

**SAURASHTRA LAND REFORMS AND THE SAURASHTRA
BARKHALI ABOLITION (GUJARAT REVENUE TRIBUNAL
PROCEDURE) RULES, 1966**

CONTENTS

CHAPTER 1 :- Preliminary

1. Short title
2. Definitions

CHAPTER 2 :- Offices of Tribunal, Sitting of Members and Distribution of Work

3. Head Office, and sub-offices of Tribunal
4. Sitting of members
5. Designated members to perform Presidents functions
6. Distribution of work
7. Procedure in case of absence of one of the two members of a bench
8. Deputy Registrars to exercise Registrars powers

CHAPTER 3 :- Presentation, Registration and Admission of Applications

9. Presentation of applications
10. Paper-book
11. Registration of application
12. Maintenance of Registers
13. Procedure on registering application
14. Stay of execution of orders
15. Record to be called for
16. Tribunal not to entertain applications (for revision) until all remedies are exhausted

CHAPTER 4 :- Hearing, Adjournment and Decision or Order

17. Persons competent to appear or act before the Tribunal
18. Notice to parties to appear before Tribunal
19. Procedure in case of non-appearance of parties
20. Restoration of application
21. Period of limitation for restoration of application
22. Fresh-evidence
23. Adjournment
24. Procedure in case of death of one of the applicants or of sole applicant

- 25. Procedure in case of death of one of several opponents or of sole opponent
- 26. Appointment of guardian for minor or lunatic opponent and exemption from inspection fees for such guardian
- 27. No abatement or dismissal by reason of death after hearing
- 28. Determination of legal representative
- 29. When abatement or dismissal under rule 24 or 25 may be set aside
- 30. Power to Tribunal to determine issues of facts
- 31. Hearing of application by member of Bench
- 32. Pronouncement of decision
- 33. Procedure when members of bench differ
- 34. Signing of decisions
- 35. Certain matters to be specified in decision

CHAPTER 5 :- Records, Inspection, Search and Copies

- 36. Records
- 37. Application for inspection
- 38. Grant of Inspection
- 39. Procedure regarding grant of inspection
- 40. Fees for inspection
- 41. Fees for copying and comparing
- 42. Fees for search of document
- 43. Fees to be paid in advance
- 44. Special Government Pleaders exempted from payment of fees under rules 40 to 42
- 45. Copies of decision
- 46. Document to be returned to parties

CHAPTER 6 :- Service of Notice and Process Fees

- 47. Service of notices
- 48. Process Fee

CHAPTER 7 :- Miscellaneous

- 49. Agent or Lawyer required to have proper authority to present application
- 50. Functions of the Registrar
- 51. Functions of Deputy Registrar and members of the office staff
- 52. Seal of Tribunal
- 53. All writs, etc. to be signed and sealed
- 54. Performance of duties during Presidents absence from head quarters
- 55. Performance of duties during designated members absence
- 56. Tribunal to follow provisions of Civil Procedure Code in matters not provided for in these rules

SAURASHTRA LAND REFORMS AND THE SAURASHTRA BARKHALI ABOLITION (GUJARAT REVENUE TRIBUNAL

PROCEDURE) RULES, 1966

No. GHM 1795-M-GRT-2865/14740-Z. dt 3-3-1967.- In exercise of the powers conferred by sub-section (2) of section 52 read with section 59 of the Saurashtra and Reforms Act, 1951 (Sau. XXV of 1951) and sub-section (2) of section 28 read with section 35 of the Saurashtra Barkhali Abolition Act, 1951 (Sau. XXVI of 1951), and in supersession of the Saurashtra Land Reforms and the Saurashtra Barkhali Abolition (Tribunal Procedure) Rules, 1952, the Government of Gujarat hereby makes after consultation with the Gujarat Revenue Tribunal the following rules, namely: -

CHAPTER 1

Preliminary

1. Short title :-

These rules may be called the Saurashtra Land Reforms and the Saurashtra Barkhali Abolition (Gujarat Revenue Tribunal Procedure) Rules, 1966.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(a) "The Act" means the Saurashtra Land Reforms Act, 1951 , or as the case may be, Saurashtra Barkhali Abolition Act, 1951 :

