

BOMBAY TENANCY AND AGRICULTURAL LANDS (BOMBAY REVENUE TRIBUNAL PROCEDURE) RULES, 1958

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SCHEDULE 1 :- FORM OF CERTIFICATE

BOMBAY TENANCY AND AGRICULTURAL LANDS (BOMBAY REVENUE TRIBUNAL PROCEDURE) RULES, 1958

[Vide R.D.No.BRT.1058/183695-B, dated 19.3.1959 issued by Government under Section 82 read with Section 76 of the Bombay Tenancy and Agricultural Lands Act, 1948, in supersession of the Bombay Tenancy and Agricultural Lands (Bombay Revenue Tribunal Procedure) Rules, 1958]

CHAPTER 1

Preliminary

1. Short title :-

These rules may be called the BOMBAY TENANCY AND AGRICULTURAL LANDS (BOMBAY REVENUE TRIBUNAL PROCEDURE) RULES, 1958

2. Definition :-

In these rules, unless the context otherwise requires,

(a) "Act" means the Bombay Tenancy and Agricultural Lands Act, 1948;

(b) "Application" means an application for revision made to the Tribunal under Section 76 of the Act.

(c) "Deputy Registrar" means the Deputy 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 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) "Lawyer" means a Barrister-at-law or Solicitor or any other person entitled to plead in any Court of law in this State;

(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) "Tenancy Rules" means the Bombay Tenancy and Agricultural Lands Rules, 1956 ;

(k) "Tribunal" means the Bombay 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 Greater Bombay.

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

4. Sitting of Members :-

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

5. Designated members to perform certain functions :-

1

(1) The President may, subject to the provisions of sub-rule (2), by a general or special order, designate one of the members directed to work at a place outside Greater Bombay to perform such functions as may be specified in the orders.

(2) It shall generally be the duty of the designated member to supervise the enforcement of these rules by the staff of the Tribunal in matters of registration of applications and issuing notices upon admission of such applications and in particular, the designated member shall be responsible for getting all such applications scrutinized and registered under these rules without undue delay. He shall also be responsible for promptly communicating to the parties concerned, the decisions of orders of the Tribunal.

1. Subs. by G.N. of 16.2.1968

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 Greater Bombay 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- offices of the Tribunal shall, in respect of applications arising from the area 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 prepaid.

(2) Every such application 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 application;
- (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 the requirements laid down in clauses (a) to (g) of sub-rule (2):

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

(4) Every application presented under sub-rule (1) shall be accompanied by -

(a) the decision or order (either in original or a 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 type written as there are opponents.

10. Paper-book :-

Every applicant shall furnish along with the application a paper-book in triplicate consisting a copy of the application and a copy of each of the orders of the lower authorities.

11. Registration of applications :-

12[

(1) An application may be presented to the Registrar by the applicant either in person or through his authorised agent or sent by registered post. On receipt of the application, the Registrar shall endorse on it the date of its receipt by him and acknowledge its receipt.

(2) Within seven days from the date of receipt of the application by the Registrar, the Registrar shall examine the application and shall satisfy himself -

(a) that the person presenting it has authority to do so; and

(b) that it conforms to the provisions of the Act, the Tenancy Rules

and these Rules.

(3) If it appears to the Registrar that the application satisfies that conditions specified in sub-rule (2), he shall cause it to be registered in the appropriated register maintained under rule 12.

(4) Where the Registrar is of opinion that the application does not conform to any of the condition specified in sub-rule (2), he shall intimate to the applicant or his duly authorised agent or lawyer, the defects, on account of which the application could not be registered, and shall require the applicant to cure the defects, either in person or through post, ³[within two months] from the date of the said intimation.

(5) If the applicant or his duly authorised agent or lawyer cures all the defects pointed out within the period fixed under sub-rule (4), the application shall be registered as aforesaid.

⁴ (6) Where the applicant or his duly authorised agent or lawyer cures the defects after the expiry of the period specified in sub-rule (4) or fails to cure any of the defects pointed out to him within the said period, the Registrar shall proceed under the provisions of Rule 13 as if the application has been registered. The Registrar shall also bring to the notice of the Tribunal whether or not the applicant has cured the defects pointed out to him, and where any prayer for a stay order made by the applicant has been placed before the Tribunal before proceeding under the provisions of Rule 13, the Registrar shall indicate whether any stay was granted by the Tribunal under Rule 14.

