

WEST PAKISTAN BOARD OF REVENUE
(CONDUCT OF APPEALS AND REVISIONS) RULES, 1959

No. 450-59/138-U, 22nd May 1959: In exercise of the power conferred by section 9 of the West Pakistan Board of Revenue Act, 1957, the Board of Revenue, with prior approval of the Government of West Pakistan, is pleased to make the following rules of the disposal of cases relating of appeals and revisions:

1. Short title and commencement. (1) These rules may be called the West Pakistan Board of Revenue (Conduct of Appeals and Revisions) Rules, 1959.

(2) They shall come into force at once.

2. Definitions. In these rules, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

(a) "Full Board" shall subject to the provisions of subsection (3) of section 6 of the West Pakistan Board of Revenue Act, 1957, consist of all the Members of the Board, provided that in case it is not possible for all Members to be present at the hearing, the number of Members, present shall not be less than two.

(b) "Case" means a particular judicial matter under consideration and includes all papers relating to it or required for its disposal.

3. Presentation of appeals and applications for revision to the Board. (1) Every appeal and application for revision made to the Board, shall be presented to such Assistant to the Commissioner of the Division to which it relates as may be appointed in this behalf by the Commissioner, or the clerk of the Court of the Board and shall be immediately entered by him in a register to be prescribed by the Board.

(2) The Assistant of the Clerk of the Court shall, after examination record a note stating whether the appeal or application for revisions is in order, is stamped with proper court-fee and accompanied by certified copies of decrees, judgments and others passed by the subordinate Court or Officer and in case of any defect shall direct the appellant to remove the defect within thirty days.

(3) After the defects, if any, have been removed within the prescribed time, the Assistant to the Commissioner shall forward the appeal or application to the Clerk of the Court of the Board.

(4) On receipt of such appeal or application for revision, the Clerk of the Court shall immediately place it before the Member concerned for such orders as he may consider appropriate in accordance with the law for the time being in force.

4. Stay of execution of orders and decrees. (1) Where an appeal or application for revision has been made, the Member or the full Board, as the case may be, may suo motu or on an application made in that behalf, stay the execution of the order or decree appealed from sought to be revised.

(2) The Commissioner or the Court wish passed an order or decree against which an appeal lies, may, on application made before the expiry of the time allowed for appeal direct the execution of such order or decree to be stayed for such time as may be determined or till the stay order is set aside by the Board or the Member, as the case may be.

(3) No order for stay of execution shall be made under sub-rule (1) or (2) unless the officer making it is satisfied.

- (a) that substantial loss may result to the party applying for stop of execution unless the order is made; and
- (b) that the application has been made without unreasonable delay.
- (4) Notwithstanding anything contained in sub-rules (1) and (2) the Member, Board, Commissioner or the Court, as the case may be, may make an expert order for stay of execution pending hearing of the application.

Explanation. For the purpose of this rule Member-in-Charge means the Member competent under these rules to deal with the case.

5. Remission of order or decrees by Full Board. (1) An application for revision under subsection (2) of section 7 of the West Pakistan Board of Revenue Act, 1957, shall lie to the Full Board only in cases where the order made or decree passed by the Court, subordinate to the Board, is reversed or modified by a Member of the Board on appeal.

(2) The Full Board shall consist of Members other than the Member who made the order or passed the decree sought to be revised;