

In exercise of the powers conferred by Section 122 of Code of Civil Procedure, 1908 and all other powers enabling it in this behalf, the High Court of Delhi, with the prior approval of the Government of India, hereby makes the following amendments in Order XVII and Order XLVII of the Code of Civil Procedure, 1908 :-

I. The following shall be inserted as rule 1(A) in Order XVII of the Code of Civil Procedure, 1908 :-

Rule 1(A) On the occurrence of of an unanticipated holiday or in the event of the Presiding Officer of a Court being absent owing to sudden illness or other unexpected cause, all cases fixed for the day in Question shall be deemed to have been automatically adjourned to next working day when the Presiding Officer is present and it shall be the duty of the parties or their counsel to attend on that day.

Explanation :- Nothing in this rule shall apply where another Presiding Officer has been assigned the work of this Court for the said day.

II. The following shall be substituted for the existing Rule 5 in Order XLVII of the Code of Civil Procedure, 1908 :-

5. Where the Judge or Judges, or any of the Judges, who passed the decree or made the order, a review of which is applied for, continues or continue attached to the court at the time when the application for a review is presented, and is not or are not precluded by absence or other cause for a period of six months after the application from considering the decree or order to which the application refers, such Judge or Judges or any of them shall hear the application, and no other Judge or Judges of the court shall hear the same.

Provided that if the said Judge or Judges, or any of the Judges, who passed the decree or made the order, is or are precluded by absence or other cause for a period of six months after the application from considering the decree or order to which the application refers, it shall be heard (a) if the decree was passed or the order was made by a Judge sitting alone, by a Judge sitting alone, (b) if the decree was passed or the order was made by a Bench of two or more Judges, by a bench consisting of as many Judges as the Bench whose decree or order a review is applied for. The Judges who passed the decree or made the order, as are available, shall be members of the Bench.

III. These amendment shall come into force within the local limits of the Jurisdiction of the High Court of Delhi immediately on the date of their publication in the Delhi Gazette.

By Order of the Court
H.R.MALHOTRA,Registrar