

THE PANJÁB COURTS ACT, 1884.

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THE SCHEDULE.—ACTS REPEALED.

ACT No. XVIII OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 3rd October, 1884.)

An Act to amend the Law relating to Courts
in the Panjáb.

WHEREAS it is expedient to amend the law relating to Courts in the Panjáb; and whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Panjáb Courts Act, 1884.

Short title,
* local extent
and com-
mencement.

(2) It extends to the territories for the time being under the administration of the Lieutenant-Governor of the Panjáb; and

(3) it shall come into force on the first day of November, 1884.

(4) Any power conferred by this Act to make rules or to issue orders creating territorial divisions, establishing Courts, appointing and posting officers, or fixing the pecuniary or local limits of their jurisdiction or conferring powers may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

2. On and from that day the Acts mentioned in

Repeal of
the Acts.

(Chapter I.—Preliminary.—Section 3.)

the schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(1) "Assistant Commissioner" includes Extra Assistant Commissioner :

(2) "Revenue Court" means the Court of a Financial Commissioner, of a Commissioner, of a Deputy Commissioner, of an Assistant Commissioner, of a Tahsildár or of a Náib Tahsildár exercising jurisdiction in suits of any of the classes mentioned in section 45 :

(3) "small cause" means a suit of the nature cognizable in a Court of Small Causes constituted under Act XI of 1865, and any other suit not being a suit of any description specified in section 19 of the Presidency Small Cause Courts Act, 1882, which the Chief Court, with the sanction of the Local Government, may direct to be treated as a small cause for the purposes of appeal : XV of 18

(4) "land" means land assessed or liable to be assessed to the land-revenue or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village :

(5) "rent" means whatever is payable by an occupant of land on account of the use or occupation thereof :

(6) "tenant" means any occupant of land liable to pay rent therefor, but does not include an under-proprietor :

(7) "landlord" means any person entitled to receive rent paid by a tenant; and

(8) "value," used with reference to a suit, means the amount or value of the subject-matter of the suit.

CHAPTER II.

CHAPTER II.

THE CHIEF COURT.

4. There shall continue to be a Chief Court consisting of three or more Judges, who shall be appointed by the Governor General in Council and shall hold their offices during his pleasure, and of whom one at least shall always be a barrister of not less than five years' standing.

Constitution of Chief Court and appointment and tenure of Judges.

5. The Judges of the Chief Court shall have rank and precedence according to the seniority of their appointments as such Judges :

Rank and precedence of Judges of Chief Court.

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

6. The Chief Court shall be deemed, for the purposes of all enactments for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

Civil appellate jurisdiction.

7. The Chief Court shall be the highest Court of criminal appeal or revision in the said territories, and shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial.

Criminal jurisdiction.

8. (1) Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide, in such manner as it thinks fit, for the exercise by one or more of its Judges of any of its powers :

Delegation of powers to members of Court.

Provided that no decree, sentence, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or modified by any Judge of the Chief Court sitting alone.

Act of 1882.

(2) When the Chief Court consists of more than three Judges, it may make rules declaring what number of Judges, not being less than three, shall constitute a full bench of the Court, and may by these rules prescribe the mode of determining which Judges shall

(Chapter II.—The Chief Court.—Sections 9 & 10.)

shall sit as a full bench, when a full bench sitting becomes necessary.

(3) Subject to the provisions of sub-section (2), the Senior Judge may determine which Judge in each case shall sit alone, and which Judges of the Court shall constitute any bench.

Appeals from original jurisdiction of Chief Court.

9. Except as otherwise provided by any enactment for the time being in force, an appeal from any decree or order made by the Chief Court—

(a) in exercise of its original jurisdiction in cases withdrawn from other Courts under section 25 of the Code of Civil Procedure, or

(b) in exercise of any other original jurisdiction of a civil nature to which the Chief Court may by rule extend this section,—

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shall lie in the cases and in manner following (that is to say):—

(1) if the decree or order is made by a single Judge, the appeal shall lie either to a bench consisting of two other Judges, or to a full bench, as the Court may, by general rule or special order, direct;

(2) if the decree or order is made by a bench of Judges not being a full bench, and the Judges differ in opinion, the appeal shall lie to a full bench.

Rule of decision when Judges differ.

10. Except as otherwise provided by any enactment for the time being in force,

(1) when there is a difference of opinion among the Judges composing any bench of the Chief Court, the decision shall be in accordance with the opinion of the majority of those Judges;

(2) If there is no such majority, then—

(a) if the bench is a full bench, or is exercising original civil jurisdiction, the decision shall be in accordance with the opinion of the Senior Judge;

(b) in other cases, the bench before which the question has arisen shall refer the question to

(Chapter II.—The Chief Court.—Sections 11—14.)

to a full bench, and shall dispose of the case in accordance with the decision of the full bench.

