

PESHAWAR HIGH COURT, PESHAWAR

ORDER

Dated Peshawar the 30/3/2017

In exercise of the powers conferred by Article 202 of the Constitution of the Islamic Republic of Pakistan, 1973, Hon'ble the Chief Justice and Judges of this Court are pleased to make the following amendments in Part-B, Chapter 12-A, Volume-IV of the High Court Rules and Orders:

AMENDMENTS

1. For Rule 5 Sub-rule (iii), the following shall be substituted:

Commissioners may charge a remuneration of rupees, **fifty (50)** in cash for each affidavit and shall keep a register in Form prescribed in Paragraph 7 infra in which all affidavit shall be entered a written receipt for amount paid shall be given by the commissioner to the deponent. The receipt shall be in a printed form consisting foil and counterfoil, the file being handover to the person paying the money and the counterfoil being kept by the commissioner for purposes of inspection.

The above charge will be an addition to any stamp duty payable on the affidavit under the stamp act, 1899, scheduled 1 article 4.

Note... The commissioner will be entitled to an additional fee of rupees **two hundred** from a deponent when he is required to attend the deponent's residence.

2. The following Sub-rule (iv) to Rule 5 shall be added:

The District & Sessions Judge himself or through the judicial officer nominated by him shall inspect the register/record of the Oath Commissioners, of his Sessions division, after every three months and prepared and submit a detail report to the High Court.

3. For Rule 7, the following shall be substituted:

The existing rule 7 be renumbered as sub-rule (i) and the following sub-rule (ii) be added.

In the Form of Register in column No. 2 after the word date the word "**time**" be added.

The existing column No. 8 be renumbered as column No. 9. In the column No. 8 the following shall be substituted, "**Particulars of the person identifying him**"

Rule 7. Register of affidavits;-

(i) A register of affidavits, in the following form, should be maintained at the head quarters of every district at each Court attested and every affidavit verified, should be entered,

(ii) **Oath Commissioner register shall contain the following;**

- a. Serial Numbers.
- b. Date and time of making affidavit.
- c. Particulars of the case to which affidavit relates.
- d. On whose behalf the affidavit has been filed.

- e. Full particulars of the person making affidavit.
- f. Particulars of the person identifying him.

Form of Register

Register of affidavits attested in the _____ of the _____
in the _____ District

1	2	3	4	5	6	7	8	9
Serial No.								
	Date and "time" of application of tendering affidavit							
		Name, "Father name and other particulars" of person tendering application (if any) or affidavit.						
			Nature of affidavit briefly stated ; if the affidavit relate to a cause in court, the cause should be specified					
				Detail of exhibits (if any) attached to affidavit				
					Civil Court, Magistrate or other officer empowered in that behalf administering the oath or affirmation			
						Date of administering oath or affirmation		
							Particulars of the person identifying him	
								Signature and designation of civil court, or other officer

After Rule 7, the following Rule 7-A and 7-B shall be added;

Rule 7-A. The district judge shall provide register of affidavit to the Oath Commissioner, on payment of cost, certify the number of pages contain in the register.

Rule 7-B. Deposit of register in the sessions record room; Register or Registers, on completion shall be deposited in the record room of the District & Sessions Judge.

4. For Rule 9, the following shall be substituted:

Contents of affidavits;-

- (i) Every affidavit containing any statement of facts shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and, as nearly as may be, shall be confined to a distinct portion of the subject.
- (ii) Every person, other than a plaintiff or defendant in a suit in which the application is made, making any affidavit, shall be described in such manner as will serve to identify him clearly; that is to say, by the statement of his full name, the name of his father, **CNIC Number, Mobile Number (if any)**, his profession or trade, and the place of his residence.
- (iii)
- (iv)

5. For Rule 11, the following shall be substituted:

Identification of deponent: -

Every person making an affidavit shall, if not personally known to the Court, Magistrate or other officer appointed to administer the oath or affirmation, be identified to such Court, Magistrate or officer by some person known to him, and such Court, Magistrate or officer shall specify, at the foot of the affidavit, the name and description **i.e. Name, Father Name, and CNIC Number** of the person by whom the identification is made, as well as the time and place of the identification and of the making of the affidavit.

6. For Rule 13, the following shall be substituted:

Female dependents: -

An affidavit purporting to have been made by a female declarant, who has not appeared unveiled before the Court, Magistrate, or other officer as aforesaid, before whom the affidavit is made, shall not be certified, unless and until she has been identified before, **by her husband or by other relation in prohibitory degree**, and an affidavit of her identity by the person identifying her has been made before, and certified by such Court, Magistrate or officer.

7. The following new rule shall be added:

Rule 17. On completion of tenure or cancellation of license of licensee, register and his seal both shall be consigned to district record room.

By order of Hon'ble the Chief Justice & Judges


REGISTRAR

5680-5800
Endst: No. _____/Admn:

Dated Pesh the 30/3/2017

Copy forwarded to: -

1. The Secretary to Government of KPk, Law Department, Peshawar.
2. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
3. All the District & Sessions Judges/Zilla Qazis in the Khyber Pakhtunkhwa.
4. The Additional Registrar (Judl.), Peshawar High Court, Peshawar.
5. All the Additional Registrars of the Peshawar High Court Benches.
6. The Private Secretary to HCJ, Peshawar High Court, Peshawar.
7. All the Private Secretaries of this Court for placing the same before the Hon'ble Judges for their kind information.
8. The Manager, Government Printing and Stationery Department, Khyber Pakhtunkhwa, Peshawar for publication in the extra-ordinary gazette.
9. The Manager MIS, Peshawar High Court, Peshawar for uploading on website.
10. The Presidents, High Court Bar Association, Peshawar & at High Court Benches.
11. All the Presidents of District & Tehsil Bar Associations in the Khyber Pakhtunkhwa.
12. The PS to Registrar, Peshawar High Court, Peshawar.
13. The PA to AR (Admn), Peshawar High Court, Peshawar.


REGISTRAR