses of the witness. If sufficient money has been received, the Chief Clerk shall make an order for the issue of the summons to the witness.
51. Any money received as expenses of witnesses which remains unexpended shall be returned by the Bailiff to the Court of issue, under the orders of the Registrar.

### **Commissions.**

52. The hearing of a suit in which a commission has been issued under Order XXVI of the Code shall be postponed until the return of the commission, unless the Court other-wise directs.
53. An application for commission shall be made promptly after the grounds on which it is asked for are known, and shall be accompanied by an affidavit or affidavits, setting out the facts relied upon as grounds for the issue of the commission, and stating when they first became known to the applicant.
54. In commissions for the examination of witnesses which are addressed to Court and in which the delegation of the Commissioner's duties to an advocate or pleader has not been authorized, the Court or the Registrar shall have power to appoint such advocate or pleader or official of the Court as he may determine to execute the commission.
55. (1) When an order for the issue of a commission to take evidence on interrogatories has been made, the party obtaining the order shall, within seven days from the date thereof, file his interrogatories, and the documents, if any, to accompany the commission, and shall serve a copy of the interrogatories on the other party or his pleader, who shall file his cross-interrogatories, with the documents, if any, to accompany the same, within seven days from such service, and shall serve a copy on the other party or his pleader.
- (2) If the commission is for the examination of witnesses viva voce the party obtaining the order shall file a list of witnesses, and all necessary papers and documents, within seven days from the date of the order.

56. The party obtaining an order for a commission shall pay the necessary costs of and incident to the same within seven days of the date of the order,.

57. On default in the observance of these rules by a party obtaining an order for a commission, the commission shall not issue without leave of the Court, and on default by the opposite party he shall not be allowed to join in the commission without such leave.

#### **Hearing.**

58. Proper time must be taken to see that parties are actually joined and that the real points in issue are settled; but when the case has once been set down for trial and the parties with their witnesses are in attendance, the case should be tried the same day and continued from that day to the next and so on until the hearing of evidence is completed, unless there are reasons, which must be recorded in writing, for an adjournment.

#### **Judgments, Orders and Decrees.**

59. (1) In all suits of over Rs. 1,000 in value the evidence shall be recorded in manner provided by Order XVIII, Rule 5, and the judgments shall contain the particulars required by Order XX, Rule 4 (2), of the Code.

(2) In all other suits Order XVIII, Rules 5 to 12, shall not apply and judgments shall be in accordance with the provisions of Order XX, Rule 4 (1), of the Code.

60. (1) Except orally delivered judgments taken down in shorthand, judgments and orders shall be pronounced only after they are written. All judgments and orders shall bear the date on which they are delivered.

(2) Decrees shall bear the date of delivery of judgment, and also the date of signature in the hand of a Judge.

(3) If a party or his pleader intimates to the Chief Clerk immediately after a judgment or order has been passed by a Judge that he wishes to see the formal decree or order before it is submitted for signature, he may be allowed to do so, and if there is any disagreement as to the form of decree or order, or the taxing of the costs, the case shall be set down on the daily list, on as early a date as may be convenient, to speak to the minutes of decree.

61. When the Court directs that any decree may be paid by instalments, such instalments shall, in the absence of any direction to the contrary, be paid into Court monthly, and, in default of payment of any one instalment, the whole decree or the balance thereof shall become due.

#### **Execution Proceedings**

62. Every application for executing a decree shall be in the prescribed form and shall be presented to the Chief Clerk, or such other officer as the Chief Judge may appoint in that behalf, and the application shall after examination and check by the Execution Clerk, be put up for orders before the Registrar or the Judge who passed the decree with a report endorsed thereon as to whether the requirements of the Code and of these rules have been complied with.
63. Applications under section 39 of the Code to send a decree or order for execution to another Court shall be made by verified petition, and shall be accompanied by a certified copy of the decree or order.
64. The certified copy, together with the other documents mentioned in Order XXI, Rule 6, of the Code, shall be sent by registered post.
65. The process fees prescribed for the warrant of attachment and for the order of sale shall be annexed to every application for execution by attachment and sale of property.
66. In every application for the attachment of moveable property the approximate value of the property sought to be attached shall be stated according to the best of the applicant's belief.
67. In applications for execution by attachment of moveable property it shall be expressly stated whether the property sought to be attached is in the possession of the judgment-debtor or not and the place where the property is to be found shall be clearly indicated.
68. A warrant issued under Order XXI, Rule 24, of the Code, shall be returnable within one month from the date thereof.

