

THE CENTRAL PROVINCES CIVIL COURTS ACT, 1885.

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ACT NO. XVI OF 1885.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 2nd October,
1885.)

An Act to amend the law relating to Civil
Courts in the Central Provinces.

WHEREAS it is expedient to amend the Law
relating to Civil Courts in the Central Provinces ;
It is hereby enacted as follows :—

Preliminary.

1. (1) This Act may be called the Central Provinces Civil Courts Act, 1885.

Short title,
local extent
and com-
mencement.

(2) It extends to the territories for the time being under the administration of the Chief Commissioner of the Central Provinces ; and

(3) It shall come into force on the first day of January, 1886.

(4) Any authority conferred on the Chief Commissioner or on the Judicial Commissioner by this Act to issue orders or make rules may be exercised at any time after the passing of this Act ; but an order or rule so issued or made shall not take effect until the Act comes into force.

2. (1) On and from the day on which this Act comes into force the Central Provinces Courts Act, 1865, and Act XXVII of 1867, so far as it relates to the Central Provinces, shall be repealed.

Repeal.

XIV of 1885.

(2) Any enactment or document referring to either of the enactments hereby repealed shall be construed to refer to this Act or to the corresponding
portion

portion thereof; and all declarations made, powers conferred, limits prescribed, directions given and orders issued under either of those enactments shall, so far as may be, be deemed to have been respectively made, conferred, prescribed, given and issued under this Act.

Definitions.

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

“Assistant Commissioner” includes Extra Assistant Commissioner; and

“value,” used with reference to a suit, means the amount or value of the subject-matter of the suit.

Classes of Courts.

Classes of Courts.

4. Besides 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 Court of the Judicial Commissioner;
- (b) the Court of the Commissioner;
- (c) the Court of the Deputy Commissioner;
- (d) the Court of the Assistant Commissioner of the first class;
- (e) the Court of the Assistant Commissioner of the second class;
- (f) the Court of the Assistant Commissioner of the third class;
- (g) the Court of the Tahsildár of the first class;
- (h) the Court of the Tahsildár of the second class.

Court of the Judicial Commissioner.

Court of the Judicial Commissioner.

5. The Judicial Commissioner shall be appointed by the Governor General in Council; and his Court shall be deemed, for the purposes of all enactments

for

*(Courts of Commissioners and Deputy Commissioners.
—Other Courts.—Sections 6-10.)*

for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

Courts of Commissioners and Deputy Commissioners.

6. (1) The local limits of the jurisdiction of the Court of the Commissioner shall be those of the division of the revenue-administration of which he is in charge.

Courts of Commissioners and Deputy Commissioners.

(2) The local limits of the jurisdiction of the Court of the Deputy Commissioner shall be those of the district of the revenue-administration of which he is in charge.

7. Except as otherwise provided by any enactment for the time being in force, the Court of the Commissioner and the Court of the Deputy Commissioner shall be competent to try original civil suits without limit as regards the value.

Original jurisdiction of Courts of Commissioners and Deputy Commissioners in suits.

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

Court of Deputy Commissioner to be principal Civil Court of original jurisdiction.

Other Courts.

9. The Chief Commissioner may, by order in writing, declare, as regards any Assistant Commissioner, that his Court shall be that of an Assistant Commissioner of the first or of the second or of the third class, and, as regards any Tahsildár, that his Court shall be that of a Tahsildár of the first or of the second class.

Chief Commissioner may declare class to which the Court of an Assistant Commissioner or Tahsildár shall belong.

10. (1) Courts of Assistant Commissioners and Tahsildárs shall be competent to try original civil

Pecuniary and local limits of the jurisdiction of Courts of suits

(*Náib-tahsildárs.—Judicial Assistants to Commissioners, Civil Judges and Munsifs.—Sections 11-12.*)

Assistant
Commissioners and Tah-
sildárs.

suits of which the value does not exceed that specified against each Court in the following table:—

Courts.	Value.
Court of the Assistant Commissioner of the first class	Five thousand rupees.
Court of the Assistant Commissioner of the second class	One thousand rupees.
Court of the Assistant Commissioner of the third class	Five hundred rupees.
Court of the Tahsildár of the first class	Three hundred rupees.
Court of the Tahsildár of the second class	One hundred rupees.

