

**THE HIGH COURT OF MADHYA PRADESH
FAMILY COURT RULES, 1988¹**

[As amended by Notfn. No. 02-OSD-Rules, dated 22-5-2017, Pub. in M.P. Rajpatra, Pt. IV(Ga), dated 2-6-2017, p. 231.]

No. A-9704-III-6-3-85.-In exercise of the powers conferred by sub-Sections (1) and (2) of Section 21 of the Family Courts Act, 1984 (66 of 1984), the High Court of Madhya Pradesh makes following rules viz:-

1. Short title.- These rules may be called the High Court of Madhya Pradesh Family Courts Rules, 1988.

2. Commencement.-These rules shall come into force on such date as the High Court may by notification in the official gazette appoint in this behalf.

Notification

No. A-7174-A-III-6-3-85, dated the 1st August, 1989.-In exercise of the powers conferred by sub-Sections (1) and (2) of Section 21 of the Family Courts Act, 1984 (66 of 1984), the High Court of Madhya Pradesh hereby declares that the "High Court of Madhya Pradesh Family Courts Rules 1988" shall come into force with effect from 1st August, 1989..

[Published in M.P.Rajpatra Part I dated 11-8-89, page 1607].

3. Definitions.-In these rules, unless the context otherwise requires,—

- (a) "Act" means the Family Courts Act, 1984 (Central Act No. 66 of 1984);
- (b) "Counsellor" means a person referred to in Section 6 of the Act;
- (c) "Family Court" means a Family Court established under Section 3 of the Act;
- (d) "High Court" means the High Court of Madhya Pradesh;
- (e) All other words and expressions used but not defined in these Rules and defined in the Act, or in the Code of Civil Procedure, 1908 or in the Code of Criminal Procedure, 1973, shall have the meanings respectively assigned to them in the Act, or, as the case may be, in the Code of Civil Procedure, 1908 or in the Code of Criminal Procedure, 1973.

4. Working hours.-(1) The office of the Family Court shall be open daily, except on authorised holidays, for transaction of office work between the hours of 10.30 a.m. and 5 p.m.

(2) The Judge of the Family Court shall ordinarily sit in the Court between the hours of 11 a.m. and 5 p.m. on working days of the family

¹ Published in M.P.Rajpatra (Asadharan) dated 13-10-1988, pp. 1907-1910.

Court, with a recess between 2 and 2.30 p.m.

(3) Notwithstanding anything in sub-rule (1) or (2), the High Court may for seasonal or other temporary causes by order in writing to be published in "Madhya Pradesh Rajpatra" substitute different working hours for office and sitting of Judges of Family Courts and different working hours and period of recess may be fixed for Family Courts located in different revenue districts.

5. Holding of sitting of Family Court on holidays and outside normal working hours.-(1) Every Family Court shall ordinarily hold its sitting at such place or places, as the High Court may by notification in the official gazette specify in this behalf.

(2) Subject to general superintendence of the High Court, a Family Court may hold its sitting on any authorised holiday, where such Court be of the opinion that such a course shall tend to the general convenience of (a) the parties or (b) the witnesses or (c) of institutions or organisations or of persons referred to in Section 5 of the Act.

(3) A Family Court may after consulting parties (if present) and for any reason considered sufficient by it, hold or continue its sitting outside normal working hours, whether on any working day or on authorised holidays.

(4) No act of Family Court shall be invalid by reason of holding or continuing its sitting on any holiday during hours outside normal working hours.

NOTIFICATION

No. A-7176-A-III-6-3-85, dated the 1st August, 1989.-In exercise of the powers conferred by sub-rule (1) of Rule 5 of Family Courts Rules 1988, High Court of Madhya Pradesh hereby declares the place of sitting of the Family Courts in Column No. 3 of the Table given below, established by the Department of Law and Legislative Affairs, Bhopal Notification No. 4-1-1989-XXI-B, dated 21st March, 1989 at the Headquarters shown against each:-

TABLE

S. No., (1)	Name of Courts, (2)	Place of sitting (3)
1.	Family Court, Indore	Indore
2.	Family Court, Ujjain,	Ujjain
3.	Family Court, Gwalior	Gwalior
4.	Family Court, Rewa	Rewa
5.	Family Court, Sagar	Sagar
6.	Family Court, Jabalpur	Jabalpur
7.	Family Court, Bhopal	Bhopal
8.	Family Court, Bilaspur	Bilaspur
9.	Family Court, Raipur	Raipur

[Published in M.P.Rajpatra Part I dated 25-8-89 page 1679.]