(7) Where the applicant is allowed under sub-rule (4) to cure the defects and also granted stay under Rule 14 before the application was registered or before the Registrar has proceeded under Rule 13 as if the application had been registered, the Tribunal shall examine the question whether stay should be vacated or contained pending the hearing and disposal of the application, when the application is placed before it by the Registrar, and shall make an order for vacating or continuing the stay: Provided that, no such order shall be made without hearing the parties concerned.

(8) If it appears to the Registrar that the application conforms to all the conditions specified in sub-rule (2), but has been presented after the expiry of the limitation period prescribed therefore by or

2. Subs. by G.N. of 20.3.1975
3. Subs. by G.N. OF 20.3.1975.
4. Renumbered by G.N. of 20.3.1975

12. Maintenance of register :-

The Registrar shall maintain separate registers for -

(1) applications 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.

(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 shall be rejected without giving reason 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 proceedings shall not be called nor processes issued unless the process fee prescribed under Rule 47 is duly received by the Registrar.

14. Stay of execution of orders :-

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

1. Deleted by G.N. of 20.3.1975

15. Record to be called for :-

(1) In all cases in which the record and proceeding are not called for under the provisions of sub-rule (4) of Rule 13, the Registrar shall, as soon as may be, after the prescribed 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 when such proceedings were commenced and the dates and pages of the principal order passed and of important papers or maps or plans filed in such proceedings.

16. Tribunal not to entertain applications until all remedies are exhausted :-

The Tribunal shall not entertain any application unless it is satisfied that the applicant, has exhausted all other remedies 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 lawyer if 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 46 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 lawyer on the date specified in the notice or any subsequent date to which the hearing may be adjourned, the Tribunal will hear and decide the application ex-parte.

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

(1) If on the date fixed for hearing or 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 respondent 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 the same 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 under 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 if the Tribunal is of the opinion that the application should be wholly allowed, or

(b) if the said party be opponent, or one of the 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 application as there are opponents.
- (2) The Tribunal may for sufficient reasons admit an application for restoration of application to file, notwithstanding that such application is made after the expiry of the period of limitation prescribed under sub-rule (1).

22. Fresh evidence :-

- (1) No party to an application 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 subordinates 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 :-

¹ [Subject to the provisions of sub-rule (4) of Rule 47, the tribunal on receipt of an application] for adjournment giving the grounds therefore 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.

1. This is added by R.D.Notification No.MRT2259/64059-B, dated 28.11.60 M.G.G.Pt.IV-B, p. 362, dt.8.12.60

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

If an applicant dies while the application is pending and it cannot 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 died 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 than one applicants it shall be proceeded with as regards the remaining applicants.

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

If an opponent dies while the application is pending, and it cannot 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 than one opponents it shall be proceeded with as regards the remaining opponents.

26. No abatement by reason of death after hearing :-

Notwithstanding anything contained in rules 24 and 25, there shall be no abatement 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 passed notwithstanding the death and shall have the same force and effect as if it has been made before the death took place. No legal representative need be made party in such case.

27. Determination of legal representative :-

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

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

Where an application has abated or has been dismissed under Rule 24 or RULE 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 Tribunal and the application proceeded with:

Provided that an application under this rule may be admitted after the aforesaid period of 60 days from the date of abatement or dismissal, where the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.

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

In any application the Tribunal may, if the evidence on the record is sufficient, determine any issues 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 ¹ [by reason of any such illegality, omission or defect as is referred to in Sub-Section (1) of Section 76 of the Act.

