

Family Courts (High Court) Rules, 1999 Enforced w.e.f. 16.3.2000 Applied to the Family Courts established in the State of Gujarat under Sec. 3 of the Family Courts Act, 1984

CONTENTS

1. Short title
2. Commencement
3. .
4. Defination
5. Working hours
6. Place of sittings of Family Courts
7. Efforts for arriving at settlement
8. Proceedings in the Courts
9. .
10. Recording of evidence
11. .

Family Courts (High Court) Rules, 1999 Enforced w.e.f. 16.3.2000 Applied to the Family Courts established in the State of Gujarat under Sec. 3 of the Family Courts Act, 1984

In exercise of the powers conferred by Sec. 21 of the Family Courts Act, 1984 (68 of 1984), the High Court of Gujarat is pleased to prescribe the following rules for Family Courts in the State of Gujarat.

1. Short title :-

These rules may be called Family Courts (High Court) Rules, 1999.

2. Commencement :-

These rules shall come into force on the date of its publication in the Official Gazette.

3. . :-

These Rules shall apply to the Family Courts established in the State of Gujarat under Sec. 3 of the Family Courts Act, 1984.

4. Defination :-

It these rules, unless the context otherwise requires:

(a) "Act" means the Family Courts Act, 1984.

(b) "Centre" means a Counselling Centre;

(c) "Family Court" means the Family Court established under Sec. 3 of the Act.

(d) "Petition" shall include an application under Chapter-I of the Criminal Procedure Code unless the subject matter or context requires otherwise;

(e) "Principal Counsellor" means principal counsellor appointed by the High Court, where Principal Counsellor is not appointed, it shall include Counsellor or Counsellor as the case may be;

(f) "Family Court Rules" means Rules framed by the Government of Gujarat in consultation with the High Court under Sec. 23 read with Secs. 5 and 6 of the Family Courts Act.

5. Working hours :-

(1) The office of the Family Court shall remain open daily, except on authorised holidays for transaction of office work between 10-30 a.m. to 6-10 p.m. with 30 minutes recess between 2-00 p.m. to 3-00 p.m.

(2) Sitting of the Family Court shall ordinarily be from 11-00 a.m. to 2.00 p.m. and 3.00 p.m. to 5,30 p.m.

(3) Notwithstanding anything contained in sub-rule (1) or (2), the High Court may by order in writing fix different working hours for office and sitting of Family Courts and different working hours and period of recess may be fixed for Family Courts located in different revenue districts.

6. Place of sittings of Family Courts :-

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

(2) 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.

(3) Subject to direction 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 (b) the witnesses or (c) institutions or organisation

or of persons referred to in Sec. 5 of the Act.

7. Efforts for arriving at settlement :-

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.

8. Proceedings in the Courts :-

(i) On the date when defendant appears the petition shall be placed for direction before the Judge of the Family Court to whom this work may be assigned by the Principal Judge of the Family Court.

(ii) Every working Saturdays shall be specified by the Principal Judge for giving of such directions.

(iii) On the date fixed for giving such directions, the Principal Counsellor or such other Counsellor designated by him shall attend the Court of the Judge giving directions.

(iv) The Family Court may refer the matter for conciliation to the Counsellor as soon as possible, even in the event of failure report, from the Counsellor, the Court may refer the matter again to the same Counsellor or any other Counsellor if thought fit. The Counsellor shall not in his failure report, attribute blame to any party.

(v) On such reference being made, it shall be the duty of the Counsellor to expeditiously attempt to bring about amicable settlement or at least narrowing down the differences between the parties.

(vi) For the purpose of bringing about an amicable settlement of the disputes, the Counsellor may arrange meetings of the parties for reconciliation on the day fixed for the purpose and the parties shall be bound to attend the meetings.

(vii) The Counsellor may visit such place or places, as he may deem

necessary to for the purpose. However before visiting such places, he shall obtain previous permission of the Court.

(viii) If the parties amicably settle the matter, the settlement shall be recorded in writing by the Counsellor, and shall be duly signed by the parties, and it shall be immediately forwarded to the Family Court. The Family Court, shall examine the settlement, and if found just, fair and proper and also in accordance with law, pass a decree/order in terms of such settlement.

(ix) While giving directions the Judge may in consultation with the Counsellor present in Court, direct the parties to attend the specified Counsellor for the purpose of Counselling.

(x) Convenience of the parties, their special requirement and the area in which the unit of that Counsellor is attached, is located, shall be considered while choosing the Counsellor for the parties.

(xi) In case of any difficulty arising, in service of summons, as per the provisions of Civil Procedure Code and Criminal Procedure Code, the Family Court may adopt and other procedure as deemed fit, for the purpose.

(xii) The Counsellor or Counsellors shall, while assisting the Court, discharge their duties as per the directions of the Family Court, from time to time and also submit their report within the time fixed by the Family Court.

(xiii) The powers, duties and functions of the Counsellor shall be as prescribed in the Family Court Rules, 1991.

9. . :-

(i) The Family Court may if necessary permit the parties to be represented by a Legal Practitioner having regard to the nature of controversy, points of law involved and the education, understanding and other relevant background of the parties. The Family Court shall record the reasons for granting such permission, Permission so granted may be revoked by the Court at any of the proceedings, if the Court consider it just and necessary.

(ii) Such application for being represented by a lawyer shall be made, by such party to the Court, after giving notice to the other side of not less than two weeks prior to the date fixed for hearing of the petition.

10. Recording of evidence :-

(i) At the request of either party and if the Presiding Judge thinks it necessary and fit, the evidence before the Court may be permitted to be recorded by tape recorder.

(ii) Any such evidence, recorded on cassette by tape recorder, shall be a part of the record and be kept in the safe custody of the Family Court.

(iii) The Court shall also prepare a memorandum of substance of what the witness deposes, as provided under Sec. 15 of the Family Court Act, 1984.

(iv) In the event of any appeal or revision being filed before the High Court a party may within thirty days thereafter apply to the Court for transcription of the tape recorded evidence. Such transcription shall be supplied to the party concerned on payment of prescribed fees.

11. . :-

In cases, the Court, decides to follow, its own procedure as provided under Sec. 10 (3) of the Act for any particular matter it shall record its reasons for doing so.