

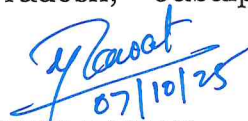
HIGH COURT OF MADHYA PRADESH: JABALPUR

Endorsement No. A/4407
III-1-5/57 (Ch. 10)

Jabalpur, dated 7/10/2025

Copy of the Part of the M.P. Rajpatra dated 03.06.2022 containing amendment in Madhya Pradesh Civil Court Rules, 1961 (In exercise of the power conferred by Article 227 of Constitution of India r/w S. 122 of CPC, 1908 and S. 23 of M.P. Civil Court Act, 1958) in pursuance to the direction dated 22.04.2021 of the Hon'ble Supreme Court passed in Civil Appeal No. 1659-1660 of 2021 Special Leave to Appeal No. 7965-7966/2020 [Rahul S. Shah (supra)] is forwarded to;-

1. The Registrar cum PPS of Honourable Chief Justice for kind information of His Lordship;
2. The Registrar General, the Principal Registrar (Judicial), the Principal Registrar (Vigilance) and the Principal Registrar (Examination & ILR) High Court of Madhya Pradesh Jabalpur for information and necessary action;
3. The Principal District and Sessions Judges; All in the State for information and necessary action with request that the amendments may kindly bring into the notice of all the Judicial Officer(s) of the District for ready reference and strict adherence to the same;
4. The Principal Judge, Family Courts; All in the State;
5. District Judge, (Inspection), Jabalpur, Indore and Gwalior for information and necessary action;
6. The Principal Registrar, Bench at Indore and Gwalior High Court of Madhya Pradesh, Jabalpur for information;
7. The Director, Madhya Pradesh State Judicial Academy, Jabalpur for information;
8. Member Secretary, Madhya Pradesh State Legal Services Authority, High Court of Madhya Pradesh, Jabalpur for information;
9. Member Secretary, SCMS, High Court of Madhya Pradesh, Jabalpur for information;
10. Registrar (Judicial-I), (Judicial-II), (Administration), (Vigilance), (Inspection & Litigation), (Examination and Labour Judiciary) for information;
11. The Registrar (M) and the Assistant Registrar (M), Checker Section, High Court of Madhya Pradesh, Jabalpur for information.


07/10/25

MUKESH RAWAT
REGISTRAR District Establishment

abalpur, the 19th May 2022

In exercise of powers conferred by Article 227 of the Constitution of India read with section 122 of the Code of Civil Procedure, 1908 (No.5 of 1908) and Section 23 of the Madhya Pradesh Civil Courts Act, 1958 (No.19 of 1958), the High Court of Madhya Pradesh, hereby, makes the following amendments in Madhya Pradesh Civil Courts Rules, 1961 in pursuance to direction dated 22.04.2021 of the Hon'ble Supreme Court passed in Civil Appeal Nos.1659-1660 of 2021(@ Special Leave to Appeal Nos.7965-7966/2020), namely:-

AMENDMENTS

In the said rules,-

1. In Rule 138, in sub-rule (1), in the beginning, for the words, number and letters "The attention of presiding Judges is directed to the provisions of rule 1, Order X which are rarely observed", the following words, number and letters shall be substituted, namely:-

"In suits relating to delivery of possession, the court must examine the parties to the suit under Order X in relation to third party interest. The Presiding Officer shall comply with the provisions of Order X Rule 1 of the CPC."

2. In Rule 143,-

- (1) After sub-rule (1), the following sub-rule shall be added, namely:-

"(1-A) In suits relating to delivery of possession, the court must exercise the power under Order XI Rule 14 asking parties to disclose and produce documents, upon oath, which are in possession of the parties including

declaration pertaining to third party interest in such properties.”.

- (2) After sub-rule (2), the following sub-rule shall be added, namely:-

“(2-A) After examination of parties under Order X or production of documents under Order XI or receipt of commission report, the Court must add all necessary or proper parties to the suit, so as to avoid multiplicity of proceedings and also make such joinder of cause of action in the same suit.”.

