

ACT No. XVIII OF 1867.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 8th March 1867.)

An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhānsī Division.

Preamble. WHEREAS it is expedient to define the jurisdiction of the Courts of Civil Judicature in the Jhānsī Division ; It is hereby enacted as follows :—

Short title.

1. This Act shall be called "The Jhānsī Courts' Act, 1867."

2. So much of the rules passed by the Government of the North-Western Provinces, for the administration of Civil justice within the districts of the Jhānsī Division, as were continued in force by Act No. XXIV of 1864 (*relating to the administration of certain districts under the Government of the Lieutenant Governor of the North-Western Provinces*), Section 2, shall cease to have effect in the said districts from the thirtieth day of June 1867.

Certain rules for administration of Civil Justice in Jhānsī Division to cease to have effect.

3. So much of the rules passed by the Government of the North-Western Provinces, relating to the jurisdiction and procedure of Revenue officers within the districts of the Jhānsī Division, and confirmed by the said Act No. XXIV of 1864, Section 1, as directed that suits regarding landed property should be heard by the Revenue Courts, shall, from the date of this Act coming into operation, cease to have effect in the said districts with regard to all such suits except summary suits. And so much of the said rules as relates to summary suits in the Revenue Courts, whether as Courts of first instance or appeal, shall remain

Certain rules regarding jurisdiction and procedure of Revenue officers in Jhānsī to cease to have effect.

remain in force until the said Government shall by notification in the official *Gazette* declare otherwise.

Interpretation clause.

4. In this Act—

“High Court.”

“Lieutenant Gov-
ernor.”

“Assistant Commis-
sioner.”

“High Court” means the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William in Bengal; “Lieutenant Governor” means the Lieutenant Governor of the said Provinces, and “Assistant Commissioner” includes Extra Assistant Commissioner.

“District.”

5. For the purposes of this Act, the local jurisdiction of a Deputy Commissioner shall be deemed a District, and the Court of such

“District Court.”

“Division.”

“Divisional Court.”

Deputy Commissioner shall be deemed the District Court. The local jurisdiction of a Commissioner shall, in like manner, be deemed a Division, and his Court a Divisional Court.

6. There shall be seven grades of Courts in the Jhānsī Division, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed, *viz.* :—

Grades of Courts in
the Jhānsī Division.

- (1.) The Court of the Tahsildār of the second class :
- (2.) The Court of the Tahsildār of the first class :
- (3.) The Court of the Assistant Commissioner of the second class :
- (4.) The Court of the Assistant Commissioner of the first class :
- (5.) The Court of the Deputy Commissioner :
- (6.) The Court of the Commissioner :
- (7.) The High Court.

Lieutenant Govern-
or may declare grade
to which a Tahsildār or
Assistant Commis-
sioner belongs.

7. The Lieutenant Governor shall have power to declare to which of the said grades any Tahsildār and any Assistant Commissioner in the said Division shall belong.

8. The

Jurisdiction of Court
of Tahsildár of the
second class.

8. The Court of the Tahsildár of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed one hundred Rupees in value or amount.

Jurisdiction of Court
of Tahsildár of the
first class.

Rupees in value or amount.

9. The Court of the Tahsildár of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed three hundred

10. The Court of the Assistant Commissioner of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed one thousand Rupees in value or amount.

Jurisdiction of Court
of Assistant Commis-
sioner of the second
class.

11. The Court of the Assistant Commissioner of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed five thousand Rupees in value or amount.

Jurisdiction of Court
of Assistant Commis-
sioner of the first class.

12. The Court of the Deputy Commissioner shall have power to try and determine suits of every description and of any amount, and to hear appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the first, second and third grades.

Jurisdiction of Court
of Deputy Commis-
sioner.

13. The Court of the Commissioner shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the fourth and fifth grades.

Jurisdiction of Court
of Commissioner.

