

ACT No. XXIV OF 1864.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 8th April 1864).

An Act relating to the Administration of certain Districts under the Government of the Lieutenant-Governor of the North-Western Provinces.

WHEREAS certain Rules for the administration of Civil Justice and for the
Preamble. superintendence of the settlement and of the realization of the Public Revenue and of matters relating to rent in the Districts of Jhansi, Jaloun, and Lullutpore, were made by the Lieutenant-Governor of the North-Western Provinces, and came into operation on the twenty-eighth day of January and the seventh day of February 1862: and whereas the said Rules, so far as they relate to the administration of Civil Justice, were afterwards extended by an order of the Lieutenant-Governor of the North-Western Provinces to the Provinces of Kumaon and Gurhwal: and whereas it is expedient to prevent the validity of decisions, orders, and proceedings passed or held under the said Rules being questioned only by reason that the said Rules were not made in accordance with the provisions of the Indian Councils' Act 1861: and whereas it is expedient to make provision for the administration of the Districts and Provinces aforesaid and also of a tract of country in Dehra Dhoon in the North-Western Provinces known as Jounsar Bawur; it is enacted as follows:—

I. The Rules made as aforesaid by the Lieutenant-Governor of the North-Western Provinces relating to the jurisdiction and procedure of the Revenue Officers, and for the superintendence of the settlement and of the realization of the Public Revenue, and of matters relating to rent, within the said Districts of Jhansi, Jaloun and Lullutpore, shall be deemed valid for all purposes from the date on which such Rules were issued.

Rules relating to jurisdiction and procedure of Revenue Officers, &c., to be deemed valid from date of issue.

II. The

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II. The Rules made as aforesaid by the Lieutenant-Governor of the North-Western Provinces for the administration of Civil Justice within the said Districts, and there-
Rules relating to the administration of Civil Justice to be deemed valid from date of issue until the coming into operation of this Act, and in part to continue of effect after such period. after extended to the Provinces of Kumaon and Gurhwal as aforesaid, shall be deemed valid for all purposes from the date on which they were issued until this Act shall come into operation. So much of the said Rules as relates to the establishment of Courts of Civil Judicature, and provides for the trial of suits and appeals by Commissioners, Deputy Commissioners of Districts, Assistant Commissioners, Extra Assistant Commissioners, and Tehsildars, together with so much of the said Rules as relates to the periods of appeal from decisions and orders made by such Courts, shall continue to be in force after this Act shall have come into operation.

III. No decision, order, or proceeding of any Court or Officer under any
Validity given to all decisions, &c., before the coming into operation of this Act. of the said Rules, made and extended as aforesaid by the Lieutenant-Governor of the North-Western Provinces, shall be questioned on the ground of such order, or decision, having been passed, or of such proceeding having been held, before the date fixed for this Act to come into operation.

IV. Except as in this Act is otherwise provided, the proceedings in Civil
Proceedings in Civil suits how to be regulated. suits of every description between party and party, brought in the said Courts of Civil Judicature, shall be regulated by the Code of Civil Procedure.

V. Every suit shall be instituted in the Court of the lowest grade com-
In what Courts suits to be instituted. petent to try it.

VI. It shall be lawful for the Commissioner or for the Deputy Commis-
Power of Commissioner and Deputy Commissioner as to suits instituted in any subordinate Court. sioner of a District to withdraw any suit instituted in any Court subordinate to the Court of such Commissioner or Deputy Commissioner, and to try such suit himself, or to refer it for trial to any other Court subordinate to his authority and competent in respect of the value of the suit to try the same.

VII. If the suit be for land or other immoveable property situate within
Trial of suits for immoveable property situate within the jurisdiction of different Courts. the local limits of the jurisdiction of different Courts, the suit may be brought in any Court otherwise competent to try it, within the jurisdiction of which any portion of the land, or other immoveable property, in suit is situate

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situate ; but in such case the Court in which the suit is brought shall apply to the Deputy Commissioner of the District if the suit is brought in any Court subordinate to the Deputy Commissioner, or to the Commissioner if the Court in which the suit is brought is the Court of a Deputy Commissioner, for authority to proceed with the same.

VIII. The periods of regular and special appeal prescribed in the Rules, which by Section II of this Act are to continue in force after this Act shall have come into operation, shall be reckoned from and exclusive of the day on which the judgment appealed against shall have been pronounced, and also exclusive of such time as may be requisite for obtaining a copy of the decree from which the appeal is made. Appeals from orders, when such appeals are allowed by the Code of Civil Procedure, shall be presented within the same period as appeals from decrees.

IX. Act XIV of 1859 (*to provide for the limitation of suits*) is hereby extended to the said Districts of Jhansi, Jaloun and Lullutpore, and to the said Provinces of Kumaon and Gurhwal, and shall take effect therein from the date on which this Act comes into operation, subject to the provision contained in Section XXIV of the said Act XIV of 1859, as regards pending suits instituted within two years from the date above mentioned.

X. It shall be lawful for the Lieutenant-Governor of the North-Western Provinces by notification in the Official Gazette, to extend to the said Districts and Provinces the operation of any Regulation or Act now in force in the Districts, under his Government, which are subject to the General Regulations, and to declare in whom any authority to be exercised under any Regulation or Act so extended shall be vested.

XI. The administration of Civil and Criminal Justice, and the superintendence of the settlement and realization of the Public Revenue, and of all matters relating to rent, within the tract of country in the Dehra Dhoon called Jounsar Bawur, are hereby vested in such Officer or Officers as the Lieutenant-Governor of the North-Western Provinces may, for the purpose of tribunals of first instance or of reference and appeal, appoint.

XII. The

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XII. The Officer or Officers so appointed shall be guided by the Rules made before the date fixed for this Act to come into operation by the Lieutenant-Governor of the North-Western Provinces under the authority of Act XIV of 1861 (*to remove certain tracts of country in the Rohilkund Division from the jurisdiction of the tribunals established under the General Regulations and Acts*), for the guidance of the Officers appointed to administer the tracts of country described in the said Act.

XIII. The Lieutenant-Governor of the North-Western Provinces may, by notification in the Official Gazette, extend the Code of Civil Procedure to the said tract of country known as Jounsar Bawur and the tracts of country described in the said Act XIV of 1861.

XIV. Nothing in this Act, or in the said Act XIV of 1861, shall be held to exclude the said tract of country known as Jounsar Bawur, or the tracts of country described in the said Act XIV of 1861, from the operation of the Indian Penal Code.

XV. This Act shall come into operation on the first day of May 1864.