(b) "-application" means an application for revision made to the Tribunal under Section 52 of the Saurashtra Land Reforms Act, 1951 , or, as the case may be under Section 28 of the Saurashtra Barkhali Abolition Act, 1951 :

(c) "Deputy Registrar" means the Deputy Registrar of the Tribunal appointed under Section 6 of the Bombay Revenue Tribunal Act, 1957 , and includes any persons who is for the time being discharging the functions of the Deputy Registrar:

(d) "Designated member" means a member who is designated by the President from time to time, to act under any of the provisions of these rules:

(e) "Form" means a form appended to these rules:

(f) "Lowyer" means a Barrister-at-law or solicitor or any other person entitled to plead in any court of law in the State of Gujarat;

(g) "Member" means a member of the Tribunal and includes the President:

(h) "President" means the President of the Tribunal appointed under sub-section (2) of Section 3 of the Bombay Revenue Tribunal Act, 1957 :

(i) "Registrar" means the Registrar of the Tribunal appointed under Section 6 of the Bombay Revenue Tribunal Act, 1957 , and includes any person who is for the time being discharging the functions of the Registrar;

(j) "Rules" means the rules made under the Saurashtra land Reforms Act, 1951 , or as the case may be, the Saurashtra Barkhali Abolition Act, 1951 ;

(k) "Tribunal" means the Gujarat Revenue Tribunal constituted under Section 3 of the Bombay Revenue Tribunal Act, 1957 ;

CHAPTER 2

Offices of Tribunal, Sitting of Members and Distribution of Work

3. Head Office, and sub-offices of Tribunal :-

(1) The Head Office of the Tribunal shall be in Ahmedabad.

(2) There shall be a sub-office of the Tribunal at every place of sitting (Outside Ahmedabad) specified under S.8 of the Bombay Revenue Tribunal, Act, 1957.

4. Sitting of members :-

The President may direct one or more members to sit in Ahmedabad or at any other place of sitting.

5. Designated members to perform Presidents functions :-

The President may, subject to the provisions of these rules by a general or special order designate one of the members directed to work at a place outside Ahmedabad to perform such functions of the President under these rules as may be specified in the order.

6. Distribution of work :-

The President may by a general or special order direct that applications in respect of cases arising in any part of the State specified in the order shall be filed and disposed of in Ahmedabad or at any other place of sitting as the President may deem fit.

7. Procedure in case of absence of one of the two members of a bench :-

Whenever one of the two members constituting a bench is unable to attend the work, the other member may hear the cases fixed

before such bench with the previous approval of the President:

Provided that where it is not practicable to obtain the previous approval the member may report the matter to the President after the disposal of cases without any avoidable delay:

Provided further that the other member hearing such cases may reserve any of them for the decision of a bench to be constituted later.

8. Deputy Registrars to exercise Registrars powers :-

The Deputy Registrars in the sub-office of the Tribunal shall, in respect of applications arising from the arrears for which they are appointed, exercise such of the powers of the Registrar as may be delegated to them from time to time by the Registrar with the approval of the President.

CHAPTER 3

Presentation, Registration and Admission of Applications

9. Presentation of applications :-

(1) Subject to the provisions of rule 49, all applications made to the Tribunal shall be presented in person by the applicant, or by his duly appointed agent or lawyer to the Registrar or sent to him by post. Where applications are sent by post, they shall not be accepted unless due postage has been pre-paid.

(2) Every such applications shall-

- (a) either be typewritten or written in ink in legible hand;
- (b) specify the name and address of the applicant and of the opponent;
- (c) specify the provisions of the law under which it is filed;
- (d) clearly state the grounds of applications;
- (e) state the relief which the applicant claims;
- (f) if filed after the expiry of the period of limitation, state how the application filed is in time; and
- (g) contain a statement that no application in respect of the same matter has previously been filed.

(3) No application shall be accepted by the Registrar unless it complies with all the requirements laid down in sub-rule (2):

Provided that, an application may, with the sanction of the President, be accepted if the President is of the opinion that the compliance with any of those requirements in any particular case is not necessary.

