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**GOVERNMENT OF THE PUNJAB
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT
NOTIFICATION**

29 April 2020

No.Legis:13-49/2016: The following Ordinance promulgated by Governor of the Punjab is hereby published for general information:

**THE CODE OF CIVIL PROCEDURE (PUNJAB AMENDMENT)
ORDINANCE 2020**

(VIII OF 2020)

**An
Ordinance**

to amend the Code of Civil Procedure, 1908.

It is expedient to amend the Code of Civil Procedure, 1908 (*V of 1908*) to bring procedural reforms for smooth and swift dispensation of justice; for reduction of backlog of civil cases; and for the matters ancillary thereto.

Provincial Assembly of the Punjab is not in session, and Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action.

In exercise of the powers conferred under clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, Governor of the Punjab is pleased to make and promulgate the following Ordinance:

1. Short title and commencement.— (1) This Ordinance may be cited as the Code of Civil Procedure (Punjab Amendment) Ordinance 2020.

(2) It shall come into force at once except the provisions for electronic maintenance of records and proceedings which shall come into force on such date as the Government may by notification in the official Gazette appoint.

2. Substitution of section 3 of Act V of 1908.— In the Code of Civil Procedure, 1908 (*V of 1908*), for brevity referred to as 'the Act', for section 3, the following shall be substituted:

"3. **Hierarchy of Courts.**- For purposes of this Code, the hierarchy of Civil Courts shall be the same as provided in the Punjab Civil Courts Ordinance, 1962 (II of 1962)."

3. **Substitution of section 26 of Act V of 1908.**- In the Act, for section 26, the following shall be substituted:

"26. **Institution of suits through plaint.**- (1) Every suit shall be instituted by presentation of a plaint in such manner as may be prescribed.

(2) The plaintiff shall file as many copies of the plaint and accompanying documents with the plaint as there are defendants to the suit, to be sent along with the summons.

(3) It shall be duty of the Court to maintain electronic records of the proceedings in suits in such manner as may be prescribed.

Explanation. For purposes of this subsection, the word "suits" includes any proceeding in applications, appeals, reviews, revisions or anything incidental thereto.

26A. Written statement.- (1) The defendant shall file written statement not later than thirty days from the date of his first appearance in the Court.

(2) The defendant shall provide additional copies of written statement and of the documents annexed therewith for each of the parties and for the Court.

(3) If the defendant fails to file the written statement within the time frame provided under subsection (1), the Court shall close the right to defend the case.

26B. Framing of issues, filing of list of witnesses, recording of evidence and hearing of final arguments.- (1) The Court shall, within seven days of filing of the written statement, frame issues.

(2) The parties may, within seven days of framing of the issues, raise objections on such issues, and shall provide a list of witnesses and certificate of readiness for production of evidence.

(3) Upon framing of the issues, filing of the list of witnesses and certificate of readiness for production of evidence, the Court may itself record the evidence or may direct a Commission to record the evidence in the prescribed manner.

(4) For purposes of subsection (3), the Court shall appoint a Commission from a list of approved panel, comprising of advocates and retired judges, maintained by the District Judge concerned, on payment of such fee and terms and conditions as may be determined by the Court.

(5) The Court or the Commission, as the case may be, shall complete recording of evidence and proceedings in writing and through audio and video recording within ninety days of fulfilment of the requirements contained in subsection (3).

(6) The Court, upon completion of evidence of the parties, shall complete the hearing of final arguments of the parties within twenty days:

provided that the parties may file written arguments in the Court within the time frame under this subsection.”.

4. **Insertion of section 27A in Act V of 1908.**- In the Act, after section 27, the following section 27A shall be inserted:

“27A. Process of summons.- (1) The summons shall be issued simultaneously, unless otherwise ordered by the Court, to the defendant, by registered post acknowledgment due and another copy of the summons by courier service signed and sealed in such manner as may be prescribed, or as the Court may determine, by urgent mail service of Pakistan Post, at the expense of the plaintiff.

(2) The Court shall order simultaneous service by-

(a) affixing a copy of the summons at some conspicuous part of the house in which the defendant is known to have last resided or carried on business or personally worked for gain;

(b) any modern device including electronic device of communication which may include mobile, telephone, telegram, phonogram, telex, fax, radio, television etc. in the prescribed manner;

(c) urgent mail service or public courier services;

(d) publication in the press in the prescribed manner; and

(g) any other manner or mode as it may deem fit.

(3) Location of the process server serving the summons shall be monitored by modern devices in the prescribed manner, and the process server shall take photograph of the defendant or the premises or the person accepting service of summons on behalf of the defendant, which shall be made part of the record as a proof of service of the process.”.

5. **Substitution of section 96 of Act V of 1908.**- In the Act, in section 96, in subsection (1), for the full stop at the end, the expression “, and the Court shall decide the appeal within sixty days from the date of first appearance of the respondent in appeal.” shall be substituted.

6. **Amendment of section 106 of Act V of 1908.**- In the Act, for section 106, the following shall be substituted:

“106. What Courts to hear appeals.- (1) Where an appeal from any order is allowed, it shall lie to the Court to which an appeal would lie from the decree in the suit in which such order was made, or where such order is made by a Court not being the High Court in exercise of appellate jurisdiction, then to the High Court.

(2) A Court shall decide an appeal under subsection (1) within thirty days of the first appearance of the respondent."

7. Amendment of section 115 of Act V of 1908.- In the Act, in section 115:

- (a) in subsection (1), in the second proviso, for the word "six", the word "three" shall be substituted;
- (b) in subsection (2), for the full stop at the end, the expression ", and the District Court shall decide the application within two months from the date of first appearance of the respondent." shall be substituted.

8. Amendment of section 128 of Act V of 1908.- In the Act, in section 128, in subsection (2):

- (a) in clause (i), the word "and" appearing after the semicolon shall be omitted;
- (b) in clause (j), for the full stop at the end, the expression "; and" shall be substituted;
- (c) after clause (j), the following new clause (k) shall be added
"(k) case management."

9. Substitution of section 141 of Act V of 1908.- In the Act, for section 141, the following shall be substituted:

"141. Proceedings regarding interlocutory applications.- (1) The Court hearing a suit shall concurrently hear the interlocutory applications filed in the suit according to such timelines and in such manner as may be prescribed.

(2) The filing of any application under subsection (1), including an application for the rejection of the plaint or dismissal of a suit, shall be no ground to halt the proceedings in the suit or to dispense with or waive the requirement of filing a written statement within the timelines as provided in this Code."

10. Insertion of section 159 in Act V of 1908.- In the Act, after section 158, the following section 159 shall be inserted:

"159. Savings of proceedings.- All proceedings instituted prior to coming into force of this Ordinance shall be dealt in accordance with the provisions of the Act which existed prior to coming into force of this Ordinance.

Explanation. In this section, the expression "proceedings" includes suits, appeals, reviews, revisions, execution applications and anything incidental thereto."

(MOHAMMAD SARWAR)
GOVERNOR OF THE PUNJAB

Dated 29/04/2020

NAZIR AHMAD GAJANA
Secretary
Government of the Punjab
Law and Parliamentary Affairs Department