11. Any single Judge of the Chief Court and any bench of Judges of that Court, not being a full bench, may in any case refer for the decision of a full bench any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before the Judge or bench, and shall dispose of the case in accordance with the decision of the full bench on the question.

Power to refer question to full bench.

12. (1) The Chief Court may appoint a Registrar and Deputy Registrar, and such other ministerial officers as may be necessary for the administration of justice by the Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

Ministerial officers.

(2) The appointment of the Registrar shall be subject to the sanction of the Local Government.

(3) The officers appointed under this section shall exercise such powers and discharge such duties of a non-judicial or quasi-judicial nature as the Chief Court may direct.

(4) Any such officer may be suspended or dismissed from his office by order of the Chief Court :

Provided that neither the Registrar nor the Deputy Registrar shall be dismissed without the previous sanction of the Local Government.

13. The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Chief Court.

Superintendence and control of Subordinate Courts.

14. (1) The Chief Court may make rules consistent with this Act and any other enactment for the time being in force—

Power to make rules.

(a) providing for the translation of any papers filed in the Chief Court and copying or printing

(Chapter II.—The Chief Court.—Section 14.)

ing any such papers or translations, and requiring from the persons at whose instance or on whose behalf they are filed payment of the expenses thereby incurred ;

- (b) declaring what persons shall be permitted to practise as petition-writers in the Courts of the Panjáb, and regulating the conduct of persons so practising ;
- (c) determining in what cases persons practising in those Courts shall be permitted to address the Court in English ;
- (d) prescribing forms for seals to be used by those Courts ;
- (e) regulating the procedure in cases where any person is entitled to inspect a record of any such Court or obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies ;
- (f) conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a non-judicial or quasi-judicial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed ;
- (g) prescribing forms for such books, entries, statistics and accounts as it thinks necessary to be kept, made or compiled in those Courts or submitted to any authority ;
- (h) providing for the inspection of those Courts and the supervision of the working thereof ; and
- (i) regulating all such matters as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of those Courts and maintaining proper discipline among those officers.

(2) A

(Chapter II.—The Chief Court.—Sections 15 & 16.)

(2) A rule made under clause (a), (b), (c), (f), (g), (h) or (i) shall not take effect until it has been sanctioned by the Local Government and has been published in the official Gazette.

(3) Whoever breaks any rule made under clause (b) shall be punished with a fine which may extend to fifty rupees.

15. (1) The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Local Government such of those registers, books and accounts, and such statements of the work done in the Court, as may be required by the said Government.

Registers, books, accounts and statements to be kept and furnished by Chief Court.

(2) The Chief Court shall also comply with such requisitions as may be made by the Governor General in Council, or by the Local Government, for certified copies of, or extracts from, the records of the Chief Court and the Courts subordinate thereto.

16. (1) The Chief Court, when sitting as a Court of civil judicature, shall take evidence and record judgments and orders in such manner as it, by rule, directs, and may frame forms for any proceeding in the Court in the exercise of its civil jurisdiction.

Procedure of Chief Court in exercise of civil jurisdiction.

XIV of 1882.

(2) The following provisions of the Code of Civil Procedure shall not apply to the Chief Court in the exercise of its original civil jurisdiction, namely, sections 119, 182 to 185 (both inclusive), 187, 189 to 191 (both inclusive), 192 (so far as it relates to the manner of taking evidence), 198, 200 to 204 (both inclusive), and so much of section 409 as relates to the making of a memorandum.

XIV of 1882.

(3) Section 579 of the said Code shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

CHAPTER III.

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(Chapter III.—The Subordinate Civil Courts.—
Sections 17—20.)

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

Classes of Courts.

Classes of
Courts.

17. Besides the Chief Court, the Courts of Small Causes established under Act XI of 1865 and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts (namely):—

- (a) the Divisional Court;
- (b) the Court of the District Judge;
- (c) the Court of the Subordinate Judge;
- (d) the Court of the Munsif.

Territorial Divisions.

Civil divi-
sions and
districts.

18. (1) For the purposes of this Act the Local Government shall divide the territories under its administration into civil divisions, and each civil division into civil districts.

(2) The Local Government may alter the limits or the number of these divisions and districts.

Divisional and District Courts.

Establish-
ment of
Divisional
Courts.

19. (1) The Local Government shall appoint as many persons as it thinks necessary to be Divisional Judges, and shall for each civil division establish a Divisional Court consisting of one or more such Judges.

(2) The Local Government may, where a Divisional Court consists of more than one Judge, by general rule or special order determine which of them shall be deemed to be the senior.

Establish-
ment of
District
Courts.