(4) Every application presented under sub-rule (1) shall bear the court fee stamp of five rupees and be accompanied by-

(a) the decision or order (either in original or certified copy thereof) in respect of which such application is made;

(b) if the decision or order referred to in clause (a) is itself made in appeal against any decision or order, then also such latter decision or order either in original or a certified copy thereof: and

(c) as many copies thereof legibly written in ink or typewritten as there are opponents.

10. Paper-book :-

Every applicant shall furnish, along with the application a paper-book in triplicate consisting of a copy of the application and a copy of each of the documents referred to or relied on by the applicant.

11. Registration of application :-

(1) On receipt of an application, the Registrar shall endorse on it the date of its receipt by him and shall acknowledge its receipt. The Registrar shall as soon as possible examine it and on satisfying himself-

(i) that the person presenting it has the authority to do so, and

(ii) that it confirms to the provisions of the Act, the rules and these rules shall cause it to be registered in the appropriate register maintained under rule 12:

Provided that even where an application does not prima facie appear to have been made within the period of limitations specified in Section 55 of the Saurashtra Land Reforms Act, 1951 , or as the case may be Section 31 of the Saurashtra Barkhali Abolition Act, 1951 , the Registrar may cause it to be registered as aforesaid.

(2) If it appears to the Registrar that the application presented to him does not confirm to any of the provisions of the Act, the rules and these rules, he shall return it to the applicant with an endorsement specifically pointing out the defect on account of which the application could not be registered. If the defects are

such as can be cured, the endorsement shall also state the period not exceeding 30 days within which the application can be refilled after curing the defect by the applicant.

(3) If the party concerned or his agent or lawyer re-files the application within the period stated under sub-rule (2) after curing all the defects pointed out, the application shall be registered as aforesaid.

(4) If the party concerned or his agent or lawyer re-files the application after the expiry of the period stated under sub-rule (2) or fails to cure or explain any of the defects pointed while refilling the application, the Registrar shall after registering the application proceed under the provisions of rule 13.

12. Maintenance of Registers :-

The Registrar shall maintain separate registers for-

(i) applications for revision in form A:

(ii) applications for restoration of an application in Form B.

13. Procedure on registering application :-

(1) Where an application has been registered, the Registrar shall, as soon thereafter as possible, place it before the Tribunal for preliminary hearing. A notice of preliminary hearing shall be given to the applicant or to his duly appointed agent or lawyer, or both as directed by the Tribunal.

(2) A notice under sub-rule (1) shall state that if the applicant does not appear before the Tribunal either in person or through an agent or lawyer on the date mentioned/in the notice, the application shall be heard and decided ex-parte.

(3) The Tribunal may, for sufficient reasons, admit or reject the application:

Provided that, no application for revision shall be rejected without giving reasons in writing for doing so.

(4) For the purpose of making an order under sub-rule (3), the Tribunal may direct the Registrar to call for the record and proceedings relating to the application under consideration, or any other papers or documents, from the Collector or the authority concerned:

Provided that the record and proceeding shall not be called nor processes issued unless the process fee payable under rule 48 has been duly received by the Registrar.

14. Stay of execution of orders :-

(1) Pending a decision on an application, the Tribunal may direct the execution of any order against which the application is made to be stayed on such conditions as it may deem fit.

(2) An order made under sub-rule (1) may be vacated or modified by the Tribunal provided that prior notice is given to the person in whose favour such order has been made to show cause why it should not be so vacated or modified.

15. Record to be called for :-

(1) In all cases in which the record and proceedings have been not called for under the provisions of sub-rule (4) of rule 13, the Registrar shall, as soon as may be, after the requisite process fees are paid and an application is admitted, call for the record and proceedings relating to such application from the Collector or any other authority concerned.

(2) When any record and proceedings are called for by the Registrar under sub-rule (1) of this rule or under sub-rule (4) of rule 13, the Collector or the authority concerned shall send with such record and proceedings a diary in chronological order showing the date on which such proceedings were commenced and the dates and pages of the principal orders passed and important papers or maps or plans filed in such proceedings.

