

**BOOK V - SPECIAL PROCEDURE AND PROVISIONAL OR
INTERLOCUTORY MEASURES**

TITLE I - FAST TRACK PROCEDURES

Chapter 1. - Money Debt Collection Procedure

Art. 304. - Application.

- (1) An application for a money debt collection judgment may be made ex parte by a creditor against a debtor in respect of a claim based on negotiable instruments, such as bill of exchange, promissory note or cheque, on a bond or contract written for payment of a liquidated amount of money or on a guarantee, where the claim against the principal is in respect of a debt or liquidated amount only.
- (2) The application shall have to meet the requirements of the statement of claim in ordinary proceedings and shall state it is a “Money debt collection procedure”.

Art. 305. - Decision on Application.

- (1) Based on the application and the submitted documents, the court shall consider whether the application for the money debt collection judgment is admissible and well founded.
- (2) If the court determines the application inadmissible or unfounded, it may refuse the application in whole or in part. Such refusal shall not have the effect of res judicata, but shall be a bar to the making of a fresh application on the same grounds. No appeal shall lie against a refusal.
- (3) If the application is granted, the court shall issue a judgment for money debt collection against the debtor and determine the sum found to be due from him to the creditor.
- (4) Any decision under this Chapter shall be made or given on such terms as to costs or otherwise as the court deems appropriate.

Art. 306. - Service.

- (1) The service of the money debt collection judgment on the debtor shall follow general rules.
- (2) The court shall notify the debtor:
 - (a) either to pay the sum fixed in the order within a reasonable time, or
 - (b) enter an objection to the judgment within fifteen days after service.
- (3) The debtor shall also be notified that if he does not enter an objection within

time allowed, the judgment against him shall not be subject to appeal, and shall have the effect of *res judicata* and shall become enforceable in the same way as a judgment in an ordinary procedure.

Art. 307. - Objection.

If an objection is entered within the time allowed in the money debt collection judgment, the proceedings shall continue as an ordinary procedure. The application shall be considered to be the statement of claim.

Chapter 2. - Accelerated Procedure

Art. 308. - Scope of Application.

- (1) The provisions of this Chapter shall apply where an application is made concerning any of the matters expressly referred to in the following Articles.
- (2) Applications concerning matters other than those expressly referred to in the following Articles may be dealt with in accordance with the provisions of this Chapter.

Art. 309. - Institution of Proceedings.

- (1) Any person legally entitled to institute proceedings under this Chapter may, on payment of the prescribed court fee, file a written, dated and signed application within the time fixed by the law under which the application is made, or, where no such time is fixed, within fifteen days from the occurrence of the facts on which the application is based.
- (2) The application shall specify the capacity in which the applicant acts and the provision of the law under which it is made and shall be supported by an affidavit stating the reasons for the application.
- (3) The applicant shall attach to the application such documents as are required under the following Articles and may attach thereto such other documentary evidence as he deems necessary for the determination of the application.

Art. 310. - Dismissal of Application.

- (1) The application shall be dismissed where:
 - (a) the applicant is not qualified to make the application;
 - (b) the application is not made in the form or within the time specified by this Code for the commencement of proceedings; or
 - (c) the court considers that the subject matter of the application cannot be properly determined in the manner hereinafter provided for.
- (2) The dismissal of the application shall not be *res judicata*, but shall be a bar to the making of a fresh application on the same grounds.

Art. 311. - Decision on Application.

- (1) Where the application is allowed, the court shall make its decision in accordance with the provisions of the following Articles and such decision shall be in the form of a judgment or written order, as the nature of the case may require.
- (2) Unless otherwise provided for in this Chapter or the law under which the application is made, the court shall make its decision on the basis of the application.
- (3) Nothing in the preceding sub-Article shall prevent the court from requiring the production of such evidence or additional evidence as may be necessary, on such terms, in such manner and, within such time as the court shall direct.

Art. 312. - Consequential Orders.

- (1) Any decision under this Chapter shall be made or given on such terms as to costs or otherwise as the court deems appropriate.
- (2) No decision under this Chapter shall be a bar to the making of such further orders as may or must be made pursuant to the law under which the application is made, or as may appear expedient in the circumstances.

Art. 313. - Issue of Certificate.