20. The Local Government shall appoint as many persons as it thinks necessary to be District Judges, and

(Chapter III.—The Subordinate Civil Courts.—
Sections 21—23.)

and shall post one such person to each district as District Judge of that district :

Provided that the same person may, if the Local Government thinks fit, be appointed to be District Judge of two or more districts.

21. The Chief Court may, subject to the provisions of this Act and any other enactment for the time being in force, make rules to provide for the exercise of any of the powers of a Divisional Court consisting of more than one Judge by one or more Judges of the Court :

Distribution of business in Divisional Court.

XIV of 1882. Provided that no decree, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or modified by a single Judge of a Divisional Court consisting of more than one Judge.

22. Except as otherwise provided by any enactment for the time being in force, the Divisional Court and the Court of the District Judge shall have jurisdiction in original civil suits without limit as regards the value.

Original jurisdiction of Divisional and District Courts in suits.

23. Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the district :

District Court to be principal Civil Court of original jurisdiction.

Provided that—

IV of 1869.

- (a) for the purposes of the Indian Divorce Act, the Divisional Court shall be deemed to be the District Court for all districts comprised in the division ; and
- (b) the Local Government may direct that the Divisional Court shall for any other purpose be deemed to be the District Court or principal Civil Court of original jurisdiction for any district comprised in the division.

Subordinate

(Chapter III.—The Subordinate Civil Courts.—
Sections 24—28.)

Subordinate Judges and Munsifs.

Appointment
of Subordi-
nate Judges.

24. The Local Government may appoint as many persons as it thinks necessary to be Subordinate Judges.

Appointment
of Munsifs.

25. (1) The Local Government may fix the number of Munsifs to be appointed, and, when there is any vacancy in that number, the Chief Court may, subject to the rules (if any) made under sub-section (2), appoint such person to the same as it thinks fit.

(2) The Chief Court may, with the previous sanction of the Local Government, make rules as to the qualifications of persons to be appointed Munsifs.

Pecuniary
limits of
jurisdiction
of Subordi-
nate Judges
and Munsifs.

26. (1) The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Subordinate Judge or Munsif shall, in the case of a Subordinate Judge, be determined by the Local Government, and, in the case of a Munsif, by the Chief Court, either by including him in a class or grade, or otherwise as it thinks fit.

(2) The jurisdiction in the case of a Subordinate Judge may be without limit, but in the case of a Munsif shall not extend to suits the value of which exceeds one thousand rupees.

Local limits
of their juris-
diction.

27. (1) The local limits of the jurisdiction of a Subordinate Judge shall be such as the Local Government may define.

(2) The local limits of the jurisdiction of a Munsif shall be such as the Chief Court may define.

(3) When the Local Government posts a Subordinate Judge, or the Chief Court posts a Munsif, to a district, the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

Special
Judges and
Benches.

28. (1) The Local Government may confer on any person all or any of the powers conferable under this Act on a Subordinate Judge or Munsif with respect

(Chapter III.—The Subordinate Civil Courts.—
Section 29.)

spect to particular classes of cases, or with respect to cases generally in any local area, and may withdraw, or suspend the exercise of, any powers so conferred.

(2) The Local Government may direct any uneven number of persons invested with powers of the same description and exercisable within the same local area under this section to sit together as a bench; and those powers shall, while the direction remains in force, be exercised by the bench so constituted, and not otherwise.

(3) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.

(4) Persons on whom powers are conferred under this section shall be called Special Judges, and such persons and the benches constituted under this section shall be deemed, for the purposes of this Act, to be Subordinate Judges or Munsifs, as the Local Government may direct.

29. (1) The Chief Court may, by order, authorize any District Court to transfer to a Subordinate Judge or Munsif under its control any of the following proceedings or any class of such proceedings specified in the order, and then pending or thereafter instituted before the District Court (that is to say):—

- (a) applications for certificates under Act XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*);
- (b) proceedings under Act XL of 1858 (*for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal*) or Act IX of 1861 (*to amend the law relating to Minors*).

(2) The District Court may withdraw any proceedings

Power to transfer to Subordinate Judge or Munsif certain proceedings pending before District Court.

(Chapter III.—The Subordinate Civil Courts.—
Sections 30—32.)

ceedings so transferred, and may either itself dispose of them, or, with the previous sanction of the Chief Court, transfer them to any other Subordinate Judge or Munsif under its control.

(3) All proceedings so transferred shall be disposed of by the Subordinate Judge or Munsif (as the case may be) subject to the rules applicable to like cases when disposed of by the District Court.

Small Cause Jurisdiction.

Power to confer Small Cause Court jurisdiction.

30. The Local Government may confer, within such local limits as it thinks fit, upon any District Judge, Subordinate Judge or Munsif the jurisdiction of a Judge of a Court of Small Causes under Act XI of 1865 for the trial of suits cognizable by such Courts up to such value, not exceeding five hundred rupees, as it thinks fit, and may withdraw any jurisdiction so conferred.

