

THE CENTRAL PROVINCES COURTS ACT, 1904 (II OF 1904).

CONTENTS.

CHAPTER I.

Preliminary.

SECTIONS.

1. Short title, extent and commencement.
2. Definition of "value".

CHAPTER II.

The Court of the Judicial Commissioner.

3. Jurisdiction of Court of Judicial Commissioner.
4. Appointment of Judicial Commissioner and Additional Judicial Commissioners.
5. Jurisdiction and powers of Additional Judicial Commissioner.
6. Appeals.
7. Appointment of Registrar and ministerial officers of the Court of the Judicial Commissioner.
8. Power to the Judicial Commissioner to make rules.
9. Registers, books and accounts, returns, statements and reports.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

Classes of Courts.

10. Classes of Courts.

Territorial Divisions and Establishment of Subordinate Courts.

11. Civil divisions and civil districts.
12. Establishment of Courts.

Jurisdiction of Subordinate Courts.

13. Original jurisdiction of Divisional and District Courts and of Courts of Subordinate Judge and Munsiff.

14. Power

SECTIONS.

14. Power to invest certain Courts with Small Cause Court jurisdiction.
15. Appellate jurisdiction of the Courts.
16. Period of limitation for appeals.

Administrative Control.

17. Superintendence and control of Subordinate Courts.
18. Power of Divisional Court to transfer cases.
19. Power to distribute business.
20. Judges not to try cases in which they are personally interested.

Appointment of Judges and Ministerial Officers of Subordinate Courts.

21. Appointment of Judges and Subordinate Judges.
22. Appointment of Munsiffs.
23. Additional Judges.
24. Ministerial officers of Subordinate Courts.

CHAPTER IV.

Supplemental Provisions.

25. Place of sitting of Courts.
26. Vacations.
27. Seal.

CHAPTER V.

General.

28. Pending proceedings.
29. Repeals.

THE SCHEDULE.

ACT No. II OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 22nd January, 1904.)

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

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

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Central Provinces Courts Act, 1904;

Short title, extent and commencement.

(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 such day as the Chief Commissioner may, by notification in the local official Gazette, direct.

2. In this Act "value", used with reference to a suit or appeal, means the amount or value of the subject-matter of the suit or appeal.

Definition of "value."

CHAPTER II.

The Court of the Judicial Commissioner.

3. The Court of the Judicial Commissioner shall be the highest Civil Court of appeal, and, except in reference to proceedings against European British subjects and persons jointly charged with European British subjects, the highest Court of criminal appeal and

Jurisdiction of Court of Judicial Commissioner.

(Chapter II.—The Court of the Judicial Commissioner.—Sections 4-7.)

and revision, in and for the territories to which this Act extends.

Appointment of Judicial Commissioner and Additional Judicial Commissioners.

4. (1) The Judicial Commissioner shall be appointed by the Governor General in Council.

(2) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, appoint one or more persons, as it may think fit, to be Additional Judicial Commissioner or Additional Judicial Commissioners and to sit as such in the Court of the Judicial Commissioner.

(3) Every person appointed under this section shall hold his office during the pleasure of the Governor General in Council.

Jurisdiction and powers of Additional Judicial Commissioner.

5. (1) Subject to the other provisions of this Act, every Additional Judicial Commissioner shall exercise the same jurisdiction and powers as the Judicial Commissioner may exercise under any enactment for the time being in force, but only in such cases as the Judicial Commissioner may, by general or special order, direct.

(2) The Judicial Commissioner may, from time to time, transfer any case with respect to which he may have directed an Additional Judicial Commissioner to exercise jurisdiction, and of which the hearing before such Additional Judicial Commissioner has not yet commenced, for hearing and disposal to his own file or to the file of another Additional Judicial Commissioner (if any).

Appeals.

6. Where an appeal is preferred from a decree, order or sentence passed by a Judicial Commissioner or an Additional Judicial Commissioner in any other capacity or in which he is personally interested, the appeal shall be heard by an Additional Judicial Commissioner or the Judicial Commissioner, as the case may be.

Appointment of Registrar

7. (1) The Registrar of the Court of the Judicial Commissioner

(Chapter II.—The Court of the Judicial Commissioner.—Section 8.)

Commissioner shall be appointed by the Local Government.

and ministerial officers of the Court of the Judicial Commissioner.

(2) The ministerial officers of the said Court shall be appointed by the Judicial Commissioner.

8. (1) In addition to any other powers to make rules expressly or by implication conferred by this Act, the Judicial Commissioner may, from time to time, make rules consistent with this Act and any other enactment for the time being in force—

Power to the Judicial Commissioner to make rules.