16. Tribunal not to entertain applications (for revision) until all remedies are exhausted :-

The Tribunal shall not entertain any application unless it is satisfied that the applicant, has exhausted all other remedies, if any available to him under the law for the time being in force.

CHAPTER 4

Hearing, Adjournment and Decision or Order

17. Persons competent to appear or act before the Tribunal :-

The Tribunal may permit any party to appear or act by a lawyer in any application.

18. Notice to parties to appear before Tribunal :-

After an application is admitted, a notice shall be served on the parties concerned in accordance with the provisions of rule 47 calling upon them to appear before the Tribunal on the date specified in the notice. The notice shall also state that if the party concerned does not appear- before the Tribunal either in person or through an agent or a lawyer on the date specified in the notice or any subsequent date to which the hearing may be adjourned, the Tribunal shall hear and decide the application ex-parte.

19. Procedure in case of non-appearance of parties :-

(1) If on the date fixed for hearing to any other subsequent day to which the hearing may be adjourned, the applicant does not appear either in person or through his agent or lawyer when the application is called for hearing, the Tribunal may dismiss the application or may decide it on merits after hearing the opponent or his agent or lawyer, if present.

(2) If on the date fixed for hearing or on any other subsequent day to which the hearing may be adjourned, the opponent does not appear in person or through his agent or lawyer, when the application is called for hearing, the Tribunal may decide it on merits, after hearing the applicant or his agent or lawyer.

(3) If there be doubt as to whether a party has been served with notice issued rule 18, the Tribunal may decide the application without issuing a fresh notice.

(a) If the said party be the applicant, or one of the applicants, and the Tribunal is of the opinion that the application should be wholly allowed, or;

(b) If the said party be the opponent, or one of opponents, and if the Tribunal is of the opinion that the application should be wholly dismissed or rejected.

20. Restoration of application :-

If any of the parties was absent on the date of the hearing, either preliminary or final, and the application was heard, and decided ex-parte, the party concerned may apply for restoration of the application to its file and if the party satisfies the Tribunal that it had no notice of the date of the hearing or that it was prevented by sufficient cause from appearing when the application was called for hearing, the Tribunal may restore the application to its file:

Provided that where the other party had appeared in the application such party shall be given notice and an opportunity of being heard before the order for restoration of the application is made.

21. Period of limitation for restoration of application :-

(1) An application for restoration of an application made under rule 20 shall be filed within 30 days from the date of the receipt of the order deciding the application ex-parte and shall be accompanied by-

(a) a certified copy of the Tribunal's order:

(b) the decision or order (either in original or a certified copy thereof) in respect of which application sought to be restored is made:

(c) where the decision or order referred to in clause (b) is made in appeal against any decision or order the last mentioned decision or order either in original or a certified copy thereof:

(d) as many copies of the restoration of application as there are opponents.

22. Fresh-evidence :-

(1) No party to an application for revision shall be entitled to adduce fresh evidence, whether oral or documentary, before the tribunal. The Tribunal may accept documents tendered by a party or call for them, if it is of the opinion that they are necessary for deciding the application provided that the other party shall in that case be entitled to produce rebutting evidence.

(2) A party desiring to produce such documents shall file three copies of such documents and shall serve a fourth copy thereof on the opposite party.

(3) The Tribunal may direct the Collector or any authority concerned against whose order an application is made to make such further investigation or to take additional evidence directly or through any subordinate as it may think necessary.

(4) Where fresh evidence has been adduced under sub-rule (1) or a further investigation is made or additional evidence is taken under sub-rule (3), the parties may, if they so desire address the Tribunal on points arising out of the fresh or additional evidence or further

investigation.

23. Adjournment :-

The Tribunal on receipt of an application for adjournment giving the grounds therefor may, for sufficient reasons, adjourn at any stage, the hearing of an application on such terms as it thinks fit:

Provided that, the hearing may also, for sufficient reasons, be adjourned suo-motu by the Tribunal, or the president on such terms as may be deemed fit.

