



KERALA JUDICIAL ACADEMY

TRAINING FOR THE STAFF OF DISTRICT JUDICIARY, 2018

Questionnaire - Civil

1. Can an attachment order be executed if one of the 'Eluka' descriptions does not tally with description of the attachment schedule?
2. Can attachment order of immovable property be executed without remitting TTC?
3. Guidelines to execute attachment order of movable properties?
4. Matters to be noted while executing arrest warrant?
5. Can an executing court receive TTC for attachment / warrant sent by hand from other courts?
6. Can service of a summons be effected by serving the summons on a co-defendant who does not belong to the family of the person sought to be summoned?,
7. Can a witness summons be served on the relative of a witness?
8. Is there any defect in serving summons on an insane person whose insanity has not come to the notice of the serving official?
9. Can service of process be effected if the addressee is residing outside the jurisdictional limits but close to the jurisdictional limits of court issuing process?

10. What is the procedure when addressee refuses to accept order of injunction? Can service of the order be effected by affixture?
11. What is the procedure to be adopted if the defendant, due to old age, is unable to understand nature of the order sought to be served on him?
12. What are the means to be adopted by the process serving official of court if defendant expresses his ignorance about the plaintiff?
13. Can affixture be effected if a defendant expresses his reluctance to receive process over phone?
14. If the defendant is absent from his residence and adult members of his family are refusing to receive process, what is the procedure to be adopted by the process servers?
15. If a judgment debtor/ defendant escapes from the custody of court official, what is the procedure to be adopted by him?
16. Can a process to a Bank Manager be served on the successor in office if he is already transferred?
17. Can an injunction order be served by affixture?
18. If execution of warrant is resisted by judgment debtor/defendant what is the procedure to be followed?
19. If the house remains locked, how the process can be served?
20. If the address shown in the order to effect service by affixture issued by High

Court/ any other court, is not traced out , what is the procedure to be adopted by the court official?

21. Judgment debtor/defendant is not available during working hours. Can the court official meet him on holidays or report 'Resisted'?
22. If the person on whom summons is to be served is abroad and his wife is willing to accept, can the same be served on her?
23. To what all relatives injunction orders can be served?
24. If Judgment debtor resists/behaves improperly, while attempting to execute warrant, what is to be done?
25. A notice was not able to be served for the reason address is incorrect. Thereafter an order was issued directing service by affixture in the same address, how it has to be executed?
26. If one of the defendants amongst several defendants is living outside the jurisdiction of the court, can a summons be served by the same court directly on him?
27. If the person sought to be served is aged, unable to walk, deaf or blind, how the process has to be served?
28. In a case the address shown in the process is situate outside the jurisdiction of the court, can the serving officer go to the said place to serve the summons?
29. When the address is insufficient and particulars such as name of the house or place are missing, how the process is to be served and how the report to be made?

30. Should 1% additional court fee be levied for Caveat OP and Succession OP? If court fee is to be levied, is it payable at the fixed rate of Rs 100/-?
31. Should all the petitioners sign in the delivery account, when a property is delivered? Can a petitioner, without a power of attorney, receive the property on behalf of others?
32. In a Succession OP instead of depositing value of Court fee, NJS is produced. Can the same be received back if refund is ordered?
33. In suits for fixation of boundary, court fee is paid under section 50 of the Act. How to differentiate suits wherein court fee is to be paid under section 45 alone?
34. If a certified copy of a document is filed, should court fee be affixed on it?
35. When a suit is filed, should court fee of Rs 25/- be affixed for service on each defendant?
36. Can a photocopy of a document be marked as an Exhibit? Can its certified copy be issued?
37. Can 1 % additional court fee can be refunded?
38. In suits for recovery of possession and eviction, wherein market value is shown, should legal benefit fund at the rate of 1 % be levied?
39. If appeal period is over, what is the time period for return of document?
40. Can records in Caveats be destroyed?

41. What is the period after which records in sessions cases and marriage OPs could be destroyed?
42. How to effectively execute a decree passed under the Hindu Marriage Act?
43. What are the duties of a court while passing an *ex parte* decree? Even if the JD remains absent whether the court is required to apply its mind while fixing upset price?
44. If notice is returned as '*addressee not known*'; is it correct to order affixture along with paper publication?
45. How an arrest warrant that has been ordered in an E.P. in a court in another District or State and sent for execution has to be executed?
46. In a case where permission is accorded to the Decree Holder to bid and set off in a sale of immovable property, can the central Nazir or the Amin who conducts auction permit another person to bid and claim set off instead of the decree holder?
47. What are the cases the Central Nazir and Amin can take decisions without a court order?
48. What are the documents in a civil case I that can be received in the Nazirate, other than process batta?
49. What are the guidelines to be followed by the Nazirate in conducting auction of movable or immovable properties?
50. What are the guidelines to be followed by the Nazirate for sending a defendant to civil prison after his arrest?

51. If a Government vehicle or K.S.R.T.C. bus is attached in an MACT case, is it necessary for the court to retain such vehicle? In that case, what is the procedure to be followed by the Nazarate?
52. If a lady is arrested, what are all the procedures to be followed in bringing such arrested lady before the court and for taking her to civil jail?
53. If a lady is thus produced after 5.pm and obtains order, what are the procedures to be followed in taking her to civil jail?
54. What are the procedures to be complied with by the Nazarate before assigning in station or out station duties to women process servers?
55. Can a delivery be given power of attorney without consent of the court?
56. How a notice issued under Order 21 Rule 54 is to be complied with?
57. What are the procedures for detaining the defendant in civil prison for violating injunction order?
58. If the violation of injunction is committed by a lady, what are the procedures for sending her to civil jail?
59. What are the procedures to be complied with by an Amin to conduct auction of movable/immovable property in a case? What are the documents to be prepared by the Amin after conducting auction?
60. How a person who committed contempt of court should be sent to jail?
61. What are the procedures to be followed for sending a defendant to civil jail ?

62. Often a process server who goes in the field to execute a process finds it difficult to trace out the address of the person on whom the process is to be executed? To avoid this, it will be convenient to note the mobile numbers of the plaintiff and the defendant in the petition itself. Can such a procedure be followed?
63. It is the practice that while effecting delivery, an inventory list of the items inside the building/property is prepared. At that time, Amins find it difficult to assess the value of those items. How that difficulty can be resolved?