- (1) On making its decision in favor of the applicant, the court shall, where the applicant so requires, provide him with a dated and signed certificate stating in a concise form the contents of such decision.
- (2) The provisions of the preceding sub-Article shall apply in matters concerning change of name, refusal to draw up records or to celebrate a marriage, prior permission to sue, withdrawal of interdiction, opposition to marriage, widowhood as well as in cases of applications to consult or to be issued with certain powers or documents or to be authorized to depart from certain instructions.
- (3) Where an application is made for the correction or cancellation of records or entries in registers or for approval or confirmation or registration or certification, the court may, without further proceedings, but after having ordered such investigation as may be necessary, give such directions as are appropriate in the circumstances, or issue a certificate evidencing approval, registration or certification or endorse the fact of approval, registration or certification on the relevant document, as the case may be, together with the date and number thereof, where appropriate.

Art. 314. - Appeal.

- (1) Unless otherwise provided for by the law under which the application is made, no appeal shall lie from any decision under this Chapter.

- (2) When an appeal lies from a judgment given under this Chapter it shall be made within ten days from the issuance of such judgment and such judgment shall not be enforced until the period for the appeal has expired or the appeal has been decided.

TITLE II - SPECIAL PROCEDURES

Chapter 1. - Interpleader

Art. 315. - Definition

A suit of interpleader is a suit wherein a person in possession of property or owing money that is or may be claimed adversely by two or more persons, to one or other of whom alone he can be liable, seeks to be relieved from liability to the claimants, or either of them, with regard to the disposition of such property or money.

Art. 316. - Statement of Claim in Interpleader Suit.

A suit of interpleader shall be instituted by filing, upon payment of the prescribed court fee, a statement of claim which shall, in addition to the particulars required by this Code for any other suit state:

- (a) that the plaintiff claims no interest in the subject matter in dispute other than for charges or costs;
- (b) the claims made by the defendants severally; or
- (c) that there is no collusion between the plaintiff and any one of the defendants.

Art. 317. - Payment of Thing Claimed Into Court.

Where the thing claimed is capable of being paid into court or placed in the custody of the court, the plaintiff may be required to so pay or place it before he can be entitled to any order in the suit.

Art. 318. - Defendant Suing Plaintiff.

Where any of the defendants in an interpleader-suit is actually suing the plaintiff in respect of the subject matter of such suit, the court in which the suit against the plaintiff is pending shall, on being informed by the court in which the interpleader-suit has been instituted, stay the proceedings as against him; and his costs in the suit so stayed may be provided for in such suit; but if, and in so far as, they are not provided for in that suit, they may be added to his costs incurred in the interpleader-suit.

Art. 319. - Procedure at First Hearing.

- (1) At the first hearing the court may:
 - (a) declare that the plaintiff is discharged from all liability to the

defendants in respect of the thing claimed, award him his costs, and dismiss him from the suit; or

- (b) if it thinks that justice or convenience so require, retain jurisdiction over all parties until the final disposition of the suit.
- (2) Where the court finds that the admissions of the parties or other evidence enable it to do so, it may adjudicate the title to the thing claimed.
- (3) Where the admissions of the parties do not enable the court so to adjudicate, it may direct:
 - (a) that an issue or issues between the parties be framed and tried; and
 - (b) that any claimant be made a plaintiff in lieu of or in addition to the original plaintiff,

and shall proceed to try the suit in the ordinary manner.

Art. 320. - Agents and Tenants May Not Institute Interpleader Suits.

Nothing in this Chapter shall be deemed to enable agents to interplead their principals, or tenants to interplead their landlords.

Art. 321. - Deposit in Registry.

- (1) Nothing in the preceding Articles shall prevent a person who seeks to be relieved from liability at any time before or after the institution of a suit, from giving notice to any person or persons entitled thereto to accept any sum of money or other property.
- (2) Where such notice is not answered, such person may deposit, against receipt, such sum of money or other property in the registry of any court or of the court in which the suit is pending, as the case may be, after deducting his costs and charges, if any.
- (3) On making a deposit under sub-Article (2), the depositor shall give the registrar an affidavit stating the reason for the deposit and deductions, if any, and that notice under sub-Article (1) has been given but not answered. A copy of the affidavit shall be served on the person or persons concerned in the same manner as a summons.
- (4) Any sum of money or other property deposited under sub-Article (2) may at any time be withdrawn by any person who, on application, satisfies the court that he is entitled thereto.

Chapter 2. - Special Cases

Art. 322. - Calling of Meetings.

