

PART G.-SPECIAL RULES OF PROCEDURE IN ORIGINAL CIVIL CASES.

(a) Evidence

1. When, at the first or at any subsequent hearing of a suit, any party appearing in person or person in Court, or any person able to answer any material questions relating to the suit by whom such party or his pleader is accompanied, is examined by the Court, the substance of such examination shall be reduced to writing by the Judge and shall form part of the record; the substance of what each witness deposes shall similarly be reduced to writing by the Judge, and shall form part of the record; provided that the Judge may, if he thinks proper direct the substance of the examination or the evidence to be recorded in shorthand by an officer of the Court or other person specially appointed for the purpose. In the latter case, the transcript of the shorthand shall be corrected and signed by the Judge and then placed on the record.

Record of examination of parties and evidence of witnesses.

2. If the Judge who has recorded evidence or caused it be recorded in his presence, under these rules, dies or ceases to be attached to the Court before the conclusion of the suit, the Judge before whom the suit is continued may, if he thinks fit, deal with the evidence so recorded as it if had been recorded by himself or in his presence.

Conduct of trial where the Judge dies before conclusion or ceases to be attached to the Court.

(b) Judgements and Orders

3. Judgements may be written by the Judge in oral Judge-English or delivered orally, and in the latter case a note thereto in writing in the English Language or Shorthand, shall be taken by an officer of the Court in attendance for the purpose. The note so taken shall be written out or typed in full by the officer by whom it was taken, and shall be submitted by him to the Judge for correction. After being corrected by the Judge, where necessary, it shall be filed as the judgment of the Court.

Oral Judgements.

4. The judgment shall contain a concise statement of the case, the point for determination, the decision thereon and the reasons for such decision. When issues have been framed, the finding or decision of the

Contents of Judgement.

Court upon each separate issue shall be stated, with the reason therefore unless the finding upon any one or more of the issues be sufficient for the decision of the suit.

Pronouncement of Judgment.

5. (1) After a case has been heard judgement may be pronounced either at once or on some future date which shall be notified in the Cause List. No other notice to the parties shall be necessary.

(2) Where a case is heard by two or more Judges and judgment is reserved, their judgment or judgments may be pronounced by any one of them. If no such Judge be present such judgment or judgments may be pronounced by any other Judge.

(3) Where a case is heard by a Judge sitting alone and judgment is reserved, his judgment may, in his absence, be pronounced by any other Judge.

Opinion written before delivery of Judgment.

6. When a case has been heard by a Bench of the Court, the written opinion of the Judges who heard the case, but who have ceased to be attached to the Court before delivery of judgment, shall, unless delivered by another Judge of the Bench which heard the case, be deemed to be minutes merely and not judgments.

Death of a party before delivery of Judgment.

7. When a party to the suit dies after the last hearing but before delivery of Judgement, the Court may order the Judgment to bear the date of the last hearing.

Filing Memo of appeal in case or oral Judgment.

8. A memorandum of appeal in a case in which judgement has been delivered orally, shall be received and filed without a copy of the judgment.

Note of order passed to be kept.

9. When an order is made in Court or in Chambers a note of its purport shall be made and signed by the Judges or Judges making the order; and if the order disposes of petition, the reasons for making it shall be stated.

Payment of Costs to be condition precedent of permission to withdraw a suit.

10. When a suit is allowed to be withdrawn with leave .to bring a fresh suit, the order shall be drawn up so as to make the payment of the costs of the first suit a condition precedent to the plaintiff bringing a fresh suit unless the Court or the Judge who gave permission shall otherwise direct.