

**Final Draft for consideration of the Hon'ble Rules Committee (CPC) in relation to proposed Amendments in the First Schedule of the Code of Civil Procedure, 1908.**

Sr. No.	Proposed Amendments	Existing Provisions
1.	<p><b>Amendments of Order I:</b></p> <p><b>Amended Rule 11</b></p> <ul style="list-style-type: none"> <li>• <i>“Conduct of suit.--The Court shall, at the time of framing of the issues, give the conduct of the suit to such party as it deems proper for ensuring a expeditious adjudication of the suit.”</i></li> </ul>	<p>Order I, Rule 11.</p> <p><i>Conduct of suit.--The Court may give the conduct of the suit to such person as it deems proper.</i></p>
2.	<p><b>Amendments of Order II:</b></p> <p><b>Rule 6-A has been added</b></p> <ul style="list-style-type: none"> <li>• <i>“where two or more suits of the same nature and requiring determination of similar issues are pending in relation to the same subject matter, the Court may, if it considers expedient for avoiding multiplicity of litigation and conflicting judgments, Order their consolidation into one trial, whereupon all such suits shall be decided on the basis of a consolidated trial.”</i></li> </ul>	<p><i>New Rule 6-A has been added by incorporating provisions for consolidation of suit.</i></p>
3.	<p><b>Amendments of Order IV:</b></p> <p><b>Rule 3 (1) &amp; (2) has been added</b></p> <ul style="list-style-type: none"> <li>• <i>“(1) Once the suit is registered in terms of Order IV, Rule 2 CPC, it shall immediately be placed before the Administrative Civil Judge duly notified by the Lahore High Court, who shall, after ensuring that the plaint and its annexures are in order, direct issuances of summons and processes to the other side. The administrative Judge shall be seized of the matter until the appearance of the parties is complete and all the ancillary pre-trial matters have been duly settled.”</i></li> <li>• <i>“(2) During the time while the suit is with the Administrative Civil Judge, The Court shall at the request of the party(s), which it considers reasonable, place the matter before a Civil Judge, for passing of appropriate orders in relation to interim injunctions.”</i></li> </ul>	<p><i>New Rule 3(1) &amp; (2) has been added in Order IV.</i></p>

4.

**Amendments of Order V:  
Amended Rule 2**

- "Copy of statement annexed to summons.--(i) Every summons shall be accompanied by a copy of the plaint and all its annexures including the list of reliance under Order VII, Rule 14, CPC"
- "(ii) The summons shall also specify the date on which the issues are to be framed and shall also direct the defendant(s) to file written statement(s) prior thereto"

**Rule 2-A & 2-B, may be added as follows:**

- "(2-A) In case of failure of the plaintiff to append a copy of the plaint and documents with the summons, his suit shall stand dismissed in terms of Order IX, Rule 2, CPC."
- "(2-B) If the defendant(s) having been properly served, fail(s) to submit their written statement prior to the date specified in the summons, it shall be presumed that the defendant(s) does not wish to defend the suit and accept the contents of the plaint as correct. Provided, however, nothing shall preclude the Court from granting extensions in time for filing of the written statement, upon a just and sufficient cause having been advanced justifying the delay, through an application in writing supported by an affidavit of the said defendant(s). Provided; further, that no extensions beyond a maximum period of 30 days shall, under any circumstances be granted to the defendants"

**Amended Rule 10-A:**

- "Service by post.--(1) Simultaneously with the issuance of summons under Rule 9, there shall be sent, to the defendant(s), by Courier service or Urgent Mail Service of the Pakistan Post (UMS) and registered post, acknowledgment due, another copy of the summons signed and sealed in the manner as provided in Rule 10."
- "(2). An acknowledgment purported to be signed by the defendant of the receipt of the registered

Order V, Rule 2.

**2. Copy of Statement Annexed to summons.-**  
-Every summons shall be accompanied by a copy of the plaint or, if so permitted, by a concise statement.

Rule 2(ii) has been added

Order V, Rule 2-A & 2-B has been added.

**Rule 10-A**

**Service by post.--(1)** Simultaneously, with the issue of summons under rule 9, there shall be sent, unless otherwise ordered by the court, to the defendant, by registered post, acknowledgment due, another copy of the summons signed and sealed in the manner provided in rule 10.

