



CODE OF CIVIL PROCEDURE (AMENDMENT) ORDINANCE, 2002

Last Updated: 2002-12-01

Contents

PREAMBLE

- | | |
|---|---|
| 1 | SHORT TITLE AND COMMENCEMENT |
| 2 | INSERTION OF NEW SECTION, ACT V OF 1908 |
| 3 | INSERTION OF NEW RULE, ORDER X |

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ORDINANCE XXXIV OF 2002

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ORDINANCE

further to amend the Code of Civil Procedure, 1908

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908 (Act V of 1908), for the purposes hereinafter appearing;

AND WHEREAS, the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999 and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement.-(1) This Ordinance may be called the Code of Civil Procedure (Amendment) Ordinance, 2002.

(2) It shall come into force at once.

2. Insertion of new section, Act V of 1908. In the Code of Civil procedure, 1908 (Act V of 1908), hereinafter referred to as the said Code, in Part-V, after section 89, the following new section shall be inserted, namely:-

"**89A.** Alternate dispute resolution.-The Court may, where it considers necessary, having regard to the facts and circumstances of the case, with the object of securing expeditious disposal of a case, in or in relation to a suit, adopt with the consent of the parties alternate dispute resolution method, including mediation and conciliation."

3. Insertion of new rule, Order X. In the said Code, in Order X, after rule 1, the following new rule shall be inserted, namely:-

"1A The Court may adopt any lawful procedure not inconsistent with the provisions of this Code to-

- (i) conduct preliminary proceedings and issue orders for expediting processing of the case;
 - (ii) issue, with the consent of parties, commission to examine witnesses, admit documents and take other steps for the purposes of trial;
 - (iii) adopt, with the consent of parties, any alternative method of dispute resolution including mediation, conciliation or any such other means. "
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