- (a) declaring what persons shall be permitted to practise as petition-writers in the Courts, and regulating the conduct of the business of persons so practising;
- (b) providing for the translation of any papers filed or produced in the Court of the Judicial Commissioner and for the payment of the expenses thereby incurred;
- (c) regulating the procedure in cases where any person applies to inspect a record of any Court or to obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies;
- (d) prescribing the travelling and other expenses to be allowed to witnesses in civil cases and the fees to be allowed to Commissioners appointed by Civil Courts;
- (e) conferring and imposing on the ministerial officers of the Court of the Judicial Commissioner and of the Courts subordinate thereto 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;
- (f) prescribing forms to be used in the Subordinate Courts

(Chapter II.—The Court of the Judicial Commissioner.—Section 9. Chapter III.—The Subordinate Civil Courts.—Section 10.)

Courts for such proceedings, entries, statistics and accounts as he thinks necessary;

(g) providing for the visitation and inspection of the Subordinate Courts, and the supervision of the working thereof; and

(h) regulating all such matters as he may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of his own Court and of the Subordinate Courts and maintaining proper discipline among those officers.

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

(3) Whoever commits a breach of any rule made under sub-section (1), clause (a), shall be punishable with fine which may extend to fifty rupees.

Registers,
books and
accounts,
returns, state-
ments and
reports.

9. 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 comply, in such form and manner as the Local Government may deem proper, with any requisitions which the Local Government may make for records of, or papers belonging to, the Court of the Judicial Commissioner or any Civil Courts subordinate thereto, or for certified copies of, or extracts from, such records or papers, or for returns, statements or reports.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

Classes of Courts.

Classes of
Courts.

10. Besides the Court of the Judicial Commissioner, the Courts of Small Causes established under the Provincial

(Chapter III.—The Subordinate Civil Courts.—Sections 11-13.)

IX of 1887.

Provincial Small Cause Courts Act, 1887, and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts in the territories to which this Act extends, namely:—

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

Territorial Divisions and Establishment of Subordinate Courts.

11. For the purposes of this Act, the Local Government shall divide the Province into such civil divisions, and each civil division into such civil districts, as it may think fit, and may alter the limits or the number of the said civil divisions and civil districts.

Civil divisions and civil districts.

12. The Local Government shall establish—

- (a) a Divisional Court for each civil division,
- (b) a District Court for each civil district, and
- (c) so many Courts of Subordinate Judges and Munsiffs respectively for each civil district as it may think fit.

Establishment of Courts.

Jurisdiction of Subordinate Courts.

13. (1) Subject to the provisions of the Code of Civil Procedure, the Provincial Small Cause Courts Act, 1887, and any other enactment for the time being in force,—

- (a) the Court of the Munsiff shall have jurisdiction to hear and determine any suit or original proceeding of a value not exceeding five hundred rupees;
- (b) the Court of the Subordinate Judge shall have jurisdiction to hear and determine

Original jurisdiction of Divisional and District Courts and of Courts of Subordinate Judge and Munsiff.

any

XIV of 1882.

IX of 1887.

(Chapter III.—The Subordinate Civil Courts.—Sections 14-15.)

any suit or original proceeding of a value not exceeding five thousand rupees;

(c) the District Court shall have jurisdiction to hear and determine any suit or original proceeding without restriction as regards the value, except proceedings under the Indian Divorce Act, 1869, and shall be deemed to be the principal Civil Court of original jurisdiction in the civil district;

V of 1869

(d) the Divisional Court shall have such jurisdiction to hear and determine any suit or original proceeding as is by this section conferred upon a District Court, and shall also have jurisdiction to hear and determine any original proceeding under the Indian Divorce Act, 1869, and shall be deemed the District Court under that Act for all civil districts comprised in the civil division.

IV of 1869

(2) The local limits of the jurisdiction of the Courts mentioned in sub-section (1), clauses (a) and (b), shall be such as the Local Government may, by notification in the local official Gazette, define.

Power to invest certain Courts with Small Cause Court jurisdiction.

14. The Local Government may, by notification in the local official Gazette, invest any District Court or any Court of a Subordinate Judge with the jurisdiction of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, for the trial of suits cognizable by such Courts up to such value, not exceeding five hundred rupees, as it may think fit, in cases arising within the local limits of its jurisdiction or in any specified area within such limits, and may withdraw any jurisdiction so conferred.

IX of 1887

Appellate jurisdiction of the Courts.

15. Subject to the provisions of the Code of Civil Procedure, the Provincial Small Cause Courts Act, 1887, and any other enactment for the time being in force, the Courts to which appeals are hereinafter declared to lie, shall respectively have authority to hear appeals from the decrees and orders of the Courts subordinate

XIV of 1887

IX of 1887

(Chapter III.—The Subordinate Civil Courts.—Sections 16-17.)

subordinate to them, passed in the exercise of their original jurisdiction—

- (a) an appeal from the decree or order of the Court of a Munsiff shall lie to the District Court ;
- (b) an appeal from the decree or order of the Court of a Subordinate Judge shall, where the value of the suit in such Court exceeds one thousand rupees, lie to the Divisional Court, and, in any other case, to the District Court ;
- (c) an appeal from the decree or order of a District Court shall, where the value of the suit in such Court exceeds five thousand rupees, lie to the Court of the Judicial Commissioner, and, in any other case, to the Divisional Court ;
- (d) an appeal from a decree or order of a Divisional Court, when exercising original jurisdiction shall lie to the Court of the Judicial Commissioner.