Suspension and Removal.

Suspension and removal.

31. (1) Any Divisional Judge, District Judge or Subordinate Judge may be suspended or removed from office by the Local Government.

(2) Any Munsif may, subject to the control of the Local Government, be suspended or removed from office by the Chief Court.

Valuation of Suits.

Valuation of suits.

32. When the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that suits of that class shall, for all or any of the purposes of this Act, be treated as if their subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

Administrative

(Chapter III.—The Subordinate Civil Courts.—
Sections 33—36.)

Administrative Control.

33. (1) Subject to the general superintendence and control of the Chief Court, every Divisional Court shall control all other Civil Courts in the division.

Controlling powers of Divisional and District Courts.

(2) Subject as aforesaid and to the control of the Divisional Court, every District Court shall control all other Civil Courts in the district.

34. (1) Every Divisional Court may exercise, as regards the Courts under its control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court.

XIV of 1882.

Power of Divisional Court to transfer business.

(2) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of the suit, be deemed to be a Court of Small Causes.

XIV of 1882.

35. Notwithstanding anything contained in the Code of Civil Procedure, every Divisional Court and District Court may, by written order, direct that any civil business cognizable by it and the Courts under its control shall be distributed among those Courts in such manner as it thinks fit :

Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

36. (1) The ministerial officers of the Divisional and District Courts and Courts of Small Causes shall be appointed, and may be suspended and dismissed, by the Judges of those Courts respectively.

Ministerial officers of Subordinate Courts.

(2) The ministerial officers of all Courts controlled by a District Court, other than Courts of Small Causes, shall be appointed, and may be suspended and dismissed, by the District Court.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes

(Chapter IV.—Appellate Jurisdiction in Civil Cases.
—Sections 37—39.)

prescribes in this behalf, and, in dealing with any matter under this section, a District Court or a Judge of a Court of Small Causes shall act subject to the control of the Divisional Court.

Power to
fine minis-
terial officers.

37. (1) A Divisional or District Court or any Court under the control of a District Court may fine, in an amount not exceeding one month's salary, any ministerial officer of the Court for misconduct or neglect in the performance of his duties.

(2) The District Court, subject to the general control of the Divisional Court, may, on appeal or otherwise, reverse or modify an order made under sub-section (1) by any Court under its control other than a Court of Small Causes, and may of its own motion fine up to the amount of one month's salary any ministerial officer of any Court under its control other than a Court of Small Causes.

Delegation
of District
Judge's
powers.

38. A District Court may, with the previous sanction of the Local Government, delegate to any Subordinate Judge in the district the powers conferred on a District Court by sections 33, 35 and 36 of this Act, and section 25 of the Code of Civil Procedure, to be exercised by the Subordinate Judge in any specified portion of the district subject to the control of the District Court.

XIV of 1882

CHAPTER IV.

APPELLATE JURISDICTION IN CIVIL CASES.

First appeals
to whom to
lie.

39. (1) Appeals from the decrees of a Munsif in small causes shall, when such appeals are allowed by law, and the value of the suit does not exceed five hundred rupees, lie to the District Judge.

(2) Appeals from the decrees of a District or Subordinate Judge in original suits, when the value of the suit exceeds five thousand rupees, and appeals from the decrees of the Divisional Court in original suits

(Chapter IV.—Appellate Jurisdiction in Civil Cases.
—Section 40.)

suits, shall, when such appeals are allowed by law, lie to the Chief Court.

(3) Appeals from decrees in original suits, not hereinbefore or by any other enactment for the time being in force provided for, shall, when such appeals are allowed by law, lie to the Divisional Court.

40. A further appeal shall lie to the Chief Court in the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely :—

Further ap-
peal from
Divisional
Court.

(a) if the value of the suit exceeds five hundred rupees; or

the decree involves directly some claim to, or question respecting, property of like value;

(b) if the Divisional Court consists of a single Judge and the decree varies or reverses the decree of the Court below;

(c) if in a Divisional Court consisting of more than one Judge the appeal is heard by two or more Judges, and there is not a majority of those Judges concurring in the decree passed by the Divisional Court;

(d) if on the application of any party a Judge of the Divisional Court certifies that there is a question of law or custom or of general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal:

Provided that—

(1) an application under clause (d) shall not be received after the expiration of thirty days from the date on which the decree of the Divisional Court is passed unless the applicant satisfies the Judge that he had sufficient cause for not presenting it within that period; and

(2) no

(Chapter IV.—Appellate Jurisdiction in Civil Cases.
—Sections 41—44.)

(2) no further appeal shall lie in any small cause when the value of the suit does not exceed five hundred rupees.