Where, on receiving an application for the calling of a meeting, including a meeting of a

family council, the court is satisfied that there is good cause under the law why a meeting should be called, it shall appoint such person as it deems appropriate to call such meeting on such terms as the court shall fix, and to carry out with regard to the meeting such other duties as are laid down by law or as the court may direct.

Art. 323. - Appointments.

- (1) Where, on receiving an application for the appointment of a provisional director, trustee or liquidator, the court is satisfied that there is good cause under the law why such appointment should be made, it shall appoint such person as it deems appropriate to carry out the duties of a director, trustee or liquidator and shall, where appropriate, fix his remuneration.
- (2) On receiving an application for the appointment of a guardian or of an additional member of a family council, the court shall summon all the relatives of the minor to appear on such day as it shall fix and the appointment shall be made after such relatives have been heard.

Art. 324. - Setting Aside of Resolution.

- (1) An application to set aside a resolution shall be accompanied by a copy of such resolution and of the memorandum and articles of association of the body corporate concerned.
- (2) Where the court considers that judgment cannot be given on the application, it shall cause a copy thereof to be served on the corporate body concerned, the directors and auditors of which shall be required to file within fifteen days a written reply showing cause why the resolution should not be set aside.
- (3) Where such reply is not filed or such cause is not shown, the court may order the resolution to be set aside.
- (4) The provisions of this Article shall apply by analogy to applications concerning resolutions expelling an associate, decisions made by the committee of management of an endowment, schemes of distribution of profits, final balance sheets and, generally without prejudice to such other provisions of this Code as may be applicable in any particular case, to objections made by the creditors of a trader.

Art. 325. - Applications for Expulsion, Dismissal or Removal.

- (1) On receiving an application for the expulsion of a partner or the dismissal of a manager or trustee, the court shall cause a copy thereof to be served on him and require him to file within fifteen days a written reply showing cause why he should not be expelled or dismissed.
- (2) Where such reply is not filed or such cause is not shown, the court may order expulsion or dismissal.
- (3) The provisions of this Article shall apply by analogy to applications for the

removal of a guardian.

Art. 326. - Dissolution of Partnership or Corporate Body.

An application for the dissolution of a partnership or corporate body or for the termination of an endowment or trust shall, where appropriate, be in the form provided for such cases.

Art. 327. - Amalgamation of Endowments.

- (1) Where an application for the amalgamation of two or more endowments is made, the court shall cause a copy thereof to be served on the responsible Ministry, which may within fifteen days file a written reply concerning the desirability or otherwise of the proposed amalgamation.
- (2) The court shall order amalgamation on being satisfied that it is desirable in the general interest.

Art. 328. - Opposition to Marriage.

On receiving an application for the withdrawal of an opposition to marriage, the court shall summon the applicant and person opposed to the marriage to appear on such day as it shall fix and shall give judgment after both parties have been heard: Provided that the withdrawal of the opposition shall be ordered where the person opposed fails without good cause to appear.

Art. 329. - Applications to Set Aside Refusal.

- (1) On receiving an application to set aside a refusal to make an entry in a public record or register or to celebrate a marriage, the court shall cause a copy thereof to be served on the person who so refused and require him to file within fifteen days a written reply showing cause why the refusal should not be set aside.
- (2) Where such reply is not filed or such cause is not shown, the court shall order the refusal to be set aside.

TITLE III - PROVISIONAL REMEDIES

Chapter 1. - Arrest before Judgment

Art. 330. - Security for Appearance.

- (1) Where at any stage of a suit, other than a suit regarding immovable property, the court is satisfied by affidavit or other evidence under oath that the defendant or a plaintiff against whom a counter-claim has been lodged:
 - (a) with intent to delay the plaintiff, or to avoid any process of the court or to obstruct or delay the execution of any judgment that may be passed against him is about to abscond or leave, or has absconded or left, the local limits of the jurisdiction of the court, or has disposed of or

removed his property or any part thereof from such limits; or

- (b) is about to leave Eritrea under circumstances affording reasonable probability that the plaintiff will or may thereby be obstructed or delayed in the execution of any judgment that may be passed against the defendant in the suit,

the court may issue a warrant to arrest the defendant and bring him before the court to show cause why he should not furnish security for his appearance.

- (2) The defendant shall not be arrested if he pays to the officer entrusted with the execution of the warrant such sum specified in the warrant as is sufficient to satisfy the plaintiffs claim, which sum shall be held in deposit by the court until the suit is disposed of or until the further order of the court.