1. This is added by R.D.Notification No.MRT2259/64059-B, dated 28.11.60 M.G.G.Pt.IV-B, p. 362, dt.8.12.60

30. Hearing of applications by member or Bench :-

(1) The President shall have power to direct any single member to hear any application or any class of applications or to constitute Benches of two or more members of the Tribunal including himself for the hearing of such application or such 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) If applications other than those allotted or transferred to a single member for hearing and disposal under sub-rule (1) and (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 order under sub-rule (2) of rule 14;

(d) vacating or modifying the order staying the execution of 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 and RULE 25;

(g) determining the legal representative under Rule 27;

(h) setting aside the order of abatement or dismissal under Rule 28;

(i) on any other interlocutory application in relation to an application;

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

¹ [(i) the applicant has failed to cure the defects pointed out to him or his agent or, as the case may be, his lawyer within the period fixed under sub-rule (4) of Rule 11, or that the application has been refilled after the expiry of the period fixed under sub-rule (7) of that rule;]

(ii) the applicant has failed to pay the prescribed process fee under sub-rule (3) of Rule 47; or

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

1. Substituted by G.N. of 5.7.1965.

31. 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 therefore. 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 members of the Bench which heard the application may be pronounced by any member of the said Bench.

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

32. 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 and are not able to come to a decision, 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 a Special Bench consisting of himself and one or more members for deciding the same:

Provided that the powers of the President under sub-rules (1), (2) and (3) shall not be exercised by a designate member.

33. Signing of decisions :-

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

(2) Where the decision is not unanimous it shall be signed by the members whose decision is to prevail under Rule 32. The dissenting member or members may also write his or their decision and record his or their opinion on the points on which he dissents or they dissent. If the dissenting member or members does not or do not write his or their decisions separately, he or they shall state below

the decision, which prevails, that he or they dissents or dissent and sign an endorsement to that effect. Whether the dissenting member or members complies or comply with foregoing provisions or not, the decision which prevails under Rule 32 shall operate as the decision of the Tribunal.

34. 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 also award the costs, if any.

34A. Intimation of decision :-

¹ [As soon as may be after a decision is pronounced by the Tribunal, the Registrar shall arrange to give intimation thereof to the first applicant and the first opponent.

1. Ins. by G.N. of 5.7.1965.

CHAPTER 5

Records, Inspection, Search and Copies

35. Records :-

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

36. Application for inspection :-

Any person who has a right to inspect a 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, shall make an application in writing to the Registrar, stating therein the purpose for which the said request is made. Such application shall be accompanied by inspection fee or, as the case may be, the copying fee provided for in Rule 39 to RULE 42.

36A. Certification of copies of records of Tribunal :-

1

(1) Any person referred to in Rule 36 who is in possession of uncertified copies of any records of the Tribunal (not being decisions of the Tribunal) or of extracts therefrom may apply to the Registrar for certifying such copies to be true copies of the original. Every such application shall be accompanied by the comparing fee as provided for in Rule 40.

(2) If the Registrar is satisfied that the applicant is a person

referred to Rule 36 and the copies in his possession are neatly typed on good paper and are true copies of the original, he may certify them to be true copies of the original.

1. Ins. by G.N. of 1.4.1977

37. Grant of Inspection :-

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

38. Procedure regarding grant of inspection :-

(1) When any application under Rule 36 is received the Registrar shall endorse on it the date on which it is received by him and pass an order thereon. If the 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.

39. Fees for inspection :-

The fee for inspection of record shall be Rs. 1 per case, per-day or part thereof on which such inspection was allowed and the fee shall be recovered in the form of court fee stamps.

40. Fees for copying and comparing :-

Subject to the provisions of Rule 44, 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 fee :- Half the copying fees chargeable under clause

(a) subject to the ¹ [maximum] of] Re. 1 :

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

1. Subs. by G.N. of 29.7.1963

41. 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 a 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 or part thereof on which such search is made shall be payable, whether after examination of the document by the Registrar the application for inspection of copy is granted or not.

42. 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.

43. Exemption to (Special) Government Pleaders from payment of fees under the rules :-

(1) The (Special) Government Pleaders, attached to the Tribunal may take inspection and search and obtain copies of documents from the records relating to cases, in which they act or appear, without payment of fees prescribed under Rule 39 to RULE 41.

44. Copies of decision :-

A certified copy of the final decision passed by the Tribunal on any application [shall be supplied] free of cost by the Registrar as soon as practicable to

(a) any applicant or opponent, on application;

(b) the Collector or other authority concerned] and when so directed by the President to -

(i) any or all members of the Tribunal;

(ii) the Commissioner of the Division concerned; and

(iii) the Secretary to Government of Bombay, Revenue Department:

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 fees prescribed under Rule 40:

[Provided further that, no such certified copy shall be sent by post, unless the applicant or opponent pays a fee of one rupee in the form of court-fee stamps]

45. Documents to be returned to parties :-

The certified or original copies of documents filed with the application shall ordinarily be returned to the party concerned. No such copies shall be returned by post unless the party pays a fee of one rupee in the form of court-fee stamps.

