

CHAPTER-VII

SERVICE OF PROCESS / APPEARANCE OF RESPONDENTS AND OBJECTIONS

47. **Issue of notice.-** (1) Where notice of an appeal or petition for caveat or inter-locutory application is issued by the Tribunal, copies of the same, the affidavit in support thereof and if so ordered by the Tribunal the copy of other documents filed therewith, if any, shall be served along with the notice on the other side.

(2) The aforesaid copies shall show the date of presentation of the appeal or petition for caveat or inter-locutory application and the name of the advocate, if any, of such party with his full address for service and the interim order, if any, made thereon.

(3) The Tribunal may order for issuing notice in appropriate cases and also permit the party concerned for service of said notice on the other side by Dasti and in such case, deliver the notice to such party and it is for such party to file affidavit of service with proof.

(4) Acknowledgement before the date fixed for return of notice.

48. **Summons.-** Whenever summons or notice is ordered by private service, the appellant or applicant or petitioner as the case may be, unless already served on the other side in advance, shall arrange to serve the copy of all appeals or petitions or applications by registered post or courier service and file affidavit of service with its proof of acknowledgement before the date fixed for hearing.

49. **Steps for issue of fresh notice.-** If any notice is returned unserved in the circumstances not specified in rule 47, that fact and the reason thereof shall be notified immediately on the notice board of the Registry. The applicant or petitioner or his advocate shall within seven days from the date of such notification take steps to serve the notice afresh.

50. **Consequence of failure to take steps for issue of fresh notice.-** Where, after a summon has been issued to the other side, and returned unserved, and the applicant or petitioner or appellant, as the case may be, fails to take necessary steps within a period as ordered by the Tribunal from the date of return of the notice on the respondent(s), the Registrar shall post the case before the Bench for further directions or for dismissal for non prosecution.

51. **Entries regarding service of notice or process.-** The Judicial Branch of the Registry shall record in the column in the order sheet "Notes of the Registry", the details regarding completion of service of notice on the respondents, such as date of issue of notice, date of service, date of return of notice, if unserved, steps taken for issuing fresh notice and date of completion of services etc.

52. **Default of appearance of respondent and consequences.-** Where the respondent, despite effective service of summons or notice on him does not appear before the date fixed for hearing, the Tribunal may proceed to hear the appeal or application or petition *ex parte* and pass final order on merits.

Provided that it is open to the Tribunal to seek the assistance of any counsel as it deems fit in case the matter involves intricate and substantial questions of law having wide ramifications.

53. **Filing of objections by respondent, form and consequences.-** (1)The respondent, if so directed, shall file objections or counter within the time allowed by the Tribunal. The objections or counter shall be verified as an appeal or petition and wherever new facts are sought to be introduced with the leave of the Tribunal for the first time, the same shall be affirmed by a supporting affidavit.

(2) The respondent, if permitted to file objections or counter in any proceeding shall also file three copies thereof after serving copies of the same on the appellant or petitioner or their Counsel on record or authorized representative, as the case may be.

54. Sitting of vacation Bench and posting of cases.- (1) When the Tribunal is closed for vacation, the vacation Bench shall sit on such days as may be specified by Chairperson or in his absence the seniormost member available.

(2) During the vacation, only the matters which are required to be immediately or promptly dealt with, shall be received in the Registry and the Registrar on being satisfied about the urgency, shall order registration and posting of such cases.

(3) Inspection of records may be permitted during the vacation according to the rules.

(4) Certified copies may also be supplied during the vacation according to the rules.

(5) Nothing in this rules shall disable the vacation Bench from taking the appeal or petition for final hearing, if so directed by the Bench.