

**The Punjab Panchayat Samiti and Zila Parishads (Suit ) Rules 1963.**

**1.Short title.**-These rules may be called the The Punjab Panchayat Samiti and Zila Parishads(Suit) Rules, 1963.

**2. Definations.**—In these rules, unless the context otherwise requires,--

(a)"Act" means the Punjab Panchayat Samitis and Zila Parishads Act,1961:

(b) "Chairman" means the Chairman of Panchayat Samiti or Zila Parishad as the case may be:

(c)"Executive Officer" means the Executive Officer of the Panchayat Samiti :

(d)"Secretary" means the Secretary of the Zila Parishad:

(e)"Suit" means a suit by or against or affecting a Panchayat Samiti or Zila Parishad as the case may be or an officer of a Panchayat Samiti or Zila Parishad in his official capacity, or which is brought or defended by such officer at the expense of Panchayat Samiti or Zila Parishad as the case may be, and includes an appeal, an application for revision or review or execution of decree and any civil judicial proceeding in which the Panchayat Samiti or Zila Parishad or an officer in his official capacity is a party or has nay interest.

3.(1) No suit is to be brought on behalf of the Panchayat Samiti or Zila Parishad except as a last resort, when othermeans of obtaining satisfaction have failed.

(2) The proposed defendant shall be given ample opportunity of stating his view of the case and of coming to some agreement for the settlement of the claim of the Panchayat Samiti or Zila Parishad , out of court.

(3) No person having a just claim against the Panchayat Samiti or Zila Parishad as the case may be, should be compelled to resort to litigation to enforce it.

4. All communications made to the opposite party on the subject matter in respect of which it is possible that a suit may ensure, shall be headed "without prejudice" and if made orally, shall be stated to be made "with prjudice".

5. No suit on behalf of the Panchayat Samiti or Zila Parishad shall be instituted without the previous sanction of the Chairman of the Panchayat Samiti or Zila Parishad as the case may be

Provided that all decisions of the Chairman of a Panchayat Samiti or Zila Parishad about instituting or defending a suit shall be placed before the next meeting of the Panchayat Samiti or Zila Parishad as the case may be, for confirmation. The Panchayat Samiti or Zila Parishad may refuse to confirm the decision of the Chairman provided that the expenses and liabilities already incurred shall be paid by the Panchayat Samiti or Zila Parishad as the case may be.

6. (1) Whenever the Executive officer or the Secretary, as the case may be, considers that a suit should be instituted, he shall submit a clear and detailed report to the Chairman, Panchayat Samiti or Zila Parishad as the case may be, indicating—

(a) the circumstances, which, in his opinion, render the institution of the suit

- necessary and precisely when or where they occurred;
- (b) the subject of the claim and the relief sought.
  - (c) the steps which have been taken to obtain satisfaction of the claim without bringing a suit;
  - (d) the pleas or objections, if any, which have been urged by the proposed defendant against the claim.
  - (e) the evidence, both oral and documentary, which is believed to be obtainable and which it is proposed to adduce in support of the claim;
  - (f) whether the documents, if any, referred to in clause(e) are registered or not.
  - (g) whether or not the circumstances of the person against whom it is proposed to institute the suit are such as to render it likely that the execution of any decree that may be given against him, will be obtained;
  - (h) the evidence, both oral and documentary, which, so far as is known, the proposed defendant will be able and is likely to adduce in the defence;
  - (i) whether the documents, if any, referred to in clause(h) are registered;
  - (j) any other facts which the Executive officer or the Secretary , as the case may be, considers material for example whether there any special reasons for the institution of the suit apart from the amount actually claimed ; whether other similar claims will hinge upon its decision;
  - (k) the amount required for stamp or other expenses.

(2) Copies of all available documents referred to in the report or the documents in original should be put up to the authority concerned along with the case.

7. When any person threatens to bring any suit against the Panchayat Samiti or Zila Parishad , it is incumbent on the Executive Officer and the Chairman in the case of a Panchayat Samiti and the Secretary and the Chairman in the case of Zila Parishad to satisfy themselves without delay of the justice or otherwise of the whole or any part of the claim made and all reasonable efforts shall be made to bring about an amicable adjustment, without resort to proceedings in court, so far as this can be done without sacrificing the just rights of the Panchayat Samiti or Zila Parishad as the case may be .

8.(1) The Executive Office or the Secretary, as the case may be, shall, immediately on receiving any notice of an intended suit, proceed to enquire into the matter and consider the claim put forward and decide, or move the proper authority to decide, whether any and, if so, what steps should be taken to adjust the claim (whether in whole or part) or whether the claimant should be left to take such legal action as he may deem proper.

(2) When notice of the intention of any person o sue the Panchayat Samiti or Zila Parishad or any of its officers has been given, no communications should ordinarily be made to such person otherwise than under legal advice.

(3) When after receiving any such notice and enquiring into the matter, the Chairman of the Panchayat Samiti or Zila Parishad as the case may be, proposes to –

(a) tender any amount admitted to be due to the claimant:

(b) Offer terms of adjustment or suggest reference to arbitration;

legal advice should ordinarily be sought as to the form or terms of the proposed

tender, adjustment or reference, as the case may be, before they are communicated to the opposite party and when once a suit has been instituted, arbitration suggested otherwise than through the legal representative of the Panchayat Samiti or Zila Parishad as the case may be

9.(1) On the receipt of a notice of suit, the Executive Officer or the Secretary, as the case may be, shall proceed to collect, with least possible delay, all information regarding the facts of the case.