#### **Sale of Attached Moveable Property.**

69. As soon as possible after an attachment of moveable property, the Bailiff shall report to the Court the fact of the attachment and shall furnish a list of the articles attached and their approximate value, and shall note if any of them are not liable to attachment or sale.
- If any of the articles or things fall within the proviso of Order XXI, Rule 43, of the Code, it shall be so stated in the report and list.
70. The report and list shall be submitted to the Court concerned which shall pass such order for sale as it may think fit, although the decree-holder may not apply for a sale order. A warrant for sale shall be sent to the Bailiff who shall forthwith prepare and issue a proclamation.
71. Every proclamation shall be advertised in a local newspaper or advertiser for at least fifteen days (except in the case of property mentioned in the proviso to Order XXI, Rule 43, of the Code), and no proclamation

shall issue until the person applying for sale has deposited with the Bailiff an amount sufficient to defray the expense of advertising.

72. Moveable property falling within the proviso to Order XXI, Rule 43, of the Code, shall be sold as soon as may be convenient after it has been attached. Other moveable property shall be sold on the third Saturday after the day on which the proclamation shall have been affixed on the Court house.

#### **Security to Court.**

73. When security is required to be given it shall be taken either in cash or in the form of a bond. Such bond shall be with or without sureties as the Judge may direct, and shall be in favour of the Bailiff of the Court.
74. When sureties are required and persons resident within the jurisdiction of the Court are tendered, the Bailiff shall report whether the principal and sureties possess within the jurisdiction of the Court property of value equal to the amount of the security required.
75. No sureties shall, without the order of the Judge, be accepted unless they make an affidavit or affidavits stating that the property which each of them possesses, or that their properties combined, are equal in value to the amount of the security demanded, over and above any incumbrance to which such properties may be liable, and over and above the amount for which they have previously given security in the Court or in any other Court and for which they are at the time liable as sureties.
76. On the application of the Bailiff summonses may be issued to persons named by him to appear before him or to produce before him documents of title for the purpose of his enquiry into the value of the property of any person tendered as a surety.

#### **Bailiff's Commission on Sales of Attached Property.**

77. The Commission to be drawn by the Bailiff on sales of attached property shall be at the rate of 5 per cent. The fees paid each month shall be drawn and disbursed to the Bailiff at the end of the month under the orders of the Registrar.

#### **Applications generally.**

78. All applications arising out of a suit shall bear the number of such suit unless they be applications for execution, for attachment, or arrest before judgment, for removal of attachment, for review of judgment, for sanction to prosecute, or miscellaneous applications which necessitate separate judicial proceedings, or in which the petitioner is not a party to the suit.

79. Every application in writing shall be in the form of a petition signed by the applicant or his recognized agent, or his pleader, and if the Court requires it to be verified shall be verified in the same manner as a plaint.

80. On receiving an application the Court shall (if necessary) direct notice to issue for service on the respondent together with a copy of the application, to be supplied by the applicant. The notice shall be served in the same manner as a summons and shall fix a date for the hearing of the application.

**Applications to set aside Dismissal Orders or ex parte Decrees.**

81. The Court may, at any time after an application to set aside an order of dismissal or an ex parte decree is presented to the Court, put the parties on such terms as to furnishing costs or for security for the amount of the claim and costs by payment into Court or otherwise as it shall think fit.

**PART II.**

**Summary Procedure in Certain Cases.**

82. This Part shall apply to suits on negotiable instruments when the value of the subject-matter does not exceed Rupees one thousand.

83. (1) All suits upon bills of exchange, hundis or promissory notes may, in case the plaintiff desires to proceed hereunder, be instituted by presenting a plaint in the form prescribed with the original bill of exchange, hundi or promissory note annexed, together with as many copies thereof as there are defendants to the suit. The summons shall be in Form G in the Appendix and it shall not be necessary to serve a copy of the plaint on the defendant.

(2) In any case in which the plaint and summons are in such forms, respectively, the defendant shall not appear or defend the suit unless he obtains leave from the Court as hereinafter provided so to appear and defend; and in default of his obtaining such leave or of his appearance and defence in pursuance thereof, the allegations in the plaint shall be deemed to be admitted and the plaintiff shall be entitled to a decree-

(a) for any sum not exceeding the sum mentioned in the summons with the interest at the rate specified (if any) to the date of the decree; and

(b) for such sum for costs as may be prescribed:

Provided that if the plaintiff claims more than such sum fixed for costs, the costs shall be ascertained in the ordinary way.

(3) A decree passed under this rule may be executed forthwith.

