

ACT NO. XXV OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 13th
October, 1899.)*

An Act further to amend the Punjab Courts
Act, 1884.

WHEREAS it is expedient further to amend the Punjab Courts Act, 1884; It is hereby enacted XVIII
1884.
as follows:—

1. (1) This Act may be called the Punjab Courts Act, 1899; and

(2) It shall come into force at once.

2. To section 39 of the Punjab Courts Act, 1884, XVIII o
1884.
XIII of
1838.
as amended by the Punjab Courts Act, 1888, the following proviso shall be added, namely:—

“Provided that the Chief Court may, with the previous sanction of the Local Government, by notification in the local official Gazette, direct that appeals lying to the Divisional Court under clause (c) from all or any of the decrees passed in an original suit by any Munsif or Subordinate Judge shall be preferred to such District Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly, and the Court of such District Judge shall be deemed to be a Divisional Court for the purposes of all appeals so preferred.”

3. For

Short title
and com-
mencement.

Addition to
section 39,
Act XVIII,
1884.

VIII of
1884.
III of
1888.

3. For sections 40 and 41 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1888, the following sections shall be substituted, namely:—

Substitution of new sections for sections 40 and 41, Act XVIII, 1884.

“ 40. (1) A further appeal shall lie to the Chief Court in any of 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:—

Appeals from appellate decrees of Divisional Courts.

(a) in a small cause or unclassified suit,—

(i) if the value of the suit is one-thousand rupees or upwards, or the decree involves directly some claim to, or question respecting, property of like value, and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below; or

(ii) if the value of the suit is two-thousand-five-hundred rupees or upwards or the decree involves directly some claim to, or question respecting, property of like value:

(b) in a land suit,—

(i) if the value of the suit is two-hundred-and-fifty rupees or upwards or the decree involves directly some claim to, or question respecting, property of like value and the decree of the Divisional Court varies or reverses otherwise than as to costs the decree of the Court below; or

(ii) if the value of the suit is one-thousand rupees or upwards or the decree involves directly some claim to, or question respecting, property of like value.

XIV of 1882. “ (2) The provisions contained in Chapter XLI of the Code of Civil Procedure as amended by this Act shall apply, as far as may be, to further appeals under this section and to the execution of decrees passed on such appeals.

“ 41. Subject

Appellate
decrees of
District
Judge or
Divisional
Court other-
wise final.
Partial re-
peal of sec-
tion 43, Act
VIII,
1884.

“41. Subject to the provisions of sections 40 and 70 of this Act and to those of section 595 of the Code of Civil Procedure, an appellate decree of a District Judge or Divisional Court shall be final.” XIV o

4. In section 43 of the Punjab Courts Act, 1884, the proviso to sub-section (2) is hereby repealed. XVIII 1884.

Addition of
new section
after section
67, Act
XVIII,
1884.
Modification
of section
568, Act
XIV, 1882.

5. After section 67 of the Punjab Courts Act, 1884, the following section shall be inserted, namely:— XVIII 1884.

“68. Section 568 of the Code of Civil Procedure, in its application to the territories to which this Act extends, shall be read subject to the following additions, namely:— XIV of

- (1) at the end of clause (b) the words and letter ‘or (c) the Appellate Court considers further inquiry necessary on any issue or question of fact’, and
- (2) after the words ‘or witness to be examined’ the words ‘or such inquiry to be made’.”

Substitution
of new sec-
tions for sec-
tions 70 and
71, Act
XVIII,
1884.

6. For sections 70 and 71 of the Punjab Courts Act, 1884, the following sections shall be substituted, namely:— XVIII 1884.

Power for
Chief Court
to call for
record of
cases not ap-
pealable to
it.

“70. (1) The Chief Court may call for the record of any case in which no appeal lies to it, and may pass such order in the case as it thinks fit,—

- (a) if the Court, by which the case was decided, appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction with material irregularity; or

(b) if,

(b) if, on application made to it, the Chief Court is of opinion that there is an important question of law or custom involved and that such question requires further consideration :

“ Provided as follows—

- (i) no application under clause (b) shall be admitted after the expiration of ninety days from the date of the order in respect of which the application is made, unless the applicant satisfies the Chief Court that he had sufficient cause for not making the application within that period :
- (ii) no such application shall be admitted in a small cause under the value of one-thousand rupees or in an unclassified suit under the value of two-hundred rupees :
- (iii) on any such application the Chief Court shall not revise the decision of the Court below except in so far as such decision involves the question of law or custom in respect of which the application has been admitted : and
- (iv) when any such application has been admitted, the Chief Court shall, subject to the last foregoing proviso, treat the matter of the application as if it were an appeal.

“ *Explanation.*—A question of procedure is not a question of law or custom within the meaning of clause (b).

“ (2) In computing the period of limitation aforesaid, the provisions of the Indian Limitation Act, 1877, shall be deemed to apply.

“ (3) Section 622 of the Code of Civil Procedure, in so far as it applies to the territories to which this Act extends, is hereby repealed.

“ 71. If

Amendment
of the first
schedule, Act
VII, 1870.

“71. In the first schedule to the Court-fees Act, 1870, after No. 12, the following shall be inserted, VII o namely :—

<p>‘13. Application to the Chief Court in the Punjab for the exercise of its jurisdiction under section 70 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1899.</p>	<p>When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.</p> <p>When such amount or value exceeds twenty-five rupees.</p>	<p>Two rupees.</p> <p>The fee leviable on a memorandum of appeal’.</p>	<p>XVII 1884.</p>
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Amendment
of section 72,
Act XVIII,
1884.

7. In section 72 of the Punjab Courts Act, 1884, for the words and figures “under section 622 of the Civil Procedure Code”, the words and figures “under section 70” shall be substituted. XVII
1884.
XIV o
1882.