Appellate decision of District or Divisional Court otherwise final.

41. Subject to the provisions of section 40 of this Act and sections 595 and 622 of the Code of Civil Procedure, a decree of the District or Divisional Court passed in appeal shall be final,

XIV of 1882

Power to confer appellate jurisdiction on Subordinate Judge.

42. (1) The Local Government may confer on a Subordinate Judge the powers of a District Judge for the purpose of hearing appeals from the Courts of Munsifs in any local area, and withdraw those powers.

(2) A Subordinate Judge shall, for purposes connected with the exercise of powers so conferred, be deemed to be a District Judge.

Period of limitation.

43. (1) The period of limitation for an appeal under section 39 or section 40 shall run from the date of the decree appealed against, and shall be as follows, that is to say :—

(a) when the appeal lies to the District or Divisional Court—sixty days ;

(b) when the appeal lies to the Chief Court—ninety days.

(2) In computing these periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877 :

XV of 1877.

Provided that, in computing the period of ninety days for an appeal under section 40, clause (d), the time during which the application under that clause has been pending shall be excluded.

References to Chief Court under section 617 of Code of Civil Procedure.

44. For the purposes of section 617 of the Code of Civil Procedure, every appeal to a Divisional Court under this chapter shall, except when the value of the suit exceeds five hundred rupees, be deemed to be an appeal in which the decree is final.

XIV of 1882.

CHAPTER V.

(Chapter V.—Revenue Courts.—Section 45.)

CHAPTER V.

REVENUE COURTS.

45. Suits of any of the classes comprised in the following groups instituted on and after the date on which this Act comes into force, shall be instituted, heard and determined in Revenue Courts and not otherwise :—

Certain classes of suits cognizable by Revenue Courts only.

First Group.

- (a) Suits by tenants to establish a claim to a right of occupancy.
- (b) Suits by landlords under section 6 of the Panjáb Tenancy Act, 1868, to prove that a tenant presumed to have a right of occupancy under that section has no such right.
- (c) Suits for enhancement or abatement of rent under Chapter III of the same Act.
- (d) Suits for ejection of a tenant.
- (e) Suits under section 25 of the said Act to contest liability to be ejected when notice of ejection has been served.

Second Group.

- (f) Suits for arrears of rent on account of land, or of any payments due on account of rights of pasturage, forest-rights, fisheries or the like.
- (g) Suits for the recovery of any over-payment of rent.
- (h) Suits by lambardárs for arrears of land-revenue, payable through them by the co-sharers, or for village-expenses or other dues for which the co-sharers may be responsible to the lambardár.
- (i) Suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses, or for a settlement of accounts.

(j) Suits

(Chapter V.—Revenue Courts.—Sections 46 & 47.)

- (j) Suits by assignees of land-revenue for arrears of revenue due to them as such.
- (k) Suits by superior proprietors for arrears of revenue due to them as such.
- (l) Suits under section 9 of the Specific Relief Act to recover possession of land.
- (m) Suits to determine disputes regarding boundaries of land which have been fixed by a Court or Revenue-officer:

I of 1877.

Provided that the Local Government may, after consulting the Chief Court, direct that suits of any of these classes arising in any local area shall be heard and determined by the Civil Courts and not by the Revenue Courts, and cancel any such direction.

Original jurisdiction of Deputy Commissioner and his subordinates in suits.

46. (1) A Deputy Commissioner shall have power to try suits of any of the classes mentioned in section 45.

(2) An Assistant Commissioner or Tahsildār shall have power to try suits of such classes mentioned in the second group of the same section, and within such limits as regards value, as may be determined by the Local Government either by including him in a class or grade, or otherwise as it thinks fit.

(3) The Local Government may invest a Nāib Tahsildār with power to try suits of the classes mentioned in section 45, clauses (f), (g), (h), (i) and (k), when the value does not exceed one hundred rupees.

(4) The powers conferred by this section shall be exercised within such local limits as the Local Government may direct, and in the absence of any such direction throughout the district or tahsíl to which the officer is posted.

Appeals from original decrees.

47. An appeal shall lie from a decree passed in an original suit of any of the classes mentioned in section 46 as follows, namely :—

- (a) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five

five

(Chapter V.—Revenue Courts.—Section 48.)

five thousand rupees—to the Financial Commissioner;

- (b) when the decree is passed by a Deputy Commissioner in a suit of the first group and the value of the suit does not exceed five thousand rupees, or
in a suit of the second group and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner;
- (c) when the decree is passed by an Assistant Commissioner, Tahsildár or Náib Tahsildár—to the Deputy Commissioner:

Provided that—

(1) no appeal shall lie from a decree passed in a suit of the class mentioned in section 45, clause (l);

(2) the Local Government may direct that no appeal shall lie from the decree of any Assistant Commissioner or class or grade of Assistant Commissioners designated by it in this behalf in any suit of the classes specified in clauses (f) to (k), both inclusive, of section 45, unless—

- (a) the value of the suit exceeds such sum, not being more than one hundred rupees, as the Local Government may fix in this behalf, or
- (b) the decree has decided a question of title to land or to some interest in land as between parties having conflicting claims thereto or as to the amount of some rent or revenue or other payment to which there is a recurring claim or as to the principle on which revenue, profits or village-expenses or other dues should be apportioned.

