

CHAPTER XI
Witnesses

1. Summons to witnesses—(a) An application for calling witnesses before the Court or a Commissioner appointed to take evidence, shall set forth a list of the witnesses and state, in addition to the particulars required by Rule 4 of Chapter XXI, whether they are required to give evidence as experts or otherwise or to produce any document, and, in the latter case shall specify the date and description of the document so as to identify it.

(b) If the applicant desires to produce witnesses or any one of them under Order XVI, Rule 1-A of the Code, the fact shall be stated in the application.

(c) Upon the grant of process, the process fee, travelling expense and subsistence allowance chargeable, if any, in respect thereof shall be calculated by the office forthwith and deposited by the party concerned within *seven days*.

2. Re-attendance of witnesses on adjourned hearing—When the hearing is adjourned, re-attendance of the witnesses present may be secured by payment to them of travelling and subsistence allowances and by binding them over on the date fixed by the Court for re-attendance.

3. Production of public document—(a) Every application for summons for production of public documents shall be supported by an affidavit stating—

(i) The document or documents the production of which is required;

(ii) The relevancy of the document or documents ;

(iii) Why the production of a certified copy of the same would not serve the purpose; and

(iv) In case where the production of a certified copy would serve the purpose, whether application was made to the proper officer for a certified copy and the result of such application.

(b) The Registrar shall not issue such summons unless he considers the production of the original necessary and is satisfied that the application for a certified copy has been duly made and has not been granted. The Registrar shall in every case record his reasons in writing.

(c) Nothing in this rule shall apply to an application under Order 13, Rule 10 of the Code of production of the record of any suit of proceeding.

4. Return of original public record after its production in evidence—When public records are produced and put in evidence in original, the Court unless it thinks it necessary to retain the original, shall direct a copy to be made at the expense of the applicant and shall return the original.

5. Power to Court to summon public records *suo motu*—Nothing in Rule 4 shall prevent the Court of its own motion from sending for public records or other documents in the custody of a public officer or Court if it thinks it necessary for the ends of justice. Costs for such summoning and of production of such records or documents shall be paid by such party as the Court directs.