

EP SEAT

The Following queries are asked frequently by the Advocates:

1.What is format for EP?

Form No.117 and 118 of O.S. Rules

2.How much Court fee to be affixed in the EP?

Rs.10/- in EP, Rs.20/- in Vakalat Rs.10/- in CC of Decree

3.Whether presentation from AR obtained in EP or not?

Not necessary for EP

4.Whether Supporting Affidavit for EP is must or not?

Supporting Affidavit should be filed along with the EP with relevant details

5.What is the provision of law for the EP for attachment of movables/attachment of immovables/arrest/garnishee?

Provision of law

Attachment of immovables : O21 R54 & 64 of CPC

Attachment of movables : O21 R43 & 64 of CPC

Arrest : O21 R37, Sec.55 of CPC

Garnishee : O21 R46A,B of CPC..etc.

6.Whether the Batta should be filed along with the EP?

Batta should be filed after Notice ordered by AR(OS-I) or Learned Master

7.whether presentation obtained from SO(OS) in the vakalat or not?

Yes Presentation should be obtained in the Vakalat from SO(OS)

8. What is the limitation for filing EP?

12 years from the date of Decree or Award

9.What are all the papers to be filed for at the time of filing EP?

EP petition, Affidavit, Vakalat, and Certified copy of Decree or Award (EC for Immovable Property)

10.Whether the Award obtained from the Foreign currency could be executed by this court.?

Yes Foreign Award could be executed by this court if it is lying within the jurisdiction of this court.

11.Whether the Interim Order or Interim Award could be executed?

Yes Interim Order or Interim Award could be executed if the execution clause is available

12.What is the Pecuniary Jurisdiction for the EP?

Pecuniary Jurisdiction for the EP is 25lakhs and above.

13.whether Decree passed by the other state could be executed by this Court?

Other court Decrees should be Transmitted by the court which is passed by the court with Non satisfaction under Order 21 R 5 and 6 of CPC could be executed by this court if it is lying within the jurisdiction of this court.

14. What are all the papers need for Sale Papers?

Sale Papers needs the following

1. Form No.116 of OS rules 2 copies in Green
2. Affidavit - suggesting the value of the property
3. Encumbrance Certificate for 12 years
4. Corporation Extract
5. Valuation Report by Government Engineer.
6. Warrant memo

AS PER ORDER 38 RULE 3 OF OS RULES

15.What is the Limitation period for filing Bill of cost?

30 days from the date of Decree.

16.What is the procedure to be followed after order of attachment ordered by the Master?

Memo stating the order passed by the Learned Master with Rs.10/- court fee to be filed and Attachment batta should be filed by filling up the lodgment schedule for Rs.100/- paid to the Account section.

17.Whether the third party could file a application to raise the order of attachment before this court?

Yes Master summons and Affidavit should be filed as a Obstructor petition /Claim petition under O21 Rule58 of CPC

18.What are the steps to be taken after filing the sale papers?

Sale papers were numbered as Proclamation if it is in order. Sale notice and Amin test will be ordered by the Learned Master. Batta and Memo to be filed respectively with sufficient court fee. after completion of the above said procedure. The Upset Price will be fixed by the Learned Master and order will be passed for Proclaim and Sale by fixing date for Auction.

19.What are all the procedure to be followed after the order of Proclaim and Sale was passed by the Learned master?.

The procedures were followed after the order of Proclaim and Sale by the Learned Master will be as stated in the O21 R66 and R67 of CPC. The Auction will be conduted by the Nazir of the High Court.

20.What is the provision for stay the Auction?

To stay the Auction Procedure - Master Summons and Affidavit should be filed under O21 and R59 of CPC.

21.How the Auction Purchaser could be obtained the Sale Certificate from the High Court.

After completion of the Auction, the Nazir of the High Court submit the Report regarding the Auction stating that the Sale consideration amount deposited by the Auction purchaser. The Sale is confirmed by the Learned Master and order to issue sale certificate in favour the Auction purcher. The sale certificate will issued by the Registry by filing memo by the Auction purchaser stating the order passed by the Master. Under OR.21 Rule 94 of CPC of Rule 200 of CRPC civil rules of Practice

22.What is the provision to Set aside the exparte order passed by the Learned Master?

Application - Master summons and affidavit should be filed under O21 R106 of CPC.

23.What is the Limitation period for filing Appeal against the order passed by the Learned Master?

8 days from the date of order passed by the Learned Master by filing application and listed before the Hon'ble Single Judge.

24.How the the warrant for Delivery of Possession could be executed if the JD raise Objection or not allowing the execute the warrant

By filing the Application - Master summons and Affidavit for Break Open the Lock and Police Aid.

25.What is the procedure for executing the Sale Deed after the order passed by the Learned Master as "Assistant Registrar is directed to execute the Sale Deed"?

Draft sale deed should be filed by the DH and the draft deed will be approved by the AR (OS-I). After getting the approval of the Sale Deed the Original Sale Deed with stamp papers will be filed by DH and the AR(OS-I) will be sign the Sale deed after it is signed by the DH/Purchaser and Witness before the AR (OS-I)under O.21 Rule 34 of CPC.