

GENERAL DEPARTMENT.

(The trial Rules Under the Upper Myanmar Village Regulation of suits by headmen)

NOTIFICATIONS.No.195

The 2nd September 1891.

[Amendment : 18.06.1989]

No. 195.- Under the provisions of section 17 (1) of the Upper Myanmar Village Regulation, the Chief Commissioner is pleased to make the following rules concerning the trial of suits by headmen under section 8A of that Regulation and for the disposal of fees levied under section 8A, sub-section 4.

1. The plaintiff may begin his suit either by making a verbal complaint, to be reduced to writing by or under the orders of the headman, or by presentation of a written plaint.
2. On the institution of a suit the headman shall cause to be served on the defend-ant a written notice specifying the name of the plaintiff, the nature of the claim, and the time and place at which the suit will be tried, and directing him, if he wishes to dispute the claim, to appear with his witnesses at the time and place fixed. He shall also inform the plaintiff of the date so fixed.
3. At the time and place fixed the headman shall proceed to hear and try the case. He shall examine the parties and their witnesses and deliver judgment.
4. The headman shall record or cause to be recorded the names of the witnesses and the substance of their evidence and a brief statement of the grounds for his order.
5. The headman may adjourn the case from time to time, noting the dates of adjournment on the record, either to obtain the attendance of further witnesses or for any other reasonable cause.
6. The headman shall decide whether the unsuccessful party shall pay the costs of the other party or not. He may award as costs any reasonable charges incurred by the successful party for the purposes of the suit, provided that the total costs including the fee of 10 per centum prescribed by section 8A, sub-section (4), shall in no case exceed one-quarter of the value of the suit.
7. If the plaintiff does not appear at the time and place fixed, the headman shall dismiss the suit, unless for any reasonable cause he thinks proper to adjourn it. Similarly, if the defendant fails to appear, the headman shall proceed with the trial in his absence, unless for some special reason he thinks better to adjourn. In the former case, if his decision is in favour of the plaintiff, a copy of it shall be served upon the

defendant, and if the latter within ten days appears before the headman and proves that he was unable to attend, the headman shall hold a fresh trial, provided that the cost of the second trial shall in all cases be borne by the defendant, whatever the result. A suit dismissed on account of the non-appearance of the plaintiff may similarly be re-opened within 10 days on sufficient cause shown.

8. If the unsuccessful party neglects or refuses to pay the amount awarded within ten days, the headman may on the application of the other party, serve the unsuccessful party with a notice, directing him to pay to the headman the amount with one rupee additional as a fee within five days. If the debtor still neglects to pay the headman shall, after the expiry of the five days, attach and sell by public auction so much of the debtor's moveable property as is sufficient to defray the amount awarded together with the fee. The headman shall out of the proceeds of the property pay the amount awarded to the successful party; the balance, after deducting the fee of one rupee, shall be returned to the judgment-debtor. The headman shall record a brief note of any action taken by him under this rule and shall file it with the record of the suit.
9. If the judgment-debtor has removed to another village or group of villages, the headman shall inform the headman of the debtor's new village verbally or by sending the notice above mentioned, and the second headman shall then proceed to recover the amount as if he had passed the order himself; the only difference being that he will pay the amount awarded to the first headman instead of to the successful party.
10. The headman shall be entitled to retain all fees for execution of judgments as well as all fees levied under section 8A, sub-section(4).
11. The headman shall keep an account of all suit fees in the following form:-

Name of person from whom levied.	Amount.	Whether levied on the institution of a suit, or on executing a judgment.
	Rs. A. P.	

12. This account, together with the records of all suits tried by the headman during the month under section 8A, shall, provided that the judgment has been satisfied, be sent to the Township Officer not later than the 20th of the following month: provided that in the case of any particular headman, the Deputy

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Commissioner may direct that the account and records shall be submitted quarterly instead of monthly.

All such records shall be destroyed at the end of the year following that to which they belong.

13. Whenever it appears to the headman that the decision of a case involves a difficult or intricate question of law it shall be competent for him at any time to stay proceedings and refer the case to the Township Officer for decision.

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