

copy of the stay order shall immediately be sent by the District Judge or, as the case may be, the High Court to the Commission and to the Director of Tribal Council Elections.

**137. Procedure in appeal :**

1. Every appeal shall be heard and determined by the High Court as nearly as may be in accordance with the procedure applicable to the hearing and determination of an appeal from an order passed by the District Judge in the exercise of its original civil jurisdiction; and all the provisions of the Code of Civil Procedure, 1908 (5 of 1908) shall, so far as may be, apply in relation to such appeal.
2. As soon as an appeal is decided, the High Court shall intimate the substance of the decision to the Commission and the Director of Tribal Council Elections and as soon as may be thereafter shall send to the Commission an authenticated copy of the decision and upon its receipt, the Commission shall –
  - a) forward copies thereof to the authorities to which the copies of the order of the order of the District Judge were forwarded; and
  - b) cause the decision to be published in the Official Gazette.

**138. Security for costs :**

1. At the time of presenting an election petition, the petitioner shall deposit in the District Court in accordance with the Rules of the Court, a sum of two thousand rupees as security for costs of the petition.
2. During the course of trial of an election petition, the District Judge may, at any time, call upon the petitioner to give such further security for costs as he ~~may~~ pay direct.

**139. Costs :** Costs shall be in the discretion of the District Judge:

Provided that where a petition is dismissed under clause (a) of rule 125, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the District Judge shall make an order for costs in favour of the returned candidate.

**140. Payment of costs out of security deposits and return of such deposits :**

1. If in any order as to cost under the provisions of these rules, there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of the security deposit and the further security deposit, if any, made by such party on an application made in writing in that behalf within a period of one year, from the date of such order to the District Judge by the person in whose favour the cost have been awarded.
  2. If there is any balance left of any of the said security deposits after payment under sub-rule (1) of the costs referred to in that sub-rule, such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of one year, the whole of the said security deposits may, on an application made in that behalf in writing to the District Judge by the person by whom the deposits have been made, or if such person dies after making such deposits by legal representatives of such person, be returned to the said person or to his legal representatives, as the case may be.
- 141. Execution of order as to costs :** Any order as to costs under the provisions of these rules may be produced before the concerned court and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit :