

THE SECOND SCHEDULE

(See Section 243)

Application of the Code of Civil Procedure, 1908

LIST I

Sections and Orders of the Code of Civil Procedure, 1908, which do not apply to suits or proceedings under this Act

Section 9.

Sections 68 to 72 inclusive.

Section 88.

Sections 113, 114, 115.

Order XXII, Rule 8.

" XXXIII (Pauper suits). The whole.

" XXXV (Inter pleader suits). The whole.

"	XXXVI (Special cases).	The whole.
"	XLIV (Pauper appeals).	The whole.
"	XLVI (Reference).	The whole.

LIST II

Sections and Orders of the Code of Civil Procedure, 1908, which apply subject to the modifications stated against each

Sl. No.	Sections	Modifications
1	24 " "	Applies only to the transfer of appeals under this Act by the High Court from the Court of one District Judge to the Court of another District Judge.
2	33 " "	No decree need be prepared in the case of an application under this Act unless the preparation of a decree is prescribed by rule.
3	58(2) " "	Where a judgment-debtor has been released from detention under this section, the Court may declare him absolved from further liability for payment of money under that decree, and such liability shall thereupon be extinguished.
4	60 " "	To the particulars not liable to attachment or sale shall be added 'manure stocked by an agriculturist.'
5	98 " "	Nothing in this section shall require two members of the Board to sit together in the exercise of appellate or revisional jurisdiction under this Act
6	144 " "	In this section the words "or order" shall be deemed to be inserted after the word "decree" wherever it occurs.
7	Order V, Rules 9 to 30.	A summons or notice may, if the State Government by rule, either generally or in respect of any local area or class of cases, so directs, be served by post in addition to, any other mode of service.
8	Order VII, Rule 1	In addition to the particulars contained in this rule, the plaint shall specify the name of the village and mahal and of the pargana or other local division, in which the land is situate to which the suit or other proceeding relates, and unless such land can be otherwise adequately described, the number of each field according to the Government survey; and if the suit is for arrears of rent, the plaint shall contain a statement of account, showing the annual demand for each period to which the suit relates, the amount, if any, received, and the amount

		<p>claimed to be due;</p> <p>and if the suit is for ejection of a tenant, the plaintiff shall set forth the ground or grounds on which the ejection is sued for.</p>
9	Order XX, rule 6	Every decree for rent shall also state the amount including interest, due on account of each agricultural year in respect of which relief is granted.
10	Order XXI	(1) No application for the execution of a decree shall be made by an assignee of the decree unless the assignor's interest in the land to which it relates has become and is vested in such assignee.
11	"	(2) If the property against which execution is applied for is a mahal, or a share of a mahal, or the holding of a permanent tenure-holder, or the fixed-rate tenant or an under- proprietor the decree shall be sent to the Collector, who shall execute the same as if it had been a decree of his own Court.
12	Order XLI, Rule I, read with Order XLII.	In addition to the copies required by this rule every memorandum of second appeal shall be accompanied by a copy of the judgment of the original Court.
13	Order XLI, Rule II	Nothing in this rule shall require the Board to hear any party before rejecting an appeal summarily.
14	Order XLI, Rules 30 and 31.	No judgment of the Board need be dated or signed, or pronounced in open Court.