

Short Notes

COMMISSIONS

Ch.8 Commissions (Order 26 Rules 1 to 22.)

The C.P.C. has provided for the appointment of a commission for the examination of a resident, within its jurisdiction, if that person is (i) exempted from attending the Court or is proved to be (ii) sick and infirm.

The persons who are exempted are:

- i) Persons resident outside the jurisdiction or who is about to go outside.
- ii) Govt. officers who are in service and who cannot attend with- out detriment to public interest.

Who may be the Commission:

The Court may appoint an advocate or pleader or any person at its discretion as a commission.

Commissions may be appointed,

- i) to make local investigations,
- ii) to examine accounts,
- iii) to make partitions.
- iv) to make scientific investigation or to make sale of movable property.

Powers

The Commission should discharge its functions as per the directions of the Court.

- i) It may examine the parties or any witnesses or any other person whom it deems fit.
- ii) Call for and examine documents and other relevant things,
- iii) Enter any place or buildings at reasonable times, iv) Record objections to answer questions.

Attendance, Summoning: The Commission is considered as a Civil Court, and is empowered to exercise its power as in C.P.C. (Of course, no penalties can be imposed.)

Returning of Commission: The court fixes the time within which the Commission should return. It should submit its report to the court with the evidence collected, depositions, documents etc.

Evidentiary Value: The evidence taken under a Commission should not be read as evidence without the consent of the other party, subject to certain exceptions.

When the commission submits its returns, it is dissolved, and, ceases to have any power.