- (3) After sub-rule (4), the following sub-rule shall be added, namely:-

“(5) In a suit for payment of money, before settlement of issues, the defendant may be required to disclose his assets on oath, to the extent that he is being made liable in a suit. The Court may further, at any stage, in appropriate cases during the pendency of suit, using powers under Section 151 CPC, demand security to ensure satisfaction of any decree.”.

3. In Rule 168, the existing paragraph shall be numbered as sub-rule (1) and after sub-rule (1), as so renumbered, the following sub-rule shall be added, namely:-

“(2) The Court must, before passing the decree, pertaining to delivery of possession of a property ensure that the decree is unambiguous so as to not only contain clear description of the property but also having regard to the status of the property.”.

4. In Rule 184, in sub-rule (1) at the end, for the words "that cases are disposed of as speedily as possible.", the following words shall be substituted, namely:-

"that execution cases are disposed of within six months from the date of filing, which may be extended only by recording reasons in writing for such delay."

5. In Rule 187, the existing paragraph shall be numbered as sub-rule (1) and after sub-rule (1), as so renumbered, the following sub-rule shall be added, namely:-

"(2) In a money suit, the Court must invariably resort to Order XXI Rule 11, ensuring immediate execution of decree for payment of money on oral application."

6. In Rule 197, the existing paragraph shall be numbered as sub-rule (1) and after sub-rule (1) as so renumbered, the following sub-rule shall be added, namely:-

"(2) Under section 60 of CPC the term "...in name of the judgment-debtor or by another person in trust for him or on his behalf" should be read liberally to incorporate any other person from whom he may have the ability to derive share, profit or property."

7. After Rule 204, the following rule shall be added, namely:-

"204-A. (1) The Court exercising jurisdiction under Section 47 or under Order XXI of CPC, must not issue notice on an application of third-party claiming rights in a mechanical manner. Further, the Court should refrain from entertaining any such application(s) that has already been considered by the Court while adjudicating the suit or

which raises any such issue which otherwise could have been raised and determined during adjudication of suit if due diligence was exercised by the applicant.

- (2) The Court should allow taking of evidence during the execution proceedings only in exceptional and rare cases where the question of fact could not be decided by resorting to any other expeditious method like appointment of Commissioner or calling for electronic materials including photographs or video with affidavits.
- (3) The Court must in appropriate cases where it finds the objection or resistance or claim to be frivolous or mala fide, resort to Sub-rule (2) of Rule 98 of Order XXI as well as grant compensatory costs in accordance with Section 35A.”.

8. In Rule 232,-

- (1) For sub-rule (1), the following sub-rule shall be substituted, namely:-

“(1) The Executing Court may on satisfaction of the fact that it is not possible to execute the decree without police assistance, direct the District Superintendent of Police/ S.H.O. of concerned Police Station to provide police assistance to such officials who are working towards execution of the decree.”.

- (2) In sub-rule (2), after the words “the District Superintendent of Police”, the symbol and words “/S.H.O. of concerned Police Station” shall be inserted, wherever they occur.

(3) After sub-rule (2), the following sub-rule shall be added, namely:-

“(3) In case an offence against the public servant while discharging his duties is brought to the knowledge of the Court, the same must be dealt with stringently in accordance with law.”.

9. In Rule 243, in sub-rule (1), at the end, after the words “Civil Procedure Code”, the following sentence shall be added, namely:-

“and in appropriate cases, where the possession is not in dispute and not a question of fact for adjudication before the Court, Commission may be issued to assess the accurate description and status of the property.”.

10. In Rule 276, at the end, the following sentence shall be added, namely:-

“A Court Receiver can be appointed to monitor the status of the property in question as *custodia legis* for proper adjudication of the matter.”.

By order of the Hon'ble Chief Justice,
KRISHNAMURTY MISHRA, Registrar General.