

SYNOPSIS

75. Power of Court to issue commissions

76. Commission to another Court

77. Letter of request.

78. Commissions issued by foreign Courts

75. Power of Court to issue commissions

Subject to such conditions and limitations as may be prescribed, the Court may issue a commission— (a) to examine any person;

(b) to make a local investigation;

(c) to examine or adjust accounts; or

(d) to make a partition;

(e) to hold a scientific, technical, or expert investigation;

(f) to conduct sale of property which is subject to speedy and natural decay and which is in the custody of the Court pending the determination of the suit;

(g) to perform any ministerial act.

76. Commission to another Court

(1) A commission for the examination of any person may be issued to any Court (not being a High Court) situate in a State other than the State in which the Court of issue is situate and having jurisdiction in the place in which the person to be examined resides.

(2) Every Court receiving a commission for the examination of any person under sub-section (1) shall examine him or cause him to be examined pursuant thereto, and the commission, when it has been duly executed, shall be returned together with the evidence taken under it to the Court from which it was issued,

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unless the order for issuing the commission has otherwise directed, in which case the commission shall be returned in terms of such order.

**77. Letter of request.**

In lieu of issuing a commission the Court may issue a letter of request to examine a witness residing at any place not within

**78. Commissions issued by foreign Courts**

Subject to such conditions and limitations as may be prescribed the provisions as to the execution and return of commissions for the examination of witnesses shall apply to commissions issued by or at the instance of—

- (a) Courts situate in any part of India to which the provisions of this Code do not extend; or
- (b) Courts established or continued by the authority of the Central Government outside India; or
- (c) Courts of any State or country outside India.

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