

### **PRACTICE NOTE NO. 49A**

In supersession of the Practice Note No.49 dated 16<sup>th</sup> September, 2016, the Hon'ble the Chief Justice is pleased to direct the Advocates and parties appearing in person that the affidavits filed in accordance with Sub-rule (1) of Rule 4 of Order XVIII of the Code of Civil Procedure, 1908 which are affirmed before a Notary Public shall be accepted by the office provided-

- (a) The Declarant is either identified by an Advocate or the Notary Public shall make an endorsement that he or she personally knows the Declarant;
- (b) There is an endorsement made by the Notary Public that he has satisfied himself that the Declarant has sufficient knowledge of English language and that the Declarant has fully understood the contents of the affidavit;
- (c) If the Declarant is not conversant with the English language, there shall be a certificate on the affidavit either by an Advocate or by the Notary Public himself recording therein that the contents of the affidavit have been explained to the Declarant in the language known to the Declarant and that the Declarant has correctly understood the contents of the affidavit;
- (d) The affidavit should bear at its head a statement that it is an affidavit under Sub-rule (1) of Rule 4 of Order XVIII of the Code of Civil Procedure, 1908; and

: 2 :

- (e) The affidavit should bear the registration number/entry number of the affidavit in the register maintained by the Notaries as per the Notaries Act, 1952;

Unless all conditions specified above are satisfied, the affidavit shall not be accepted by the Registry.

Dated this 5<sup>th</sup> day of January, 2017.

By Order,

Sd/-

(R. M. Joshi)

Registrar (Judl-I)

High Court, Appellate Side, Bombay.  
Bombay.

Sd/-

(D. V. Sawant)

Prothonotary & Senior Master

High Court, Original Side,