(3) The Local Government may direct that appeals shall lie from the decrees of an Assistant Commissioner or any class of Assistant Commissioners as if those decrees were passed by a Deputy Commissioner.

48. A further appeal shall lie from a decree passed

Further ap-
peals from
appellate
decrees.

(Chapter V.—Revenue Courts—Sections 49—51.)

on appeal in a suit of any of the classes mentioned in section 45 on any ground which would be a good ground of appeal if the decree had been passed in an original suit as follows, namely :—

- (a) when the decree is passed by a Commissioner in a suit of the first group and reverses or modifies the original decree—to the Financial Commissioner ;
- (b) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner ;
- (c) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner.

No appeals except under the foregoing sections.

49. Except as provided by the foregoing sections, no appeal shall lie from a decree passed under this chapter.

Limitation of appeals under this chapter.

50. (1) The period of limitation for an appeal under section 47 or 48 shall run from the date of the decree appealed against, and shall be as follows, that is to say :—

- (a) when the appeal lies to the Court of the Deputy Commissioner or the Commissioner—sixty days ;
- (b) when the appeal lies to the Financial Commissioner—ninety days.

(2) In computing those periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

XV of 1877

Power to confer powers of Financial Commissioner, Commissioner and Deputy Commissioner.

51. (1) The Local Government may confer on any person all or any of the powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter, and may withdraw the powers so conferred.

(2) Any

(Chapter V.—Revenue Courts.—Sections 52 & 53.)

(2) Any person on whom powers are conferred under this section shall exercise those powers within such local limits and in such classes of cases as the Local Government may direct, and, except as otherwise directed by the Local Government, shall for all purposes connected with the exercise of the same be deemed a Financial Commissioner, Commissioner or Deputy Commissioner, as the case may be.

52. (1) The Local Government may, if it thinks fit, appoint a second Financial Commissioner, who shall hold his office during the pleasure of the Local Government.

Appointment of second Financial Commissioner.

(2) When a second Financial Commissioner is appointed, the Local Government may make rules as to the distribution of business between the two Financial Commissioners, and, until such rules are made and subject to such rules, the Financial Commissioner who is senior in respect of his appointment as such may transfer such business as he thinks fit to the other Financial Commissioner for disposal, and may withdraw and himself dispose of any business so transferred and not disposed of.

53. (1) The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in matters under this chapter for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts.

Procedure of Revenue Courts how to be regulated.

XIV of 1882.

(2) Until such rules are made, and subject to such rules when made and to the provisions of this Act,—

XIV of 1882.

(a) the provisions of the Code of Civil Procedure shall, so far as applicable, apply to all proceedings whether before or after decree in cases under this chapter; and

(b) the

(Chapter V.—Revenue Courts.—Sections 54 & 55).

(b) the Court of the Financial Commissioner shall, in respect of such cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under its control, all the powers of a High Court under the said Code. XIV of 1882

Power to refer party to Civil Court.

54. (1) If, in any suit pending before a Revenue Court exercising original appellate or revisional jurisdiction under this chapter, it appears to the Court that any question in issue is more proper for decision by a Civil Court, the Revenue Court may, with the previous sanction of the Revenue Court (if any) to the control of which it is immediately subject, by order in writing, require any party to the suit to institute, within such time as it may fix in this behalf, a suit in the Civil Court with a view to obtaining a decision on the question, and, if he fails to comply with the requisition, may, if it thinks fit, decide the question against him.

(2) If he institutes such a suit, the Revenue Court shall dispose of the suit pending before it in accordance with the final decision of the Civil Court of first instance or appeal (as the case may be).

Power for Financial Commissioner to refer question to Chief Court.

55. (1) When a question of the description mentioned in section 617 of the Code of Civil Procedure arises before the Financial Commissioner in the exercise of any of his powers under this Chapter, he may refer the question for the decision of the Chief Court in manner prescribed by that section : XIV of 1882.

Provided that he shall not be bound to express any opinion thereon.

(2) On a reference being made under sub-section (1), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the provisions of sections 618, 619 and 620 of the said Code, and the Chief Court may return for amendment the statement received from the Financial Commissioner if it is not sufficient to enable the Court to determine the question referred. XIV of 1882.