CHAPTER 6

Service of Notice and process fees

46. Service of notices :-

(1) The notices 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 or the person interested;

(b) through the Mamlatdar, Mahalkari or Tahsildar;

(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 has circulation in the locality.

(3) when service is made by post, the service shall be deemed to have been effected by properly addressing, prepaying and posting by registered post, the notice and, unless the contrary is proved, the service shall be deemed to have been effected 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 person, the notice shall be deemed to have been served if the applicant produce 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 a notice shall be sent for service to the Mamlatdar or Mahalkari of the Taluka or Mahal or Tahsildar of a Tahsil within whose jurisdiction the party to be served resides, such Mamlatdar, Mahalkari or, as the case may be, the Tahsildar shall have the notice or a copy thereof served through the village officer with the least possible 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 if so delivered or tendered to be made thereon as acknowledgment of service, and he shall return such notice or copy to the Mamlatdar, Mahalkari or, as the case may be, the Tahsildar with an endorsement stating the time when, and 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, the Mahalkari, or as the case may be, the Tahsildar 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 sub-rule (2)(c), the officers serving it shall return the original to the Mamlatdar, Mahalkari or as the case may be, the Tahsildar or to the Registrar with a report endorsed thereon or annexed thereto, stating that he so affixed a copy, the circumstances under which he did so and the name and address of the person by whom the addressee's place of residence or business,

present or past, was identified and in whose presence the copy was affixed. In case the notice, along with such report, is received by the Mamlatdar or Mahalkari or Tahsildar such officer shall, with the least possible delay, return such notice and report to the Registrar.

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

(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;

(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 this rule shall apply to the service of any other process issued by or under the authority of the Tribunal.

47. 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 ¹[process fee as provided in sub-rule (1A)] in the form of Court fee stamps to the Registrar within 10 days of the date of the receipt of the notice.

² [(1-A) The process fee payable under sub-rule (1) shall be as follows, that is to say -

(a) where the opponent is one or where the opponents are more than one but they are represented by one agent or lawyer. Re. 1

(b) where the opponents are more than one, and each is represented by a separate agent or lawyer.

(i) for the first opponent	Re. 1
(ii) for the second, third and fourth opponent	50 paise each
(iii) for the remaining opponents	25 paise each

(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 46 on account of incorrect address given to the applicant or 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 prescribed period the application shall be liable to be dismissed.

1. Subs. by G.N. of 5.7.1965.

2. Ins. by G.N. of 5.7.1965

48. Exemption to Government from payment of process fee

:-

When Government is the applicant in a case, the provisions of Rule 47 shall not apply to it.

CHAPTER 7

Miscellaneous

49. Agent and Lawyer required to have proper authority to present application, etc :-

No agent or lawyer shall present an application 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 necessary court fee stamp and contain full address of the agent or lawyer and shall be produced before the Tribunal.

50. Functions of the Registrar :-

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 writ, summons, notice or other process and every order or 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 headquarters :-

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 headquarters.

55. Power of Tribunal to appoint guardians in certain cases :-

Where in an application filed before the Tribunal the opponent is a minor or lunatic for whom no guardian has been appointed, then the Tribunal may, before proceeding with the application, appoint any officer of the Tribunal or any person if he is willing, to act as a guardian for the minor or lunatic for the purposes of the application and it shall be lawful for such officer or person so appointed, to take inspection, search or obtain copies of any documents in the record of such application without payment of fees prescribed by these rules.

56. Performance of duties during designated members absence :-

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

57. Tribunal to follow provisions of Code of Civil Procedure 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 is applicable, laid down in the Code of Civil Procedure, 1908 .

SCHEDULE 1

FORM OF CERTIFICATE

<p align="center">SCHEDULE FORM OF CERTIFICATE</p>

District	Taluka	Village S.No.	Pot Hissa No.	Area	Amount
				A.g.	Rs. Ps.