

CHAPTER – XXII

Deposit and Repayment of Money.

1. When money is required to be paid or deposited in the office of the Court, it shall be accompanied by triplicate challans which shall be delivered to the Accountant of the Court. If the challans are in order, the Accountant shall sign and return the three challans to the person making the payment or deposit for presentation with the money to the Cashier of the Court. The Cashier shall thereupon receive the money, sign each challan and send the challans to the Accountant. The Accountant shall then enter the amount in his register of receipts, issue one copy of the challan to the person making the payment or deposit as a receipt for the money, send the second copy to the office to be filled with the record concerned and keep the third copy serially in a guard file. When the amount exceeds Rs.500, the copy of the challan intended as a receipt for the money shall be signed by the Deputy Register before it is issued. The Cashier shall remit the money, he has received to the Treasury with the Treasury Pass Book after verification by the Deputy Registrar, or in his absence by the Officer-in-Charge, on the next day on which the Treasury is open following the day of payment.

1.(A) ^[1] In case of deposit made under Sec.173 of the Motor Vehicles Act, 1988 the same procedure as it Rule-1, above shall be followed. The deposit in question may be diverted to a term deposit for one year in any Nationalized Bank if an order to that effect is obtained by the Party concerned from the Court. The term deposit for one year may further be extended as and when directed by the Court.

2. No money paid into Court by way of deposit or otherwise shall be paid out of Court except under an order of a Judge or of the Registrar or in the absence of the Registrar, of the Deputy Registrar made upon an application in prescribed printed form for the payment of money.

3. Every application for the payment of money out of Court shall be in writing and signed by the party claiming in his own right or in his capacity as personal legal representative or as guardian to be entitled to the money or by his recognized agent for the purpose unless he has already engaged an advocate in the cause in which it shall be signed by such Advocate also :

Provided that where the application is for payment of a sum not exceeding rupees one hundred only, the application may be signed by an Advocate duly authorized in that behalf.

4. (1) The application shall state :

(a) The name, description and address of the applicant claiming to be entitled to the money :

[1]Inserted vide C.S. No.61

(b) The capacity in which such applicant claims to be entitled to the money;

(c) The cause, appeal, matter or proceeding which, or the date of the order under which, the money to which the application relates was paid into the Court and the date and number of the deposit ; and

(d) The precise amount for the payment of which an order is applied for.

(2) When the applicant desires that the money shall be paid out of Court on his behalf to any other person, the application shall state in clear language that the applicant desires that the money may be paid out on his behalf to such other person and shall state the name, description and address of such other person.

5. The application shall be presented in person by the applicant claiming to be entitled to receive such money, or by an Advocate acting on behalf of the applicant as the case may be and in the former case, the application shall be signed by an Advocate immediately below the signature of the applicant in authentication of the signature of the applicant:

Provided that when the sum to be refunded does not exceed Rs.100 and is payable to the applicant he may :-

(a) Add to the application a request that the amount ; due less postal commission, may be forwarded to his address by postal money order ;

(b) Obtain on the application the counter signature of a Judge, Munsif or Magistrate as to his identity ; and

(c) Forward his application counter signed as aforesaid, to the Registrar and, if the identity seems to be sufficiently established the amount, less postal commission, may, under orders of a Judge or of the Register, or the Deputy Registrar be sent to him by money order.

6. The Judge, or the Registrar, or in the absence of the Registrar, the Deputy Registrar, may pass an order on the application allowing or refusing payment of the amount, or may, before passing an order, issue notice to show cause to any person or persons:

Provided that no order for payment shall be passed unless the application has been examined by the Accountant and bears his certificate in writing that there is no order in force stopping the payment of such money or any part thereof and stating the precise amount for the payment of which out of Court an order may be made.

7. When an order for payment is passed a payment order shall be prepared by the Accountant and signed by the Deputy Registrar and when it is ready the fact shall be notified in a register to be kept for public inspection outside the Accountant's Office. The applicant or his Advocate, as the case may be, may then take delivery of the payment order from the

Accountant after putting his signature on the counterfoil as a receipt. Payment orders shall remain in force for ***one month** from the date they are issued and no payment after that period shall be made until the order is renewed.

8. The Cashier is authorized to make payment in cash of a sum not exceeding Rs.100. Before making payment the Cashier shall satisfy himself as to the identity of the payee and if the payee is not personally known to him he shall note in the register of pay order the name, description and address of the person by whom the payee has been identified to his satisfaction. Before making payment the Cashier shall take from the payee a receipt for the money duly stamped when a stamp is necessary. The Cashier shall enter all such payments in the register of pay orders.

9. When any money has remained in Court for more than twelve calendar months after the time when an application for the payment thereof might have been made, the Accountant shall report the fact to the Register, who shall issue such notice as may be necessary that the money is ready to be paid out of Court. The expense, if any, of issuing such notice shall be charged to and defrayed out of the fund in Court.

10. The Cashier shall keep a supply of saleable forms of which he shall maintain an account; Payments for forms issued by him will be made in cash. The stock shall be verified every six months by the Deputy Registrar. The following are the saleable forms: -

- (1) Application for copy ;
- (2) Application for information;
- (3) Challan for deposit of money;
- (4) Application for refund of deposit;
- (5) List of papers for the paper-book; and
- (6) Application for noting appearance and supply of paper-books,

NOTE :- For Forms under this rule – (See Appendix I).

11. The account registers to be kept are as follows: -

- (1) By the Accountant -
 - (i) Register of deposits received (O.H.C. 164)
 - (ii) Register of receipts (O.H.C. 169);
 - (iii) Register of payment order issued (O.H.C. 167);
 - (iv) Register of repayments of deposits (O.H.C.166); and
 - (v) Ledger of security deposits (O.H.C. 389)

- (2) By the Cashier -
 - (i) General Cash Book (O.H.C. 168);
 - (ii) Pass Book (O.H.C. 391);
 - (iii) Register of saleable Forms (O.H.C.170);
 - (iv) Register of payments made in Court (OHC 392); and
 - (v) Register of money orders received (O.H.C. 390).

NOTE – For Forms under this rule – (See Appendix J).

12. All the registers of the Cashier and of the Accountant shall be examined daily by the Deputy Register. The daily examination shall consist in comparing -

- (1) The guard file of challans, the registers of deposits and receipts, the register of payments orders issued and the register of payments made in Court with the Cashier's general cash book; and
- (2) The Treasury Pass Book with the above.