24. Procedure in case of death of one of the applicants or of sole applicant :-

If an application dies while the application is pending and it can not be proceeded with unless his legal representative is made a party to the application, the Tribunal shall adjourn further proceedings to enable his legal representative to appear and apply for being made a party. If the legal representative fails to do so within 90 days from the date on which the applicant dies, the application shall abate as regards the deceased, and if he be the sole applicant, the application shall be dismissed: and if there are more applicants than one it shall be proceeded with as regards the remaining applicants.

25. Procedure in case of death of one of several opponents or of sole opponent :-

If an opponent dies while the application is pending, and it can not be proceeded with unless his legal representative is made a party to the application, the applicant shall apply to the Tribunal for making the legal representative of such opponent a party to the application within 90 days from the date on which the opponent died. If the applicant fails to do so, the application shall abate as regards the deceased. If the deceased be the sole opponent, the application shall be dismissed; and if there are more opponents than one it shall be proceeded with as regards the remaining opponents.

26. Appointment of guardian for minor or lunatic opponent and exemption from inspection fees for such guardian :-

Where an opponent in any application filed before the Tribunal is a minor or a lunatic and there is no guardian for such minor or lunatic, the Tribunal may before proceeding with such application, appoint any officer of the Tribunal or any other person willing to act as a guardian for such minor or lunatic for the purposes of such

application. The officer or persons so appointed shall be entitled to inspect, search or obtain copies of any document in the record of such application without payment of fees fixed therefor by these rules.

27. No abatement or dismissal by reason of death after hearing :-

Notwithstanding anything contained in rule 24 and 25, there shall be no abatement or dismissal by reason of the death of any party, between the conclusion of the hearing and the passing of the order of the Tribunal, but the order may in such case be made notwithstanding the death and shall have the same force and effect as if it had been made before the death took place. No legal representative need be made a party in such case.

28. Determination of legal representative :-

If a question arises in any application whether a person is or is not the legal representative of deceased party, it may be determined by the Tribunal in a summary way after taking evidence, if necessary.

29. When abatement or dismissal under rule 24 or 25 may be set aside :-

Where an application has abated or been dismissed under rule 24 or 25, the applicant or a person claiming to be the legal representative of a deceased applicant, as the case may be, may apply within sixty days from the date of abatement or dismissal of the application to have the abatement or dismissal set aside and if it is proved to the satisfaction of the Tribunal that he was prevented by sufficient cause from applying within time, the abatement or dismissal shall be set aside by the Tribunal and the application proceeded with:

Provided that, an application under this rule may be admitted after the aforesaid period of sixty days where the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.

30. Power to Tribunal to determine issues of facts :-

In any application the Tribunal may, if the evidence on the record is sufficient, determine any issue of fact necessary for the disposal of the application which has not been determined by the authority against whose order the said application has been made, or which has been wrongly determined by such authority.

31. Hearing of application by member of Bench :-

(1) The President shall have power to direct any single member to hear any application, or class of applications, or to constitute benches of two or more members of the Tribunal including himself for the hearing of such application or class of applications.

(2) The member so directed or the bench so constituted shall hear and dispose of applications allotted to him or it for hearing and disposal.

(3) The President may transfer any application allotted to such member or bench to any other member or bench for hearing and disposal.

(4) In applications other than those allotted or transferred to a single member of hearing and disposal under sub-rule (1) or (3) a single member shall not have any power to pass an order other than an order-

(a) admitting the application under sub-rule (3) of rule 13:

(b) calling for record and proceedings under sub-rule (4) of rule 13:

(c) granting or rejecting the request for staying the execution of an order under sub-rule (1) of rule 14:

(d) vacating or modifying the order staying the execution of an order under sub-rule (2) of rule 14:

(e) granting or rejecting a request for restoring application to file under rule 20;

(f) of abatement or dismissal of the application under rule 24 or 25:

(g) determining the legal representative under rule 28:

(h) setting aside the order of abatement or dismissal under rule 29:

(i) on any order interlocutory application in relation to an application:

(j) rejecting or dismissing the application on the ground that-

(i) the applicant has failed to cure or explain any of the defects pointed out or that the application has been filed after the expiry of the period stated under sub-rule (2) of rule 11:

(ii) the applicant has failed to pay the requisite process fees under

rule (3) of rule 48. or

(iii) the applicant withdraws or does not wish to prosecute or proceed with his application.

