

## ACT No. XXIV OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 31st August, 1920.)

An Act further to amend the Code of Civil Procedure, 1908.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908; It is hereby enacted as follows:—

Short title

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1920.

Amendment of rule 5 of Order IX in Sch. I, Act V of 1908.

2. For sub-rule (1) of rule 5 of Order IX in the First Schedule to the Code of Civil Procedure, 1908, the following shall be substituted, namely:—

“(1) Where, after a summons has been issued to the defendant, or to one of several defendants, and returned unserved, the plaintiff fails, for a period of three months from the date of the return made to the Court by the officer ordinarily certifying to the Court returns made by the serving officers, to apply for the issue of a fresh summons the Court shall make an order that the suit be dismissed as against such defendant, unless the plaintiff has within the said period satisfied the Court that—

- (a) he has failed after using his best endeavours to discover the residence of the defendant who has not been served, or
- (b) such defendant is avoiding service of process, or
- (c) there is any other sufficient cause for extending the time,

in which case the Court may extend the time for making such application for such period as it thinks fit.”