(2) An acknowledgement purporting to be signed by the defendant of the receipt of the registered communication or an endorsement

	<p>communication or an endorsement by a Courier messenger or postal employee that the defendant refused to receive the same shall be deemed by the Court issuing the summons to be prima facie proof of service of summons."</p>	<p>by a postal employee that the defendant refused to take delivery of the same shall be deemed by the Court issuing the summons to be prima facie proof of service of summons.</p>
<p>5.</p>	<p><b>Amendments of Order VII: Amended Rule 9</b></p> <ul style="list-style-type: none"> <li>• "1A(a) as many copies on plain paper of the plaint as there are defendants, plus two extra copies."</li> </ul> <p><b>Amended Rule 11(d)</b></p> <ul style="list-style-type: none"> <li>• "(d). Where the suit appears from <u>the record available with the court</u> to be barred by any law"</li> </ul> <p>Sub-rule(2) shall be added:</p> <ul style="list-style-type: none"> <li>• "(2) a defendant shall not be allowed to submit a separate application for invoking the provisions of Order VII, Rule 11, prior to the filing of a written statement."</li> </ul> <p><b>Amended Rule 13:</b></p> <ul style="list-style-type: none"> <li>• "Where rejection of plaint does not preclude presentation of fresh plaint.--The rejection of the plaint on any of the grounds mentioned <u>in clauses a to c of Order VII, Rule 11</u>, shall not, of its own force, preclude the plaintiff to present a fresh plaint in respect of the same cause of action."</li> </ul> <p><b>Amended Rule 26:</b> <b>After Rule 3, sub-rule (3), Amended sub-rule (4) shall be added in the following manner:</b></p> <ul style="list-style-type: none"> <li>• "(4) failure of the plaintiff to file the list of legal representatives as aforesaid, shall render the suit liable to be dismissed in terms of Order IX, Rule 2, CPC"</li> </ul>	<p>Order VII, Rule 9(1A)(a) (a) as many copies on plain paper of the plaint as there are defendants, plus two extra copies, <del>unless the court, by reason of the length of the plaint or the number of defendants, or for any other sufficient reason, permits him to present a like number of concise statements of the nature of the claim made, or of the relief claimed in the suit, in which case he shall present such statements.</del></p> <p>Rule 11(d) (d) Where the suit appears from the statement in the plaint to be barred by any law.</p> <p>Rule 11, Sub-rule (2) shall be added.</p> <p>Rule 13 Where rejection of plaint does not preclude presentation of fresh plaint.-- The rejection of plaint on any of the grounds herein – before mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.</p> <p>After Rule 3, sub-rule (3), Amended sub-rule (4) has been added.</p>
<p>6.</p>	<p><b>Amendments of Order VIII: Rule 1(A) has been added</b></p> <ul style="list-style-type: none"> <li>• "The defendant shall, at the time of submission of written statement in terms of Rule 1, shall, file with the court, copies of the written statement along with all its annexures along-with the list of reliance, so that the same should be supplied to the all the contesting parties."</li> </ul>	<p>Rule 1(A) has been added.</p>

	<p><b>Amended Rule 13</b>  After sub-rule (3), the following sub-rules (4) &amp; (5) shall be added:</p> <ul style="list-style-type: none"> <li>• “(4). In case the defendant fails to file a list of legal representatives, the Court shall, after giving one opportunity, to make up the deficiency, strike-off the <u>defence</u> of the defendant, in terms of Order VIII, Rule 10, CPC.”</li> <li>• “(5). The court may, on an application, along-with the requisite list of legal representatives, disclosing a sufficient cause for non-filing thereof, may recall the order under sub-rule 4, and allow the defendant to continue with the defence of the suit.”</li> </ul>
<p>7. <b>Amendments of Order IX-A:</b>  Order IX-(A) is proposed to be amended as follows:</p> <p>1.  (1) After the pleadings have been duly submitted in Court, and at the time of framing the issues, the Court shall, after it has fixed the date for a continuous trial/recording of evidence of parties, undertake the following steps:</p> <p>“i. The Court shall fix a date for examination of the parties, in terms of Order X, CPC.  ii. The Court shall also fix a date so as to ensure that necessary inspection and discovery is carried out as entailed by Order XI, CPC under its direct supervision.  iii. The Court shall also fix another date for ensuring that necessary steps in relation to admittance of facts and documents in terms of Order XII CPC are also undertaken on the same date.”</p> <p><b>Sub-rule (2):</b></p> <ul style="list-style-type: none"> <li>• “(2). Nothing in sub-rule 1, shall prevent the Court from granting a maximum adjournment of 3 days of ensuring the completion of the process detailed above”</li> </ul> <p><b>Sub-rule (3):</b></p> <ul style="list-style-type: none"> <li>• “(3). The Court shall maintain a comprehensive record of the proceedings undertaken in terms of sub-rule 1 &amp; 2 on the case</li> </ul>	<p>Sub-rule (4) &amp; (5) have been added.</p> <p>Order IX-A has entirely been redrafted for the purpose of case management issues.</p>