14. The High Court shall have power to hear and determine appeals from original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioner, and also applications for a special appeal as provided in the said Code, from the decisions passed in regular appeal by the Deputy Commissioners and by the Commissioner of the Division.

Appellate jurisdic-
tion of High Court.

15. The memorandum of appeal, prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, shall be presented in the Court empowered to hear the appeal

Time for presenting
appeals.

peal

peal within the period hereinafter specified, unless the appellant shall show sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within the said period; that is to say, thirty days, if the appeal lie to the Deputy Commissioner; six weeks, if the appeal lie to the Commissioner of the Division; and ninety days, if the appeal lie to the High Court. The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made. Memoranda of special appeal shall be presented in the High Court within the period hereinbefore fixed for appeals.

16. The High Court shall have power to remove and to try and determine as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court in the said Division, when the High Court shall think proper to do so, either on the agreement of the parties to that effect or for purposes of justice, the reasons for so doing being recorded on the proceedings of the High Court.

17. The High Court shall have superintendence over all Courts in the said Division, and shall have power to call for returns, and to make and issue general rules for regulating the practice and proceedings of such Courts, and also to prescribe forms for every proceeding in the said Courts for which it shall think necessary that a form be provided, and also for keeping all books, entries and accounts to be kept by the officers, and also to settle tables of fees to be allowed to the attorneys, vakils and all clerks and officers of such Courts, and from time to time to alter any such rule or form or table; and the rules so made, and the forms so framed, and the tables so settled, shall be used and observed in the said Courts; provided that such general rules and forms and tables be not inconsistent with the provisions of any law in force, and shall before they are issued have received the sanction of the Lieutenant Governor.

18. Whenever the state of the public business requires it, the Lieutenant Governor shall have power to invest any person with the powers of a Commissioner or of a Deputy Commissioner in any part of the Jhansí Division.

19. Every

19. Every suit shall be instituted in the Court of the lowest grade competent to try it: provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

Court in which suit shall be instituted.

20. Except when otherwise provided in any Regulation or Act for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

Appeal to lie from all decisions, except when expressly prohibited.

21. The Deputy Commissioner may direct the business in the Courts subordinate to him, holding their sittings at the same place, to be distributed among such Courts in such way as he shall think fit. Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Deputy Commissioner may distribute business among subordinate Courts.

22. The Commissioner of the Division or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself or refer it for trial to any other such subordinate Court and competent in respect of the value or amount of the suit to try the same. The Commissioner of the Division may also withdraw any appeal instituted in the Court of any Deputy Commissioner subordinate to him, and try the appeal himself or refer it for trial to the Court of any other Deputy Commissioner in his Division.

Transfer of suits from subordinate Court to Commissioner's or Deputy Commissioner's Court.

23. The High Court may order that the cognizance of any suit or appeal which shall be instituted in any Court subordinate to such High Court, not being a Court of Small Causes, shall be transferred to any other such subordinate Court, competent in respect of the value or amount of the subject-matter of the suit or appeal to try the same.

High Court may transfer suits from one subordinate Court to another.

24. If the suit be for any immoveable property situate within the limits of different District Courts within the same Division, the suit may be brought in any Court otherwise competent to try it within the jurisdiction of which any portion of such property is situate; but in such case the Court in which the suit is brought shall apply

Suits for immoveable property situate in different districts.

apply to the Commissioner of the Division for authority to proceed with the suit; and the Commissioner, after hearing the objections, if any, of the defendant, may give such authority. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

25. If the District Courts within the limits of whose jurisdiction any immoveable property sued for is situate are subordinate to different Commissioners, application for authority to proceed with the suit shall be made to the Commissioner of the Division to whom the District Court in which the suit is brought is subordinate, and such Commissioner may, after hearing the objections, if any, of the defendant, give authority to proceed with the suit.

Suits for immoveable property situate in districts subject to different Commissioners.

Commencement of Act.

26. This Act shall come into operation on such day as the said Government shall declare by notification in the official *Gazette*.