Explanation. –For the application of this rule the summons to the defendant shall, unless otherwise ordered by the Court, have been served upon him:-

- (a) if he resides and is served within the local limits of the jurisdiction of the Court, at least ten clear days before the returnable date of the summons;
- (b) if he resides and is served without such local limits but in the Union of Myanmar, at least fifteen clear days before the returnable date of the summons;
- (c) if he resides and is served in India or Pakistan, at least one month before the returnable date of the summons.

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84. (1) The Court shall, upon application by the defendant, give leave to appear and to defend the suit upon affidavits which disclose such facts as would make it incumbent on the holder to prove consideration or such other facts as the Court may deem sufficient to support the application.
- (2) Leave to defend may be given unconditionally or subject to such terms as to payment into Court, giving security, framing or recording issues or otherwise as the Court thinks fit.
85. After decree the Court may under special circumstances set aside the decree, and, if necessary, stay or set aside execution, and may give leave to the defendant to appear to the summons and to defend the suit, if it seems reasonable to the Court so to do, and on such terms as the Court thinks fit.
86. In any proceeding under this Part the Court may order the bill, hundi or note, on which the suit is founded, to be forthwith deposited with an officer of the Court and may further order that all proceedings shall be stayed until the plaintiff gives security for the costs thereof.
87. The holder of every dishonoured bill of exchange or promissory note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment or otherwise by reason of such dishonour as he has under this Part for the recovery of the amount of such bill or note.
88. Save as provided by this Part the procedure in suits hereunder shall be the same as the procedure in suits instituted in the ordinary manner.

### **PART III.**

#### **Miscellaneous.**

89. All acts which may be done by the Court in regard to the appointment or removal of a guardian ad litem under Order XXXII, Rules 4 and 11, of the Code or in regard to the substitution or addition of parties to a suit may be done by the Registrar.

90. Any of these rules which require a Judge of the Court to do any act or thing shall be read as applying equally to a Registrar when exercising any of the powers conferred upon him under sub-section (1) of section 34 of the Act or by these rules.

The Registrar is authorized to grant certificates under section 28 of the Act to parties in cases which have been disposed of by him.

91. Whenever any judgment-debtor who has been arrested or whose property has been seized in execution of a decree of the Court, or a decree of another Court transferred to it for execution, offers security to the satisfaction of the Court for payment of the amount which he has been ordered to pay and the costs, the Court may order him to be discharged or the property to be released upon his furnishing such security.

92. Subject to the approval of the High Court, the Court shall frame such forms as it may think necessary for any proceeding before it and may from time to time alter any of such forms.

93. After the disposal of every suit in which a pauper is concerned the Chief Clerk shall send to the Collector of Rangoon a memorandum of the Court-fees due and payable by the pauper.

94. The following portions of Schedule I to the Code shall not extend to the Court, that is to say:-

(a) Order XLVII, Rules 6 and 7; and,

(b) Order XLIX and L; and

the following portions of the said Schedule shall not extend to the Court in the exercise of its jurisdiction as a Court of Small Causes, namely-

(a) so much of the said Schedule as relates to –

(i) suits excepted from the cognizance of the Court or the execution of decrees in such suits;

(ii) the execution of decrees against immoveable property or the interest of a partner in partnership property; and

(b) Order X, Rule 3 (record of examination of parties), and Order XIV.

95. The forms prescribed in the Appendix, with such variation as the circumstances may require, shall be used for the purposes therein mentioned.

#### ----- Attachment -----

[ ATTACH LIST 1 ] 01 APPENDIX. FORMS. A TABULAR FORM OF APPLICATION FOR EXECUTION-PART I (RULE 62). IN THE RANGOON CITY CIVIL COURT.

[ ATTACH LIST 2 ] 02 B SUIT BY PAYEE OF PRO-NOTE AGAINST MAKER (RULE 83). (Cause Title.)

[ ATTACH LIST 3 ] 03 C SUIT BY ENDORSEE OF A PRO-NOTE AGAINST MAKER AND ENDORSER (RULE 83).

(Cause Title.)

[ ATTACH LIST 4 ] 04 D SUIT BY PAYEE OF CHEQUE AGAINST DRAWER (RULE 83). (Cause Title.)

[ ATTACH LIST 5 ] 05 E SUIT BY THE ENDORSEE OF A BILL OF EXCHANGE AGAINST THE ACCEPTOR AND  
PAYEE (RULE 83). (Cause Title.)

[ ATTACH LIST 6 ] 06 F SUMMONS (RULE 80). (Cause Title.)

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