**NEW NOTIFICATION SUPERSEDED
THE ABOVE NOTIFICATION**

A new notification has been issued by the High Court of Madhya Pradesh superseding the above notification but in the new notification, the only change made is that the names of Family Courts at Bilaspur and Raipur have been omitted. See Notfn. dated 26th March 2002, Pub.in M.P.Rajpatra pt.1, dated 7th June 2002, p.1354.

6. Efforts for arriving at settlement.-(1) Every Family Court shall maintain separate lists of:—

- (a) institutions and organisations engaged in social welfare together with names and addresses of representatives of such institutions or organisations;
- (b) persons professionally engaged in promoting the welfare of the family with their addresses;
- (c) persons working in the field of social welfare with their addresses.

(2) (i) In every suit or proceeding of the nature referred to in Explanation to sub-Section (1) of Section 7 of the Act, the Judge or Judges of the Family Court shall strive at bringing about amicable settlement of dispute between the parties and may for that purpose get general idea of the nature of dispute and cause for differences giving rise to suit or proceeding, as far as can be gathered from informal discussions with parties.

(ii) The Judge or one of the Judges of the Family Court if it consists of more than one Judge, shall keep brief note of substance of discussions referred to in item (i).

(iii) The Family Court shall consider whether any institution, organisation or any person, in each case referred to in Section 5 of the Act, should be associated with it in efforts for amicable settlement and if so considered advisable by it, call upon representative of such institution, organisation or person for assistance or for use of good offices for bringing about amicable settlement between the parties.

(iv) A Family Court in session of any suit or proceeding may by notice in writing require parties thereto, or, in case of minor or a person under disability, his 'de jure' or 'de facto' guardian to appear before representative of the institution, organisation or any person referred to in clause (b) or clause (c) or clause (d) of the Act on such date, time and place, as it may consider proper, and parties or as the case may be, the guardian aforesaid shall comply.

7. Report from institution, organisation, etc..-(1) A Family Court may call for report as regards efforts made or to be made by the institution, organisation or person referred to in Section 5 of the Act:

Provided that where efforts for amicable settlement are continuing or are deferred, the Family Court may require the institution, organisation or person to submit before it an 'interim' report.

(2) Where efforts to arrive at amicable settlement between the parties do not yield any positive results, the institution, organisation or as the case may be, the person referred to in Section 5 of the Act, shall submit report to the Family Court stating why it had not been possible to bring about amicable settlement of dispute between the parties, and suggesting future course of action that may be followed.

(3) Every report including an 'interim' report under this rule shall form part of the record of the suit or proceeding.

8. Registration of suits or proceedings received on transfer under Section 8 of the Act.-(1) Every suit or proceeding received on transfer by a Family Court by virtue of provisions of Section 8 of the Act shall be registered by such Court in accordance with such instructions as may be issued by the High Court in writing.

(2) The High Court may under instructions issued under sub-rule (1) require separate registration or suits or proceedings pending in District Court or in Civil Court sub-ordinate to such District Court and transferred to Family Court for the area concerned by virtue of first part of clause (c) of Section 8 of the Act, and of every proceeding under chapter IX of the Code of Criminal Procedure, 1973 pending before any Criminal Court of Judicial Magistrate and transferred to such Family Court by virtue of second part of clause (c) of Section 8 of the Act.

9. Registration of fresh Suits or proceedings.-(1) The High Court may in relation to any fresh suit or fresh proceeding issue instructions in writing to Family Courts for registration of fresh suit or fresh proceeding.

(2) In particular and without prejudice to the generality of the foregoing power, the instructions to be issued by the High Court, may provide for inclusion for the purposes of the registration of suits or any proceedings of the nature referred to in Explanation to sub-Section (1) of Section 7 of the Act and instituted or taken before a Family Court with reference to related provisions contained in following laws as amended from time to time viz.:—

- (i) proceeding under chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974);
- (ii) suit or proceedings under the Hindu Marriage Act, 1955 (25 of 1955);
- (iii) suit or proceedings relating to maintenance under the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956);

