

THE BENGAL, AGRA AND ASSAM CIVIL COURTS
(EXTENSION TO OUDH) ACT, 1955¹

[U. P. Act No. 2 of 1956]

[Passed in Hindi by the Uttar Pradesh Legislative Council on September 19, 1955 and by the Uttar Pradesh Legislature Assembly on November 21, 1955.]

Received the assent of the President on January 4, 1956, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated January 11, 1956.]

AN

ACT

to provide for extension² of certain of the provisions of the Bengal, Agra and Assam Civil Courts Act, 1887, to Oudh

WHEREAS it is expedient to provide for extension of certain of the provisions of Bengal, Agra and Assam Civil Courts Act, 1887, to the territories to which the Oudh Court Act, 1925 is applicable:

It is hereby enacted in the Sixth Year of the Republic of India as follows:

**Short title,
extent and
commencement**

1. (i) This Act may be called the Bengal, Agra and Assam Civil Courts (Extension to Oudh) Act, 1955.

(ii) It shall come into force at once.

**Application of
Act XII of 1887
to Oudh**

2. With effect from the date of the commencement of this Act the provisions of —

(a) Section 3, 4, 6, 8, 9 to 11, 13 to 25, 38 and 39 ; and

(b) Section 40 [with the modification that in sub-section (1) the figures 32 and 37 shall be deleted] of the Bengal, Agra and Assam Civil Courts Act, 1887 (as amended from time to time in their application to Uttar Pradesh) shall apply to the territories to which the Oudh Courts Act, 1925, is applicable and the corresponding provisions of the Oudh Courts Act, 1925 shall thereupon stand repealed accordingly.

**Courts, etc.
established
under U.P. Act
IV of 1925**

3. All courts established or constituted and appointments, nominations, rules and order made, jurisdictions and powers conferred and lists published under the Oudh Courts Act, 1925, shall be deemed to have been respectively established, constituted, made, conferred and published under the provisions of the Bengal, Agra and Assam Civil Courts Act, 1887, as herein applied to Oudh.

**Pending suit or
proceedings.**

4. All suits and proceedings instituted or commenced before the commencement of this Act in any Court constituted or established under the Oudh Courts Act, 1925, shall be continued in the Court, where they were instituted or commenced or to which they may have been transferred notwithstanding the repeal of the provisions of the said Act, as if they had been instituted or commenced in a Court constituted and established under the Bengal, Agra and Assam Civil Courts Act, 1887.

1. For Statement of objects and Reasons, see *Uttar Pradesh Gazette Extraordinary*, dated August 30, 1955.

2- The High Court in Allahabad and the Chief Court in Oudh were amalgamated to constitute one High Court by the name of the High Court of Judicature at Allahabad from the appointed day (i. e. July 26, 1948) by para 3 of the U. P. High Courts (Amalgamation) Order, 1948.

**Pending
appeals and
transitory
provisions**

5. Where by reason of the application of the provision of section 21 of the Bengal, Agra and Assam Civil Courts Act, 1887 to Oudh an appeal shall now lie to the District Judge, and not to the High Court-

(a) any appeal already instituted or commenced in the High Court prior to the commencement of this Act shall, notwithstanding the application of the said provisions, continue to be heard and decided by the High Court ; and

(b) any appeal not so instituted or commenced but in respect of which the period of limitation has begun to run before the commencement of the Act, shall notwithstanding that it shall now lie to the District Judge, continue to be governed by the period of limitation which would have been available if the appeal had lain to the High Court.

6. All decrees passed and orders made before the commencement of this Act by a Court constituted or established under the Oudh Courts Act, 1925, shall be deemed for purposes of execution to have been passed or made by the corresponding Court constituted and established or deemed to be constituted and established under the Bengal, Agra and Assam Civil Courts Act, 1887, as extended to Oudh.