Provided that the Chief Commissioner may, by order in writing, limit the classes of original civil suits which the Courts of Tahsildárs of the first or of the second class shall be competent to try.

(2) The local limits of the jurisdiction of the Courts mentioned in this section shall be such as the Chief Commissioner may, by order in writing, define.

Náib-tahsildárs.

Conferment
of jurisdic-
tion in cer-
tain suits on
Náib-tahsil-
dárs.

11. The Chief Commissioner may, by order in writing, invest, within such local limits as he thinks fit, any Náib-tahsildár with jurisdiction to try suits of the nature cognizable in a Court of Small Causes established under Act XI of 1865, up to such value, not exceeding fifty rupees, as he thinks fit.

Judicial Assistants to Commissioners, Civil Judges and Munsifs.

Power to in-
vest certain
persons, un-
der the names
of Judicial
Assistant to

12 (1) The Chief Commissioner may, by order in writing, invest any person—

(a) with all or any of the powers of the Court of the Commissioner under this Act;

(b) with

(Small Cause Court Jurisdiction.—Section 13.)

- (b) with all or any of the powers of the Court of the Deputy Commissioner under this Act ;
or
- (c) with all or any of the powers of the Court of a Tahsildár of the first or of the second class under this Act ;

Commissioner, Civil Judge and Munsif, with certain powers.

and declare that the powers with which any person is so invested shall be exercised within any specified local area, and with respect to any particular class, or particular classes, of cases, or with respect to cases generally.

(2) Persons invested with powers under sub-section (1) shall be designated as follows :—

- if invested under clause (a)—Judicial Assistant to the Commissioner ;
if invested under clause (b)—Civil Judge ;
if invested under clause (c)—Munsif.

(3) The Courts of such persons shall, for all purposes connected with the exercise of the said powers, be deemed to be, respectively, Courts of Commissioners, Courts of Deputy Commissioners and Courts of Tahsildárs.

(4) The Chief Commissioner may, by order in writing, direct how business shall be distributed between the Commissioner and the Judicial Assistant to the Commissioner, and between the Deputy Commissioner and the Civil Judge.

Small Cause Court Jurisdiction.

13. The Chief Commissioner may, by order in writing, confer, within such local limits as he thinks fit, upon any Court of an Assistant Commissioner of the first or of the second class 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 as he thinks fit, not exceeding, if the Court is that of an Assistant Commissioner of the first class,

Power to confer Small Cause Court jurisdiction.

five

(Administrative Control.—Sections 14-16.)

five hundred rupees, or, if the Court is that of an Assistant Commissioner of the second class, one hundred rupees.

Administrative Control.

Superintendence and control of subordinate Courts by Courts of Judicial Commissioner, Commissioner and Deputy Commissioner.

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

(2) Subject to the general superintendence and control of the Court of the Judicial Commissioner, the control of all other Civil Courts in a division shall be vested in, and all such Courts shall be subordinate to, the Court of the Commissioner.

(3) Subject as aforesaid and to the control of the Court of the Commissioner, the control of all other Civil Courts in a district shall be vested in, and all such Courts shall be subordinate to, the Court of the Deputy Commissioner :

Provided that the Chief Commissioner, by order in writing, may direct that any Judicial Assistant to the Commissioner or Civil Judge shall not be subject to the control of, or subordinate to, the Court of the Commissioner or the Court of the Deputy Commissioner, as the case may be, and may further direct that such officer shall be subject to the control of, and subordinate to, such other Court as the Chief Commissioner thinks fit.

Power of Court of Commissioner to transfer business.

15. (1) The Court of the Commissioner 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 19

(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.

Power to distribute business.

16. Notwithstanding anything contained in the Code of Civil Procedure, the Court of the Commissioner XIV of 19

sioner

(Appellate Jurisdiction.—Sections 17-18.)

sioner and the Court of the Deputy Commissioner may, by order in writing, 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 :

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

Appellate Jurisdiction.

17. (1) Appeals from decrees passed in original civil suits by Courts subordinate to the Court of the Deputy Commissioner shall, when such appeals are allowed by law and the value of the suit does not exceed one thousand rupees, lie to that Court. Appeals to whom to lie.

