

ACT No. XXXVIII OF 1858.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 11th December 1858.)

*An Act to repeal Regulation V. 1832 of the Bengal Code, and to make certain provisions rendered necessary by the transfer of the Delhi Territory to the administration of the Chief Commissioner of the Punjab.*

WHEREAS the whole of the Delhi Territory, except such part thereof as is specified in the Schedule to this Act annexed, has been placed under the administration of the Chief Commissioner of the Punjab, and it is expedient that Regulation V. 1832 of the Bengal Code should be repealed ; It is enacted as follows :—

Preamble.

I. Regulation V. 1832 of the Bengal Code is hereby repealed, except as to that part of the Delhi Territory which is mentioned in the Schedule to this Act annexed.

Regulation repealed.

II. All suits and proceedings which were pending in any Court or before any Officer within any part of the said Territory, except as aforesaid, at the time when the same was placed under the administration of the said Chief Commissioner of the Punjab, and which have been or shall be transferred to the Courts or Officers which have been or shall be established or appointed for the administration of Civil and Criminal justice and the collection of the Revenues therein, shall be deemed to have been lawfully transferred to such Courts and Officers according to their respective jurisdictions ; and any suits or proceedings which, subsequently to the time when the said Territory was so placed under such administration, shall have been instituted in any such Court or before any such Officer, shall be deemed to have been lawfully instituted.

Suits and proceedings pending at the time of the transfer of the Territory.

Suits instituted subsequently.

III. Any

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III. Any suit which, prior to the time when the said Territory was placed under the administration of the said Chief Commissioner, had been determined, and which hath been or shall be remanded by any Appellate Court, shall be tried before the Court which, for the time being, would be competent to try such a suit if instituted after the passing of this Act.

Suits determined before the transfer, but which may be remanded by an Appellate Court.

IV. All appeals or proceedings now pending in the Court of Sudder Dewany Adawlut, or in the Court of Nizamut Adawlut, or before the Sudder Board of Revenue for the North-Western Provinces, shall be determined by such Court or Board in the same manner as if this Act had not been passed ; and all applications for execution of decrees or orders which, but for

Appeals or proceedings now pending before the Sudder Court or Board.

Applications for execution of decrees.

the passing of this Act, would have been made to any Court existing at the period abovementioned, shall be made to the Court or Officer who would have had jurisdiction in respect of the matter in dispute, had the suit or proceeding been instituted after the passing of this Act.

V. All appeals from decrees or orders passed before the said Territory was so placed under the administration of the said Chief Commissioner of the Punjab, which were not pending when the said Territory was so placed under the administration of the said Chief Commissioner, shall be received, heard, and determined by the Courts or Officers who would have had jurisdiction over such appeals had the decrees or orders to which they relate been passed after the passing of this Act ; and all decisions or orders passed by any such Courts or Officers on any appeals which may have been preferred between the date on which the said Territory was so placed under the administration of the said Chief Commissioner of the Punjab, and the date of the passing of this Act, shall be of the same force as if such decisions or orders had been passed after the passing of this Act.

Appeals not pending at the time of the transfer of the Territory.

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SCHEDULE.

The tract, commonly called the Eastern Pergunnah, lying on the left bank of the Jumna.