

EVACUEE TRUST PROPERTIES (APPEAL AND REVISION) RULES, 1980

[Gazette of Pakistan, Extraordinary, Part III, 13th September, 1980]

No. 8 (16)79-ETP.-In exercise of the powers conferred by section 28 of the Evacuee Trust Properties (Management and Disposal) Act, 1975 (XIII of 1975), The Federal Government is pleased to make the following rules, namely :--

1. Short title and commencement.--(1) These rules may be called the Evacuee Trust Properties (Appeal and Revision) Rules, 1980.

(1) They shall come into force at once.

1. Definitions.-In these rules, unless there is anything repugnant in the subject or context,-

(a) "Act" means the Evacuee Trust Properties (Management and Disposal) Act, 1975 (XIII of 1975);

(b) "appeal" means an appeal under section 16 of the Act;

(c) "revision" means an application for revision under section 17 of the Act; and

(d) all other words and expressions used but not defined in these rules shall have the same meaning as in the Act.

1. Form of appeal or revision,-(i) Every appeal, revision or the written statement thereof shall be preferred, in the form of a memorandum and signed by the appellant or, as the case may be, the applicant, his duly authorised representative, recognised agent or counsel and shall also be verified in the manner provided for verification of a plaint under the Code of Civil Procedure, 1908 (Act V of 1908).

(ii) The memorandum referred to in sub-rule (1) shall set forth concisely, consecutively numbered and under distinct heads the grounds of objections to the impugned order but shall not contain any argument or narrative;

Provided that a request for an interim relief shall be made by a separate application supported by an affidavit.

1. Documents to accompany appeal or revision.-Every appeal and revision shall be accompanied by a certified copy of the impugned order, the documents on which reliance has been placed in the memorandum and the same number of copies of appeal and revision as there are the respondents.
2. Registration of appeals and revisions.--Every appeal and revision shall be entered in the institution registers, maintained for the purpose, in order of their institution.
3. Service of notices etc.-Service of any notice, summons or order issued or made under the Act shall be deemed to be complete if effected in any one of the following methods namely :-

(a) by delivering or tendering the notice, summons or order to the person on whom it is intended to be served or his agent, if any;

(b) by leaving it at the last known place of business or residence of such person or delivering it to any adult male member of his family ;

(c) by transmitting it under registered post to such person at the last known place of his business or residence;

(d) by affixing it at some conspicuous place in or near the last known place of business or residence of such person ; and

(e) by publication in a newspaper, or proclamation by beat of drum or other customary method in the locality,

1. Appearance on hearings.--(i) On the date fixed for hearing of appeal or revision the parties shall put their appearance before the appellate or revising authority in person or through their representatives or recognised agents, duly authorised by them in writing in that behalf, or their counsel;

Provided that the employment of an authorised representative, recognised agent or counsel shall not excuse the personal attendance of a party in any proceeding in which his personal appearance is required by an order of the appellate or the revising authority.

(ii) Where a party or parties fail to appear on the date fixed for hearing of the appeal or revision, the appellate or the revising authority may decide such appeal or, as the case may be, revision ex parte.

(iii) Where an appeal or revision is set down for a day which is a holiday, the parties shall appear -before the appellate or revising authority on the next following day and such appellate or revising authority may, on that day, either proceed with the hearing of appeal or the revision or adjourn such appeal or revision to some other date.

(iv) Notwithstanding the absence of the appellate or revising authority for any reason on the date fixed for hearing, the parties shall appear in the premises where the hearing of appeal or revision was to be held and the ministerial officer authorised in this behalf shall fix the next date of hearing on which parties shall appear before the appellate or, as the case may be, the revising authority.

1. Adjournments.-The authorities hearing appeals and revision may, on sufficient cause shown by either of the parties, adjourn the hearing of appeal or the revision, as the case may be;

?Provided that where a case is adjourned the authority hearing the appeal or revision shall fix the next date of hearing.

1. Power to suspend orders. The Chairman or an Administrator hearing appeal under the Act may, for reasons to be recorded in writing, suspend the operation of an order or proceedings pending

before an authority whose order is impugned before him in an appeal or make such other order as he may deem fit in the circumstances of the case.

2. Obtaining of certified copies.-(1) Any party to an appeal or revision may, during the pendency of an appeal or revision and with prior approval of the appellate or revising authority, obtain copies of orders and other documents on payment of copying fee at the rate of two rupees per page.

(2) In decided cases copies of the orders and other documents may be obtained on payment of fee specified in sub-rule (1) from any officer duly authorised by the Chairman in this behalf.

1. Clerical mistakes etc.----Clerical or arithmetical mistakes in any order made by the appellate or revising authority in pursuance of the provisions of the Act and the errors therein arising from any accidental slip or omission may, at any time, be corrected by the authority making the order or his successor in office as soon as any such error has come to or is brought to his notice.