(2) Appeals from decrees passed in original civil suits of value exceeding one thousand rupees by the Court of an Assistant Commissioner of the first class, or by a Civil Judge who is subordinate to the Court of the Deputy Commissioner, and from decrees passed in original civil suits of any value by the Court of a Deputy Commissioner, or by a Civil Judge who is not subordinate to that Court, or by a Judicial Assistant to the Commissioner who is subordinate to the Court of the Commissioner, shall, when such appeals are allowed by law, lie to the Court of the Commissioner.

(3) Appeals from decrees passed in original civil suits by the Court of the Commissioner or by a Judicial Assistant to the Commissioner who is not subordinate to the Court of the Commissioner, and from appellate decrees passed by Civil Courts subordinate to the Court of the Judicial Commissioner, shall, when such appeals are allowed by law, lie to the Court of the Judicial Commissioner.

18. (1) The period of limitation for an appeal to the Court of the Commissioner shall be sixty days. Period of limitation for appeals.

(2) In

(Rules.—Section 19.)

(2) In the computation of that period and in all other respects the limitation of appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

XV of 1877

*Rules.*Power to
make rules.

19. (1) The Judicial Commissioner may make rules consistent with this Act and any other enactment for the time being in force—

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

(Supplemental Provisions.—Sections 20-21.)

(2) A rule made under this section shall not take effect until it has been sanctioned by the Chief Commissioner and published in the official Gazette.

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

(4) Rules made under clause (g) may provide, among other matters, for fines, to an amount not exceeding one month's salary, being imposed on ministerial officers for misconduct or neglect in the performance of their duties, and for the recovery of fines so imposed by deduction of the amount thereof from any salary that may be or become due to the officers fined.

Supplemental Provisions.

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

Books and accounts, and statements and returns, to be kept and furnished by Judicial Commissioner.

(2) The Judicial Commissioner shall also comply, in such form and manner as the Chief Commissioner may deem proper, with such requisitions as may be made by the Chief Commissioner for records of, or papers belonging to, the Court of the Judicial Commissioner or any Civil Court subordinate thereto, or for certified copies of, or extracts from, such records or papers, or for returns, statements or reports.

21. (1) The Chief Commissioner may, by order in writing, fix the place or places at which any Civil Court shall be held.

Place of sitting of Courts.

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

(3) Except

(Supplemental Provisions.—Sections 22-24.)

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

Mode of conferring powers.

22. The Chief Commissioner may, when he is empowered by this Act to confer any powers, confer them on any person specially by name or by virtue of his office.

Vacations.

23. (1) Subject to the approval of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as holidays in his Court and the Civil Courts subordinate thereto.

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

Pending proceedings.

24. (1) All cases or proceedings pending in the Court of the Judicial Commissioner 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 Court of the Judicial Commissioner on that day shall be disposed of as if this Act had not been passed :

Provided that the Judicial Commissioner may direct that any such cases or proceedings shall be transferred for disposal to any 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 (2), be deemed to be the Court which would have had jurisdiction as aforesaid, namely :—

(a) when the value of the suit does not exceed one thousand rupees and the decree or order has been passed by a Court of a class lower than that of the Deputy Commissioner—the Court of the Deputy Commissioner ;

(b) in

(*Supplemental Provisions.—Sections 25-27.*)

- (b) in other cases when the decree or order has been passed by a Court of a class lower than that of the Commissioner—the Court of the Commissioner.

25. Appeals from decrees and orders 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 and orders 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 Court of the Judicial Commissioner—that Court;
- (b) when the appeal is from a decree or order passed by a Court of a class lower than that of the Deputy Commissioner in an original civil suit of which the value does not exceed one thousand rupees—the Court of the Deputy Commissioner;
- (c) in other cases when the decree or order has been passed by a Court of a class lower than that of the Commissioner—the Court of the Commissioner.

26. All powers conferred by this Act may be exercised from time to time as occasion requires. Powers exercisable from time to time.

27. All orders required by this Act to be issued by the Chief Commissioner in writing shall be published in the official Gazette. Publication of certain orders.