

**The Gazette of Pakistan**



**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

**ISLAMABAD, SUNDAY, JULY 31, 1994**

**PART I**

**Acts, Ordinances, President's Orders and Regulations**

**SENATE SECRETARIAT**

*Islamabad, the 31st July, 1994*

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 27th July, 1994 and is hereby published for general information :—

**ACT NO. XIV OF 1994**

*An Act to amend certain laws for bringing procedural reforms*

WHEREAS it is expedient to amend certain laws for bringing procedural reforms for expeditious disposal of civil cases and for the purposes hereinafter appearing;

It is enacted as follows :—

- 1. **Short title and commencement.**—(1) This Act may be called the Civil Laws (Reforms) Act, 1994.
- (2) It shall come into force at once.

2. **Amendment of section 8, Act IX of 1887.**—In the Provincial Small Cause Courts Act, 1887 (IX of 1887), hereinafter referred to as the said Act, in section 8, in sub-section (1), for the words "Provincial Government" the words "High Court" shall be substituted.

(683)

Price : Rs. 00.60

3. **Amendment of section 10, Act IX of 1887.**—In the said Act, in section 10, for the words and commas “Provincial Government, after consultation with the High Court,” the words “High Court” shall be substituted.

4. **Amendment of section 15, Act IX of 1887.**—In the said Act, in section 15,—

- (i) in sub-section (2), for the words “two thousand” the words “five thousand” shall be substituted; and
- (ii) in sub-section (3), for the words “five thousand” the words “twenty-five thousand” shall be substituted.

5. **Amendment of section 27A, Act IX of 1887.**—In the said Act, in section 27A, in sub-section (1),—

- (i) for the words “two thousand” the words “five thousand” shall be substituted; and
- (ii) for the words “five thousand” the words “twenty-five thousand” shall be substituted.

6. **Amendment of section 32, Act V of 1908.**—In the Code of Civil procedure, 1908 (V of 1908), hereinafter referred to as the said Code, in section 32,—

- (i) in clause (c), for the words “five hundred” the words “two thousand” shall be substituted; and
- (ii) in clause (d), the words “the civil” shall be omitted.

7. **Amendment of section 35A, Act V of 1908.**—In the said Code, in section 35A, in sub-section (2), for the words “five thousand” the words “twenty-five thousand” shall be substituted.

8. **Amendment of section 95, Act V of 1908.**—In the said Code, in section 95, in sub-section (1), for the words “one thousand” the words “ten thousand” shall be substituted.

9. **Amendment of section 102, Act V of 1908.**—In the said Code, in section 102,—

- (i) in clause (a), for the words “five thousand” the words “twenty-five thousand” shall be substituted; and
- (ii) in clause (b), for the words “one hundred thousand” the words “two hundred fifty thousand” shall be substituted.

10. **Amendment of section 115, Act V of 1908.**—In the said Code, in section 115,—

- (a) in sub-section (1), in the second proviso, after the words “subordinate Court”, the following shall be added, namely :—

“Which shall provide a copy of such decision within three days thereof and the High Court shall dispose of such application within six months.”; and

- (b) after sub-section (1), amended as aforesaid, the following sub-sections (2), (3) and (4) shall be added, namely :—

“(2) The District Court may exercise the powers conferred on the High Court by sub-section (1) in respect of any case decided by a Court subordinate to such District Court in which no appeal lies and the amount or value of the subject-matter whereof does not exceed the limits of the appellate jurisdiction of the District Court.

(3) If any application under sub-section (1) in respect of a case within the competence of the District Court has been made either to the High Court or the District Court, no further such application shall be made to either of them.

(4) No proceedings in revision shall be entertained by the High Court against an order made under sub-section (2) by the District Court.”.

11. **Amendment of First Schedule, Act V of 1908.**—In the said Code, in the First Schedule,—

- (1) in Order V,—

- (i) in rule 9, after sub-rule (2), the following new sub-rule shall be added, namely :—

“(3) Unless the Court otherwise directs, the proper officer or an officer authorised by him in this behalf shall cause the service of summons and return it to the Court within fifteen days of issue of summons.”;

- (ii) in rule 20,—

- (i) for sub-rule (1), the following shall be substituted, namely :—

“(1) Where the Court is satisfied that there is reason to believe that the defendant is keeping out of the way for the

purpose of avoiding service, or that for any other reason the summons cannot be served in the ordinary way, the Court shall order for service of summons by—

- (a) affixing a copy of the summons at some conspicuous part of the house, if any, in which the defendant is known to have last resided or carried on business or personally worked for gain; or
- (b) any electronic device of communication which may include telegram, phonogram, telex, fax, radio and television; or
- (c) urgent mail service or public courier services; or
- (d) Beat of drum in the locality where the defendant resides; or
- (e) publication in press; or
- (f) any other manner or mode as it may think fit :

Provided that the Court may order the use of all or any of the aforesaid manners and modes of service simultaneously; and