Art. 331. - Amount of Security.

- (1) Where the defendant fails to show cause, the court shall order him either to deposit in court money or other property sufficient to answer the claim against him, or to furnish security for his appearance at any time when called upon while the suit is pending and until satisfaction of any judgment that may be passed against him in the suit, or make such order as it deems appropriate in regard to the sum which has been paid by the defendant.
- (2) Every surety for the appearance of a defendant shall bind himself, in default of such appearance, to pay such sum of money as the defendant may be ordered to pay in the suit.

Art. 332. - Application by Surety to be Discharged.

- (1) A surety for the appearance of a defendant may at any time apply to the court in which he became such surety to be discharged from his obligation.
- (2) On such application being made, the court shall summon the defendant to appear or, if it deems appropriate, may issue a warrant for his arrest.
- (3) On the appearance of the defendant in pursuance of the summons or warrant, or on his voluntary surrender, the court shall direct the surety to be discharged from his obligation, and shall call upon the defendant to find new security.
- (4) Where the defendant is unable to find new security, the court shall order him to deposit in court, if he is able to do so, money or other property sufficient to satisfy any judgment that may be issued against him.

Art. 333. - Refusal to Furnish Security.

In cases of refusal to comply with an order to furnish security, the court may order the defendant to be detained until he complies with the order or until the decision of the suit or,

where a judgment is issued against the defendant, until the judgment has been satisfied. The defendant may not be so detained for more than six months.

Chapter 2. - Attachment before Judgment

Art. 334. - Security for Production of Property.

- (1) Where, at any stage of a suit, the court is satisfied, by affidavit or otherwise, that the defendant or a plaintiff against whom a counter-claim has been lodged, with intent to obstruct or delay the execution of any judgment that may be passed against him:
 - (a) is about to dispose of his property, in whole or in part; or
 - (b) is about to remove his property, in whole or in part, from the local limits of the jurisdiction of the court,

the court may direct the defendant, within a time to be fixed by it, either to furnish security, in such sum as may be specified in the order, or to produce and place at the disposal of the court, when required the said property or the value of the same, or such portion thereof as may be sufficient to satisfy the judgment, or to appear and show cause why he should not furnish security.

- (2) The plaintiff shall, unless the court otherwise directs, specify the property required to be attached and the estimated value thereof.
- (3) The court may also in the order direct the conditional attachment of the property, in whole or in part, so specified.

Art. 335. - Attachment of Property.

- (1) Where the defendant fails to show cause why he should not furnish security, or fails to furnish the security required, within the time fixed by the court, the court may order that the property specified, or such portion thereof as appears sufficient to satisfy any judgment which may be passed in the suit, be attached.
- (2) Where the defendant shows such cause or furnishes the required security after the property specified or any portion of it has been attached, the court shall order the attachment to be withdrawn or make such other order as it deems appropriate.

Art. 336. - Making and Effects of Attachment.

- (1) Unless otherwise expressly provided, the attachment shall be made in the manner provided for the attachment of property in execution of a judgment.
- (2) Attachment before judgment shall not affect the rights, existing prior to the attachment, of persons not parties to the suit, nor bar any person holding a judgment against the defendant from applying for the sale of the property under

the attachment in execution of such judgment.

- (3) Where any claim is preferred to property attached before judgment, such claim shall be investigated in the same manner as a claim to property attached in execution of a judgment for the payment of money.
- (4) Where an order is made for attachment before judgment, the court shall order the attachment to be withdrawn when the defendant furnishes the security required, together with security for the costs of the attachment, or when the suit is dismissed.
- (5) Where property has been attached under this Article and a judgment is subsequently issued in favor of the plaintiff, it shall not be necessary upon an application for execution of such judgment to apply for a reattachment of the property.

Chapter 3. - Temporary Injunctions

Art. 337. - When Temporary Injunction May be Granted.

Where, in any suit it is proved by affidavit or otherwise that:

- (a) any property in dispute in the suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a judgment; or
- (b) the defendant threatens or intends to remove or dispose of his property with a view to defraud his creditors,

the court may by order grant a temporary injunction to such act, or make such other order for the purpose of staying the wasting, damaging, alienation, sale, removal or disposition of the property as the court deems appropriate, until the disposal of the suit or further orders.

Art. 338. - Injunction to Restrain Repetition or Continuance of Breach.