Administrative

Chapter V.—Revenue Courts.—Sections 56—59.)

Administrative Control.

56. (1) The general superintendence and control over all other Revenue Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Financial Commissioner.

Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.

(2) Subject to the general superintendence and control of the Financial Commissioner, every Commissioner shall control all other Revenue Courts in his division.

(3) Subject as aforesaid and to the control of the Commissioner, every Deputy Commissioner shall control all other Revenue Courts in his district.

57. Every Commissioner and Deputy Commissioner may exercise, as regards the Courts under his control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court.

Power to transfer business.

XIV of 1882.

58. Every Commissioner and Deputy Commissioner may, by written order, direct that any business cognizable under this chapter by his Court and the Courts under his control shall be distributed among those Courts in such manner as he thinks fit:

Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

59. (1) The ministerial officers of the Courts of the Financial Commissioner, Commissioner and Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Judges of those Courts, respectively.

Ministerial officers of Courts.

(2) The ministerial officers of all Courts controlled by a Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Deputy Commissioner.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes

(Chapter VI.—Settlement Courts.—Sections 60—62.)

prescribes in this behalf; and in dealing with any matter under this section a Commissioner shall act subject to the control of the Financial Commissioner, and a Deputy Commissioner subject to the control of the Commissioner.

Power to fine ministerial officers.

60. (1) A Commissioner or Deputy Commissioner and the presiding officer of every Court under the control of a Deputy Commissioner may fine, in an amount not exceeding one month's salary, any ministerial officer of his Court for misconduct or neglect in the performance of his duties.

(2) The Deputy Commissioner, subject to the general control of the Commissioner, may, on appeal or otherwise, reverse or modify any order made under sub-section (1) by the presiding officer of any Court under his control, and may of his own motion fine up to the amount of one month's salary any ministerial officer of any such Court.

Delegation of Deputy Commissioner's powers.

61. A Deputy Commissioner may, with the previous sanction of the Local Government, delegate to any Assistant Commissioner in the district the powers conferred on Deputy Commissioners by sections 56, 57, 58 and 59 to be exercised by the Assistant Commissioner in any specified portion of the district subject to the control of the Deputy Commissioner.

CHAPTER VI.

SETTLEMENT COURTS.

Power to invest Settlement-officers with powers of Civil or Revenue Courts in certain cases.

62. (1) The Local Government may, by notification in the official Gazette, declare that a settlement of land-revenue is in progress in any local area, and invest any officer making or controlling the settlement with all or any of the powers of any Court constituted under this Act for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of land, arising in the local area.

(2) The

(Chapter VII.—Supplemental Provisions.—
Sections 63 & 64.)

(2) The publication of a notification under this section shall be conclusive evidence that a settlement of land-revenue is in progress in the local area to which the notification refers.

(3) The Local Government may cancel any such notification.

(4) While the notification continues in force, the powers specified in it shall be exercised by the officers so invested, and not otherwise :

Provided as follows :—

(a) the Local Government may, by order published in the official Gazette, direct that any jurisdiction with which any officer has been invested by the notification shall be exercised solely by the Courts by which the jurisdiction would have been exercised if the notification had not been published ; and

(b) any cases pending before any officer under the notification when it is cancelled may, notwithstanding the cancellation, be disposed of by him as if it continued in force, unless the Local Government directs (as it is hereby empowered to do) that those cases shall be transferred for disposal to the Courts by which they would have been disposed of if the notification had not been published.

63. For the purposes of section 62 the Local Government may, notwithstanding anything in this Act, from time to time direct that any of the Courts mentioned in this Act (except the Chief Court and the Court of the Financial Commissioner) shall, in respect of any specified class of cases, be subordinate to, or subject to the control or superintendence of, any authority other than those specified in this Act.

Power to alter subordination of Courts for purposes of section 62.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

64. Except as otherwise provided by this Act, the

Mode of appointment and conferring powers.

(Chapter VII.—Supplemental Provisions.—
Sections 65—68.)

the Local Government may, when it is empowered by this Act to make any appointment or confer any powers, appoint, or confer the powers on, any person specially by name or by virtue of his office.

Powers exer-
ciseable from
time to time.

65. All powers conferred by this Act may be exercised from time to time, as occasion requires.

Place of
sitting of
Courts.

66. (1) The Local Government may fix the place or places at which any Court under this Act is to be held.

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(3) Except as may be otherwise provided by any order under this section, a Court under this Act may be held at any place within the local limits of its jurisdiction.

Vacations.

67. (1) Subject to the approval of the Local Government, the Chief Court shall prepare a list of days to be observed in each year as holidays in the Chief Court and the Civil Courts subordinate thereto, and the Financial Commissioner shall prepare a like list for his Court and the Courts subordinate thereto.