- (ii) in sub-rule (3), after the word "require" at the end, the words "which shall not ordinarily exceed fifteen days" shall be added;
- (2) in Order VIII, in rule 1, in the proviso, for the word "ninety" the word "thirty" shall be substituted;
- (3) in Order X, in rule 2, for the word "may", occurring for the first time, the word "shall" shall be substituted;
- (4) in Order XIII, in rule 1, after sub-rule (2), the following new sub-rule shall be added, namely:—
 

“(3) On production of documents under this rule, the Court may call upon the parties to admit or deny the documents produced in the Court and record their admission or, as the case may be, denial.”;
- (5) in Order XVI,—
  - (i) in rule 1, in sub-rule (1), after the words "Court a" the commas and words ", certificate of readiness to produce evidence, alongwith a" shall be inserted; and
  - (ii) in rule 12, for the words "five hundred" the words "two thousand" shall be substituted;

(6) in Order XX, for rule 1 the following shall be substituted, namely:—

“1. *Judgement when pronounced.*—(1) On completion of evidence, the Court shall fix a date, not exceeding fifteen days, for hearing of arguments of parties.

(2) The Court shall, after the case has been heard, pronounce judgement in open court, either at once or on some future day not exceeding thirty days, for which due notice shall be given to the parties or thier advocates.”;

(7) in Order XXI,—

(i) in rule 30, the words “the civil” shall be omitted;

(ii) in rule 31, in sub-rule (1), the words “the civil” shall be omitted;

(iii) in rule 32,—

(a) in sub-rule (1), the words “the civil” shall be omitted; and

(b) in sub-rule (2), the words “the civil” shall be omitted;

(iv) after rule 36, in the heading, the words “the civil” shall be omitted;

(v) in rule 37, in sub-rule (1),—

(a) the words “the civil”, occurring for the first time, shall be omitted; and

(b) for the words “committed to the civil” the words “detained in” shall be substituted;

(vi) rule 39, shall be omitted;

(vii) in rule 40,—

(a) in sub-rule(1), the words “committed to the civil” the words “detained in” shall be substituted; and

(b) in sub-rule (3), the words “ the civil” shall be omitted; and

(viii) in rule 98, the words “the civil” shall be omitted;

(8) in Order XXXVIII, in rule 4, the words “the civil” shall be omitted;

(9) in Order XXXIX,—

(i) in rule 2, in sub-rule (3), the words “the civil” shall be omitted; and

(ii) after rule 2, amended as aforesaid, the following new rules shall be inserted, namely :—

“(2A) An interim injunction passed under rules 1 or 2 in the absence of defendant shall not ordinarily exceed fifteen days:

Provided that such injunction may be extended for failure of its service on the defendant when such failure is not attributable to the plaintiff or when the defendant seeks time for defence of application for injunction.

(2B) The order of injunction made under rules 1 or 2 after hearing the parties or after notice to the defendant shall cease to have effect on the expiration of six months unless extended by the Court after hearing the parties again and for reasons to be recorded for such extension :

Provided that report of such extension shall be submitted to the High Court.”;

(10) in Order XLIII, in rule 3, in sub-rule (1), for the words “and obtain an acknowledgement of receipt thereof for the information of the appellate Court” the words “either personally or through registered post acknowledgement due and the postal or other receipt shall be filed with the memorandum of appeal for the record of the appellate Court” shall be substituted ; and

(11) in Appendix E,—

(i) in Form No. 12, the words “the civil” shall be omitted ;

(ii) in Form No. 14,—

(a) the words “the civil” shall be omitted ; and

(b) the semi-colon and words “; and the Court does hereby fix annas per diem as the rate of the monthly allowance for the subsistence of the said during his confinement under this warrant of committal” shall be omitted ; and

(iii) in Form No. 41, the words “the civil”, occurring twice, shall be omitted ; and

(12) in Appendix F, in Form No. 4, the words “the civil” shall be omitted.

12. **Repeal.**—The Civil Laws (Reforms) Ordinance, 1994 (VI of 1994), is hereby repealed.

ABDUL QAYYUM KHAN,  
Secretary.

*CORRIGENDA*

*[to the Gazette of Pakistan, 1994, Extraordinary, Part-I, dated the 14th June, 1994  
containing Acts No. VI to VIII of 1994.]*

- Page 209 In line 36, for "fund" read "Fund".  
,, 210 In line 2, for "follow" read "follows".  
,, ,, In line 17, for "fund" read "Fund".  
,, 212 In line 17, for "may" read "may,".

ABDUL QAYYUM KHAN,  
*Secretary General.*

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*CORRIGENDA*

*[to the Gazette of Pakistan, 1994, Extraordinary, Part-I, dated the 13th July, 1994,  
containing Ordinance No. XLIV of 1994.]*

- Page 638 In the last line for "Labour Union" read "Labour Unions".  
,, 640 In line 9, for "order of" read "order or".
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