- (1) In any suit for restraining the defendant from committing a breach of contract or other act prejudicial to the plaintiff, whether compensation is claimed in the suit or not, the plaintiff may, at any time after the institution of the suit, and either before or after judgment, apply to the court for a temporary injunction to restrain the defendant from committing the breach of contract or act complained of, or any breach of contract or act of a like kind arising out of the same contract or relating to the same property or right.
- (2) The court may by order grant such injunction, on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as it deems appropriate.

Art. 339. - Failure to Comply With Injunction.

- (1) In case of disobedience, or of breach of any terms of the injunction, the court

granting an injunction may order the property of the person guilty of such disobedience or breach to be attached, and may also sentence such person for contempt of court.

- (2) No attachment under the preceding sub-Article shall remain in force for more than one year, at the end of which time if the disobedience or breach continues, the property attached may be sold, and out of the proceeds the court may award such compensation as it deems appropriate, and shall pay the balance, if any, to the party entitled thereto.

Art. 340. - Notice to Opposite Party.

Before granting an injunction, the court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, direct notice of the application for the same to be given to the opposite party.

Art. 341. - Order May be Discharged, Varied or Set Aside.

Any order for an injunction may be discharged, or varied, or set aside by the court, on application made thereto by any party dissatisfied with such order.

Art. 342. - Injunction to Corporate Body Binding on its Officers.

An injunction directed to a corporate body shall be binding on the body corporate itself as well as on all the members and officers thereof whose personal action it seeks to restrain.

Chapter 4. - Interlocutory Orders

Art. 343. - Interim Sale.

On the application of any party to a suit, the court may order the sale, by any person named in such order, and in such manner and on such terms as it deems appropriate, of any movable property, being the subject matter of such suit, or attached before judgment in such suit, which is subject to speedy and natural decay, or which for any other just and sufficient cause it may be desirable to have sold at once.

Art. 344. - Detention, Preservation and Inspection.

- (1) The court may, on the application of any party to a suit, and on such terms as it deems appropriate:
 - (a) issue an order for the detention, preservation or inspection of any property which is the subject matter of such suit, or as to which any question may arise therein; and
 - (b) for all or any of the purposes aforesaid, authorize any person to enter upon or into any land or building in the possession of any other party to such suit, or may order any samples to be taken, or any observation to be made or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence.

- (2) The provisions of this Code as to execution of process shall apply to persons authorized to enter under the preceding sub-Article.

Art. 345. - Notice to Opposite Party.

- (1) An application by the plaintiff for an order may be made after notice to the defendant at any time after institution of the suit.
- (2) An application by the defendant for a like order may be made after notice to the plaintiff at any time after appearance by the defendant.

Art. 346. - Suspension of Sale.

- (1) Where a party in possession of land or tenure which is the subject matter of a suit, neglects to pay the government revenue, or the rent due to the proprietor of the tenure, as the case may be, and such land or tenure is consequently ordered to be sold, any other party to the suit claiming to have an interest in such land or tenure may, upon payment of the revenue or rent due prior to the sale, apply to the court for the suspension of the sale and the court may grant the application on such terms as it deems appropriate.
- (2) The court in its judgment may award against the defaulter the amount paid under sub-Article (1), with interest thereon at such rate as the court deems appropriate, or may charge the amount so paid, with interest thereon at such rate as the court orders, in any adjustment of accounts which may be directed in the judgment passed in the suit.

Art. 347. - Deposit in Court.

Where the subject matter of a suit is money or some other thing capable of delivery and any party thereto admits that he holds such money or other thing as a trustee for another party, or that it belongs or is due to another party, the court may order the same to be deposited in court or delivered to such last-named party with or without security, subject to the further direction of the court.

Art. 348. - Other Orders.

Pending the decision of the suit, the court may at any time, on the application of any party of which notice shall be given to the other party, make on such terms as it deems appropriate such orders as it considers necessary or expedient in the circumstances, including orders for the custody of a minor or the payment of alimony.

Chapter 5. - Appointment of Receivers

Art. 349. - When Receiver May be Appointed.

- (1) Where it appears to the court to be just and convenient, the court may by order:
 - (a) appoint a receiver of any property, whether before or after judgment;

- (b) remove any person from the possession or custody of the property;
 - (c) commit the same to the possession, custody or management of the receiver; or
 - (d) confer upon the receiver all such powers, as to bringing or defending suits and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of documents as the owner himself has, or such of those powers as the court deems appropriate.
- (2) Where an application is made for an order under sub-Article (1), the court shall have regard to the amount of the debt claimed by the applicant, to the amount which may possibly be obtained by the receiver and to the probable costs of his appointment and may before making the appointment, direct such inquiries on these or other matters to be made as it deems appropriate.