- (iv) suit or proceedings in relation to the guardianship of the person or the custody of or access to any minor under the Hindu Minority and Guardianship Act, 1956 (32 of 1956);
- (v) proceedings under Dowry Prohibition Act, 1961 (28 of 1961), for an order for injunction in circumstances arising out of marital relationship;
- (vi) proceedings in relation to Hindu Marriages (Validation of Proceedings) Act, 1960 (19 of 1960);
- (vii) suits or proceedings arising out of personal law applicable to muslims including:-
 - (a) Muslim Personal Law (Shariat) Application Act, 1937 (26 of 1937);
 - (b) Dissolution of Muslim Marriages Act, 1939 (8 of 1939);
- (viii) suits or proceedings under the Parsi Marriage and Divorce Act, 1936 (3 of 1936), which can be instituted or taken out before the Parsi District Matrimonial Courts constituted under Sections (18 and 20) of the said Act;
- (ix) suits or proceedings under the Indian Christian Marriage Act, 1872 (15 of 1872);
- (x) suits or proceedings under the Special Marriage Act, 1954 (43 of 1954);
- (xi) proceedings under the child Marriage Restraint Act, 1929 (19 of 1929);
- (xii) proceedings in relation to Anand Marriage Act, 1909 (7 of 1909);
- (xiii) proceedings in relation to Arya Marriage Validation Act, 1937 (19 of 1937);
- (xiv) suits or proceedings arising out of Foreign Marriage Act, 1969 (33 of 1969);
- (xv) suits or proceedings relating to the part B States Marriages Validating Act, 1952 (1 of 1952);
- (xvi) suit or proceedings relating to the Muslim Women (Protection of Rights on Divorce) Act, 1986 (25 of 1986);
- (xvii) suits or proceedings under the Guardians and Wards Act, 1890 (8 of 1890);
- (xviii) suits or proceedings relating to the Hindu Marriages (Validation of Proceedings) Act, 1960 (19 of 1960).

¹[(3) (a) Whenever any fresh suit or proceedings is presented before a Family Court, the Family Court, after registration as per sub-rule (1), at the first instance, shall issue a notice without a copy of application or petition, as the case may be, to respondent to appear and explore the feasibility of amicable settlement. The notice shall mention the relief claimed only.

1 Inserted by notification dated 22-5-2017 [2-6-2017].

(b) The Family Court, on appearance of respondent, shall proceed with the procedure laid down under sub Rule 2 of Rule 6.

(c) If all efforts to arrive at amicable settlement do not yield positive results, the Family Court shall cause to be delivered a copy of application or petition, as the case may be, to the other party at the expense of the applicant or petitioner.]

10. Seal.-(1) All writs, summonses, precepts, rules, decrees, orders and other mandatory processes shall be used, issued or awarded by a Family Court bearing seal of such Court.

(2) The seal referred to in sub-rule (1) shall be of such size and bear such inscription as the High Court may by order in writing approve.

(3) The seal shall be delivered over and kept in custody of judge of the Family Court, or if there be judges in plurality in a Family Court, every judge of such Court shall be delivered over separate seal and every such seal shall remain in custody of the judge concerned.

11. Officers.-The High Court may authorise and empower judge of the Family Court, or if, there be more judges than one in a Family Court, the principal judge of such Court to appoint so many and such clerks and other ministerial officers as may be necessary for the administration of justice and the due execution of all powers and authorities exercisable by a Family Court:

Provided that the appointments of officers and ministerial staff shall be subject to any rules or restrictions as may be prescribed or imposed under the Act.

12. Control of High Court.-Every Principal Judge, Additional Judge and Judge of Family Court shall be under administrative and disciplinary control of the High Court.

13. Power of High Court to transfer Judges, officers etc..-Without prejudice to the administrative and disciplinary control of the High Court under rule 12, such Court or a Judge thereof authorised under general or special order in this behalf by such Court, may where it is considered necessary or expedient so to do, transfer any Principal Judge, Additional Judge, judges or any officer or Ministerial official of one Family Court to another Family Court in this State or retransfer such Principal Judge, Additional Judge, Judge, officer or ministerial official, as the case may be and every such Principal Judge, Additional Judge or Judge, officer or ministerial official shall comply.

14. Power of High Court to issue directions.-For ensuring uniformity of practice to be observed by Family Courts in Madhya Pradesh, the High Court may from time to time issue directions in writing to Family Courts.

15. Judge not to try a case in which he is interested.-No Judge shall hear or decide any case to which he is party or in which he is personally interested.

16. Forms.-The Family Courts may use such forms and containing such particulars as may be approved by the High Court.

17. Power to call for information, etc..-(1) The High Court may require Family Courts to maintain such registers and records and containing such particulars as may be approved by the High Court.

(2) A Family Court shall transmit to the High Court such statistical information whether periodic or otherwise and in such form as may be specified by the High Court.