(2) He shall then, as soon as possible, submit a detailed report to the Chairman of the Panchayat Samiti or Zila Parishad as the case may be, along with the following documents together with an exact list of the same:

- (a) the notice of the suit, the summons and a copy of the plaint;
- (b) an annotated copy of the plaint stating against each paragraph whether each statement of fact made therein is correct or not, and, if not, in what respect it is not so;
- (c) copies of documents and lists of documents, if any, filed with the plaint.
- (d) copies of all other documents procurable, which are believed to bear on the case, either for the plaintiff or the defendant, together with an accurate description as may be, of other documents, if any, which are believed to be relevant, but of which the contents cannot be precisely ascertained except through the court; and
- (e) all the correspondence and written proceedings connected with the subject of the suit.

(3) The report should be clear and detailed stating –

- (a) The circumstances which led to the suit mentioning precisely when and where, each occurred, the course which is proposed to be adopted, namely, whether to admit, compromise or defend the suit, and the reason for the same and the steps, if any, which have already been taken to adjust the matter out of court;
- (b) whether the documents referred to in clauses (c) and (d) of the preceding sub-rule are registered or not; and
- (c) the date fixed by the court for the first hearing.

10. Immediately on the termination of any suit, a copy of each of the judgment and decree or other final order of the court shall be procured without delay by the Executive Officer or the Secretary, as the case may be.

11. (1) Immediately on receipt of the copies specified in the preceding rules, the Executive Officer or the Secretary as the case may be, shall submit a report of the result of the suit for the information of the Panchayat Samiti or Zila Parishad as the case may be.

(2) When the result is adverse to the Panchayat Samiti or Zila Parishad as the case may be, and will involve a disbursement of money, the report shall state when the money will be required so as to enable the Panchayat Samiti or Zila Parishad as the case may be, to make arrangements accordingly.

12. (1) When any suit has been decided wholly or partly against the Panchayat Samiti or Zila Parishad as the case may be, or any of their officers in their official capacity, and such officer or the Executive Officer or the Secretary as the case may be, on a

perusal of the copies of the judgement and decree or other final order of the Court is of the opinion that an appeal or an application for revision or review should be prepared, he shall, as soon as possible prepare a report to that effect, stating the grounds of his opinion and shall submit it to the Chairman of the Panchayat Samiti or Zila Parishad as the case may be, together with the said copies and if he deems it necessary for a proper decision of the matter, with copies of the evidence and all exhibits not previously submitted at an earlier stage and also with a draft of the grounds on which he considers that an appeal or application or revision or review shall be based. If the copies of the evidence and exhibits cannot be procured without considerable delay, the report should be submitted without them and they should be forwarded as soon as possible afterwards. As the period within which appeals or applications may be made is limited by law, there should be not delay in submitting reports and recommendations under this sub-rule.

(2) If the Executive Officer/Secretary consider no appeal or application should be made, he shall submit a report, accompanied as aforesaid to that effect.

13. (1) If an appeal or an application for revision or for review of judgment is preferred by the opposite Party in any suit, the officer receiving the notice thereof shall at once forward a copy of the notice to the Chairman of the Panchayat Samiti or Zila Parishad as the case may be. The latter shall, thereupon, take such measures as may be necessary for defending the case in the appellate or other Court.

(2) The provision of rules 10,11 and 12 shall be applicable to appeals, second appeals, application for revision or review of judgment .

(3) No fresh sanction for the defence of the case shall be necessary in the case of an appeal or an application for a revision or for review of the judgement preferred by or against the Panchayat Samiti or Zila Parishad as the case may be

14. Whenever it has been determined not to contest further a decisions which is either wholly or partly adverse to the Panchayat Samiti or Zila Parishad as the case may be, the Executive officer or Secretary as the case may be, shall immediately arrange for the payment in the court whose duty it is to execute the decree, all money payable under the decree.

15. Immediately on a decree being given in favour of the Panchayat Samiti or Zila Parishad or an Officer thereof, when the suit has been brought or defended at the expense of the Panchayat Samiti or Zila Parishad as the case may be, the Executive Officer or the Secretary concerned shall proceed to move the appropriate authority to take steps for the recovery of costs and of the amount, if any, decreed.

16. The Panchayat Samiti or Zila Parishad as the case may be, shall be required to take all possible measures to ascertain what property of the judgement debtor exists and is available for attachment and sale in execution of the decree and that when security is taken from the judgement debtor an stay of execution under rule 5 of Order XLI in the First Schedule of the code of civil procedure, the security taken by the court is substantial and sufficient and that proper action for immediate execution is taken if the required security is not satisfactory, The following instructions for this purpose are to be observed:--

(a) If an appeal is instituted and the execution of the decree is stayed by order of the appellate court, the interval before the decision of the appeal should be

made use of in making enquiries as to the property of the judgement –debtor.

- (b) The provisions of rule 5 of Order XLI in the First Schedule of the Code of Civil Procedure, are ordinarily sufficient to prevent fraudulent disposal of property by the judgement –debtor during the time gained by an appeal but, the Executive Officer or the Secretary concerned should satisfy himself that the security taken by the Court is sufficient , petitioning the court to be allowed to execute the decree at once if it is considered that the security ordered is not good or sufficient;
- (c) If such application be refused, the Executive Officer or the Secretary as the case may be, shall endeavour to keep a watch on the property of the debtor, so as to prevent any fraudulent alienations or concealment of it.