Art. 350. - Remuneration.

The court may by general or special order fix the amount to be paid as remuneration for the services of the receiver.

Art. 351. - Receiver's Duties.

Every receiver shall:

- (a) furnish such security, if any, as the court deems appropriate, duly to account for what he shall receive in respect of the property;
- (b) submit his accounts at such periods and in such form as the court directs;
- (c) pay the amount due from him as the court directs; and
- (d) be responsible for any loss occasioned to the property by his willful default or gross negligence.

Art. 352. - Enforcement of Receiver's Duties.

Where a receiver:

- (a) fails to submit his accounts at such periods and in such form as the court directs; or
- (b) occasions loss to the property by his willful default or gross negligence,

the court may direct his property be attached and sold and may apply the proceeds to make good any amount found to be due from him or any loss occasioned by him and shall pay the balance, if any, to the receiver.

Chapter 6. - Affixing of Seals and Making of Inventories

Art. 353. - Principle.

- (1) The provisions of this Chapter shall apply, where the court determines that seals should be affixed for the purpose of preserving property which may be or is the subject of proceedings in court.
- (2) No seal when affixed shall be removed without an order of the court. Any interested party may apply to the court for the removal of a seal.

Art. 354. - Application for Affixing of Seals.

- (1) An application for the affixing of seals may be made to any court by any person who satisfies the court, by affidavit or otherwise, that property which may be the subject of proceedings in court should be preserved.
- (2) An order for the affixing of seals may be made at any stage of proceedings in court, by the court on its own motion or on application.
- (3) On making an order for the affixing of seals, the court shall appoint such person (hereinafter referred to as the "official sealer") as it deems fit to carry out such order.

Art. 355. - Record.

- (1) The official sealer, after having affixed seals in accordance with the order of the court, shall prepare a dated and signed record showing:
 - (a) the order of the court and the date thereof;
 - (b) a list of the property to which seals have been affixed and the place where such property is to be found;
 - (c) a list of the articles to be sealed which cannot be found; and
 - (d) the name of the caretaker, if any, in charge of the premises where the sealing has taken place.
- (2) The official sealer shall hand over to the registrar of the court any keys belonging to any locks he has sealed.

Art. 356. - No Seals to be Affixed on Certain Property.

- (1) No seals shall be affixed to:
 - (a) perishable goods;
 - (b) any property the affixing of seals to which might cause deterioration; or
 - (c) any property required for the use of a party to the suit that is

specifically exempted from sealing by the court.

- (2) Where any property is committed to the use of any person under the preceding sub-Article, the official sealer shall make and deposit in court an inventory of all such property.

Art. 357. - Wills and Other Documents.

- (1) Where the official sealer finds wills, sealed papers or other documents he shall make a list of such papers and shall place them in a sealed bundle and forward such list to the court for instructions.
- (2) The court shall issue such order for the disposal of such documents as it deems appropriate.

Art. 358. - Removal of Seals.

- (1) Where an application for the removal of seals is made or where the court of its own motion proposes to order such removal, all interested parties shall be informed of the day when the order will be made and, if they appear they may be heard. Any objection shall be considered by the court which shall, having heard the parties, give its decision forthwith.
- (2) When an order for the removal of seals has been made, the official sealer shall remove the seals and shall make a written dated and signed report to the court giving particulars of all property which he has unsealed.

Art. 359. - Making of Inventory.

- (1) The court may order that an inventory of property, which is or may be the subject of proceedings in court, be made by such person (hereinafter referred to as the official recorder) as it deems fit to carry out such order.
- (2) The official recorder shall, in the presence of not less than two independent witnesses, prepare an inventory of the property specified in the order of the court, containing:
 - (a) a reference to the order of the court; and
 - (b) an accurate description of each article entered in the inventory and the estimated value thereof.
- (3) Where the court so orders, the estimation of value shall be made by an expert appointed by the court, whose report, dated and signed, shall be attached as an annex to the official recorder's report.
- (4) The report of the official recorder, dated and signed, shall be forwarded to the court and, after being registered by the registrar of the court in a special inventory register, shall form part of the record of the case.