32. Pronouncement of decision :-

(1) When the hearing of an application is over, the Tribunal may pronounce its decision forthwith or may fix a date for the same. The Tribunal may also after pronouncing its decision fix a date for giving reasons therefor. Such date shall be notified on the notice board in the office of the Tribunal. On the date so fixed the decision signed by the member who or the members of the bench which heard the application may be pronounced by that member or any member of the said bench.

(2) Every decision of the Tribunal, shall be in writing and pronounced in open court.

33. Procedure when members of bench differ :-

(1) Where a bench consists of two members one of whom is the president and the members differ, the opinion of the President shall prevail.

(2) Where a bench consists of more than two members and the members differ, the opinion of the majority shall prevail and when such a bench is equally divided the opinion of the President, if he is one of the members, shall prevail.

(3) Where the President is not one of the members of the bench and the members of the bench are equally divided, the application shall be referred to the President, who may either decide it himself, or, if he is of the opinion that the application involves an important point of law, he may constitute special bench consisting of himself and one or more members for deciding it.

(4) Notwithstanding anything contained in these rules, the powers of the President under sub-rule (1), (2) and (3) shall not be exercised by a designated members.

34. Signing of decisions :-

(1) Where the decision is unanimous, it shall be signed by all the member.

(2) Where the decision is not unanimous, it shall be signed by each

of the members whose decision is to prevail under rule 33. A dissenting member may also write his decision and record his opinion on the points on which he dissents. If the dissenting member does not write his decision separately, he shall state below the decision, which prevails, that he dissents and sign an endorsement to that effect. Whether a dissenting member complies with the foregoing provisions or not, the decision which prevails under rule 33 shall operate as the decision of the Tribunal.

35. Certain matters to be specified in decision :-

The Tribunal shall state at the end of its decision whether the application is dismissed, or allowed, wholly or in part, and mention the relief, if any granted to the applicant and the costs, if any awarded.

CHAPTER 5

Records, Inspection, Search and Copies

36. Records :-

The records of the Tribunal shall be kept in the custody of the Registrar.

37. Application for inspection :-

Any person who has a right to inspect of record under the provisions of the Evidence Act, 1872 , or under any other law for the time being in force, or to obtain copies of any records of the Tribunal or extracts therefrom, may make an application in writing to the Registrar, stating therein the purpose for which the said request is made. Such application shall, except when the application is made by a special Government Pleader in respect of documents from the records relating to a case in which he acts or appears, be accompanied by requisite fee provided for in rules 40 to 43.

38. Grant of Inspection :-

If the Registrar satisfied that the application is in order and is accompanied by the requisite fee, shall grant the application.

39. Procedure regarding grant of inspection :-

(1) When any application under rule 37 is received, the Registrar shall endorse on it the date on which it is received by him and pass an order thereon. If the said application is granted, he shall also endorse on it-

(a) the date on which inspection of the records was allowed or

copies thereof were given;

(b) the amount of the fees received from the applicant; and

(c) the name of the person in whose presence the inspection was allowed.

(2) Inspection of any records of the Tribunal shall not be allowed except in the presence of an official of the Tribunal appointed in that behalf by the Registrar.

40. Fees for inspection :-

The fee for inspection of Record shall be Re. 1 per case, per day or part thereof on which such inspection was allowed and fee shall be recovered in the form of Court fee stamps.

41. Fees for copying and comparing :-

Subject to the provisions of rule 45, the fees for copying and comparing a document a copy of which is granted, shall be as follows:-

(a) Copying fees.- 25 paise for every 200 words or fraction thereof and double this rate if the original is in a tabular form.

(b) Comparing fees.- Half the copying fees chargeable under clause (a) subject to the minimum of Rs. 1:

Provided that, if a cyclostyled copy of the decision of the Tribunal is supplied, no comparing fee shall be charged.