(2) Every such list shall be published in the official Gazette.

Pending pro-
ceedings.

68. (1) All cases or proceedings pending in the Chief Court on the day when this Act comes into force shall be disposed of as if this Act had not been passed.

(2) All cases or proceedings pending in any Civil Court subordinate to the Chief Court on that day shall be disposed of as if this Act had not been passed:

Provided that the Chief Court may direct that any such cases or proceedings shall be transferred for disposal to any Civil Court established under this Act which would have had jurisdiction if it had been in existence when the cases or proceedings were instituted.

(3) In the case of an appeal pending on the said day, the following shall, for the purposes of sub-section

tion

(Chapter VII.—Supplemental Provisions.—
Sections 69 & 70.)

tion (2), be deemed to be the Court which would have had jurisdiction as aforesaid, namely :—

- (a) when the value of the suit exceeds five thousand rupees,—the Chief Court ;
- (b) when the appeal is one in a small cause, and is pending before the Deputy Commissioner or an officer invested with the appellate powers of a Deputy Commissioner and the value of the suit does not exceed five hundred rupees,—the District Court ;
- (c) in other cases,—the Divisional Court.

69. Appeals from decrees, orders and decisions passed by Civil Courts and not appealed against before the date on which this Act comes into force shall lie and be disposed of as if this Act had not been passed and not otherwise :

Appeals after Act comes into force against decrees, &c., passed before.

Provided that the Courts to which such appeals shall lie shall be as follows :

- (a) when the appeal would before the said date have lain to the Chief Court, or the value of the suit exceeds five thousand rupees,—the Chief Court ;
- (b) in small causes when the value of the suit does not exceed five hundred rupees, and the appeal would before the said date have lain to the Deputy Commissioner, or an officer exercising the appellate powers of a Deputy Commissioner,—the District Court ;
- (c) in other cases,—the Divisional Court.

XIV of 1882.

70. Section 622 of the Code of Civil Procedure, in its application to the territories to which this Act extends, shall be read as if the words “illegally or” were omitted, and for the purposes of that section no appeal shall be deemed to lie from the appellate decree of a Divisional Court to the Chief Court when the case does not fall under clause (a), clause (b) or clause (c)

Modification of section 622 of Civil Procedure Code.

of

(Chapter VII.—Supplemental Provisions.—
Sections 71—74.)

of section 40, and an application under clause (d) of that section has been refused.

Amendment of the first schedule annexed to the Court-fees Act, 1870.

71. In the first schedule annexed to the Court-fees Act, 1870, after No. 12, the following shall be inserted:— VII of 1

NUMBER.		PROPER FEE.
13.	Application to the Chief Court or the Court of the Financial Commissioner of the Panjáb for the exercise of its revisional jurisdiction under section 622 of the Code of Civil Procedure.	Two rupees.
	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	
	When such amount or value exceeds twenty-five rupees.	The fee leviable on a memorandum of appeal.

Refund of fee paid on application for revision.

72. If the Court, on an application under section 622 of the Civil Procedure Code, on which a fee has been paid under the last preceding section, sets aside or modifies the decree or order of a Subordinate Court, or remands the case for a fresh decision, it may grant to the applicant a certificate authorizing him to receive back from the Collector the full amount of fee paid on the application, or any smaller amount which, with regard to the circumstances of the case, it may think proper to order to be refunded. XIV of 1

Saving of certain appointments, rules and forms, notifications, powers and orders.

73. All appointments made under sections 5 and 22 of Act XVII of 1877, directions given under section 23, rules and forms made and prescribed under sections 19, 26 and 27, and notifications published, powers conferred and orders issued under section 49, of the same Act, shall, so far as may be, be deemed to have been respectively made, given, prescribed, published, conferred and issued under this Act.

Amendment of Act X of 1870, section 3.

74. In the Land Acquisition Act, 1870, section 3, before the words "British Burma," in both places where X of 187

(Chapter VII.—Supplemental Provisions.—
Section 75.—Schedule.)

where they occur, the words “the Panjáb” shall be inserted.

XXVIII of
1868.

75. In the Panjáb Tenancy Act, 1868, section 42, for the words “and thirty-one” the words “thirty-one and forty” shall be substituted.

Amendment
of Act
XXVIII of
1868, section
42.

THE SCHEDULE.

ACTS REPEALED.

(See section 2.)

Number and year.	Title of Act.	Extent of repeal.
Act IV of 1869 .	The Indian Divorce Act.	So much of section 3 as defines “District Judge” in the Panjáb to mean the “Commissioner of a Division.”
Act XIV of 1875 .	The Panjáb Judicial Administration Act, 1875.	So far as it relates to civil or criminal judicial powers.
Act XVII of 1877 .	The Panjáb Courts Act, 1877.	The whole, except section eighteen.