42. Fees for search of document :-

When an application is made for inspection or for a copy of any records of the Tribunal or extracts therefrom and such application does not distinctly describe the number, date and nature of the document of which inspection or copy is required, or if the description of such document given in the application is incorrect and it consequently becomes necessary to search the records to find it. a search fee of Rs. 5 in the form of court fee stamps for every day a part thereof on which such search is made shall be payable, whether after examination of the document by the Registrar the application for inspection or copy is granted or not.

43. Fees to be paid in advance :-

The fees prescribed for furnishing a copy of a document shall be calculated in advance and shall also be paid in cash or sent by a money order in advance:

Provided that, if the fees cannot be calculated in advance, a sum of not less than Rs. 10 shall be deposited by the applicant before a copy of any document is furnished to him.

44. Special Government Pleaders exempted from payment of fees under rules 40 to 42 :-

The Special Government Pleaders attached to the Tribunal shall be entitled to inspect, search or obtain copies of any document from the records relating to the cases in which they act to appear, without payment of fees specified in rules 40 to 42.

45. Copies of decision :-

A certified copy of the final decision passed by the Tribunal on any application shall be sent free of cost by the Registrar as soon as practicable to:-

- (a) The first applicant,
- (b) The first opponent,
- (c) Each of the other applicants or opponents applying for it,
- (d) The collector or other authority concerned, and when so directed by the President to
- (i) Any member Of the Tribunal,
- (ii) The Secretary to the government of Gujarat, Revenue Department,
- (iii) Those persons or authorities whom the President or the Registrar directs from time to time:

Provided that, additional copies of the final decision of the Tribunal, if asked for by the parties to the proceedings, shall not be supplied except on payment of the requisite fees under rule 41.

46. Document to be returned to parties :-

The original or certified copies of documents filed with an application shall after the application is dismissed ordinarily be returned to the party concerned, after obtaining from it uncertified copies thereof for record.

CHAPTER 6

Service of Notice and Process Fees

47. Service of notices :-

- (1) The notice issued to any party by or under the authority of the

Tribunal under these rules shall be served by any of the following methods, namely:-

(i) by personal delivery of a copy of the notice to the addressee or his agent or lawyer:

(ii) by registered post.

(2) Where the Tribunal or the President is satisfied that there is reason to believe that notice cannot be served in the manner provided in sub-rule (1) the Tribunal or the President shall order the notice to be served-

(a) by the applicant on the person interested.

(b) through the Mamlatdar, or Mahalkari, or

(c) by affixing a copy thereof on the notice board in the office, or as the case may be, sub-office of the Tribunal, a second copy at the Chavdi or Chora of the village in which the addressee is known to have last resided or carried on business or personally worked for gain, and a third copy at some conspicuous part of the house, if any, in which such addressee is known to have last resided or carried on business or personally worked for gain, or

(d) by publishing the notice in a newspaper which have vide circulation in the locality.

(3) When service is made by post, th service shall be deemed to have been effected by properly addressing prepaying and posting by registered post, the notice and the unless the contrary is proved, the service shall be deemed to have been affected at the time at which the notice would be delivered in the ordinary course of postal business.

(4) If the Tribunal permits the applicant to serve the notice upon the interested persons, the notice shall be deemed to have been served if the applicant produces satisfactory documentary evidence of such service duly attested by the village officer of the village in which the person on whom the notice is served ordinarily resides or is available.

(5)

(a) If the Tribunal directs that notice shall be sent for service to the Mamlatdar or Mahalkari of the Taluka or Mahal, within whose jurisdiction the party to be served resides, such Mamlatdar or as

the case may be, Mahalkari, shall have the notice or a copy thereof served through the village officer without any avoidable delay.

(b) Where the officer serving such notice delivers or tenders the notice or a copy thereof to the addressee or his agent or lawyer, he shall require the signature of the person to whom the said notice or copy is so delivered or tendered to be made thereon as acknowledgment of service and he shall return such notice or copy of the Mamlatdar or as the case may be, the Mahalkari with an endorsement, stating the time when, the manner in which such notice or copy was served and the name and address of the person, if any, identifying the person served and witnessing the delivery or tender of the notice. The Mamlatdar, or as the case may be, the Mahalkari shall thereupon, with the least possible delay, return the said notice or copy along with the said endorsement of the officer concerned, to the Registrar.

(6) When, the notice is served by affixing copies thereof in accordance with clause (c) of sub-rule (2), the officer serving it shall return the original to the Mamlatdar, or as the case may be, the Mahalkari or to the Registrar with a report endorsed thereon or annexed thereto, stating that he has so affixed a copy, the circumstances under which he did so and the name and address of the person by whom the address's place of residence or business, present or past, was identified and in whose presence the copy was affixed. Where the notice, alongwith such report, is received by the Mamlatdar or the Mahalkari such officer shall, without any avoidable delay, return such notice and report to the Registrar.

(7) When a notice is served under this rate-

(a) the signature purporting to be that of the person served.

(b) any endorsement purporting to have been made by postal officer such as refusal to accept or the person concerned not being found or known, or

(c) any endorsement purporting to have been made by a Revenue Officer regarding service or substituted service; shall, until the contrary is proved, be deemed to be a true signature or, as the case may be a correct statement of the facts stated in such endorsement.

(8) If it appears to the Registrar that a notice has been served in accordance with this rule he shall make an endorsement to that

effect. If the Tribunal is satisfied, either from the record or by taking such evidence as it deems necessary, that the notice has not been properly served, it may direct the issue of a fresh notice.

(9) The provisions of the rule shall apply to the service of any other process issued by or under the authority of the Tribunal.

48. Process Fee :-

(1) When an application is admitted under sub-rule (3) of rule 13 or orders are passed for calling for record and proceedings of the application, the applicant shall be served with a notice to pay process fee of Rs. 1 into the form of court fee stamps to the Registrar within 10 days of the date of receipt of the notice in respect of each process to be issued.

(2) If the Tribunal finds that the notice is not likely to be served in the ordinary way mentioned in sub-rule (1) of rule 47 on account of incorrect address given by the applicant or for any other reason whatsoever an additional process fee not exceeding Rs. 3 shall be charged and the applicant shall be served with a notice to pay such fee in the form of court-fee stamps to the Registrar within ten days of the date of receipt of the notice.

(3) If the applicant fails to pay the process fee within the aforesaid period the application shall be liable to be dismissed.

(4) Nothing in this rule shall apply where the State Government is an applicant.

CHAPTER 7

Miscellaneous

49. Agent or Lawyer required to have proper authority to present application :-

No agent or lawyer shall present an application for revision, or appear or act for any party in any application made to the revision, or appear or act for any party in any application made to the Tribunal unless he has been appointed for the purpose by such party by a document in writing signed by such party or by his recognised agent or by some person duly authorised by or under a power of attorney to make such appointment. Every such document shall bear the requisite court fee stamp and contain full address of the agent or lawyer and shall be produced before the Tribunal.

50. Functions of the Registrar :-

The Registrar shall exercise such functions as are assigned to him by these rules or by the President.

51. Functions of Deputy Registrar and members of the office staff :-

The Deputy Registrar and the officers or members of the office staff shall perform such functions as are assigned to them by the President, or with the permission of the President, by the Registrar.

52. Seal of Tribunal :-

The Tribunal shall have an official seal of its own. which shall be kept in the custody of the Registrar.

53. All writs, etc. to be signed and sealed :-

Every write, summons, notice or other process and every order, decision or certified copy of any document shall be signed by the Registrar with the day and year of signing and shall be sealed with the official seal of the Tribunal.

54. . Performance of duties during Presidents absence from head quarters :-

The President may empower any of the members to perform any of the duties to be performed by him under these rules during his absence from the head quarters.

55. Performance of duties during designated members absence :-

The President may authorise a designated member to empower any other member directed to work at a place outside the Ahmedabad to perform any of the duties entrusted to him by the President during his absence from such place.

56. . Tribunal to follow provisions of Civil Procedure Code in matters not provided for in these rules :-

The Tribunal shall, in any matter not provided for in these rules, follow as far as possible, the procedure, as far as it may be applicable laid down in the Code of Civil Procedure. 1908 in its application to the State of Gujarat.