16. (1) The period of limitation for an appeal to the Divisional Court shall be sixty days.

Period of limitation for appeals.

(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,

XV of 1877. 1877.

Administrative Control.

17. (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.

Superintendence and control of Subordinate Courts.

(2) Subject to the general superintendence and control of the Court of the Judicial Commissioner, the Divisional Court shall superintend and control all

other

(Chapter III.—The Subordinate Civil Courts.—Sections 18-20.)

• other Civil Courts in the local area within its jurisdiction; and, subject as aforesaid and to the control of the Divisional Court, the District Court shall superintend and control all other Civil Courts in the local area within its jurisdiction.

Power of
Divisional
Court to
transfer
cases.

18. (1) The 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 188

(2) The Court trying any suit withdrawn under sub-section (1) from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

Power to
distribute
business.

19. Notwithstanding anything contained in the Code of Civil Procedure and in the Provincial Small Cause Courts Act, 1887, the Divisional Court and the District Court, respectively, 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:

XIV of 188

IX of 1887

Provided that, except in so far as it may affect the exclusive jurisdiction of a Court of Small Causes, or a Court invested with the jurisdiction of a Court of Small Causes, a direction given under this section shall not empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

Judges not
to try cases
in which
they are
personally
interested.

20. (1) No Judge or Additional Judge of a Court under this Act shall hear or determine any suit, appeal or other proceeding to which he is a party or in which he is personally interested.

(2) When any such suit, appeal or other proceeding comes before any Judge of a Subordinate Court, he shall forthwith transmit the record of the case to the Court empowered to transfer cases to which he is subordinate, with a report of the circumstances attending

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

attending the reference, and such superior Court shall thereupon hear and determine the case or transfer it to some other Court.

(3) When any such suit, appeal or other proceeding comes before an Additional Judge of a Subordinate Court, he shall forthwith transmit the record of the case to the Judge of the Court, who shall hear and determine the case.

Appointment of Judges and Ministerial Officers of Subordinate Courts.

21. The Judges of the Divisional and District Courts and Subordinate Judges shall be appointed by the Local Government.

Appointment of Judges and Subordinate Judges.

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

Appointment of Munsiffs.

(2) The Judicial Commissioner may, with the previous sanction of the Local Government, make rules as to the qualifications of persons to be appointed Munsiffs.

23. (1) The Local Government may, whenever it thinks it necessary or expedient so to do, appoint an Additional Judge or Judges to any Divisional or District Court, or to the Court of a Subordinate Judge or of a Munsiff, and any officer so appointed an Additional Judge shall exercise the jurisdiction of the Court to which he is appointed and the powers of a Judge thereof, subject to any general or special orders of the Local Government as to the class or value of suits and appeals which he may try, hear and determine, and subject also, in respect of the distribution of the business of the Court, to the control of the Judge thereof.

Additional Judges.

(2) An

(Chapter III.—The Subordinate Civil Courts.—Section 24. Chapter IV.—Supplemental Provisions.—Sections 25-26.)

(2) An officer may be appointed an Additional Judge of one or more Courts, and an officer who is a Judge of one Court may be appointed an Additional Judge of another Court or of other Courts.

Ministerial
officers of
Subordinate
Courts.

24. (1) The ministerial officers of the Divisional Court and of the District Court shall be appointed and may be suspended and dismissed by the Judges of those Courts respectively.

(2) The ministerial officers of the Courts of the Subordinate Judge and of the Munsiff shall be appointed and may be suspended and dismissed by the District Court.

(3) Every appointment made under this section shall be subject to such rules as the Local Government may, by notification in the local official Gazette, make in this behalf, and, in dealing with any matter under this section, the District Court shall act subject to the control of the Divisional Court.

CHAPTER IV.

SUPPLEMENTAL PROVISIONS.

Place of sit-
ting of
Courts.

25. Every Civil Court shall be held at such place or places as the Local Government may, by notification in the local official Gazette, direct, or, in the absence of any such direction, at any place within the local limits of the jurisdiction of the Court.

Vacations.

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

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

(3) A

(Chapter IV.—Supplemental Provisions.—Section 27. Chapter V.—General.—Sections 28-29.)

(3) A judicial act done by a Court on a day specified in a list published under sub-section (2) shall not be invalid by reason only of its having been done on that day.

27. Every Civil Court shall use a seal of such Seal.
form and dimensions as the Local Government may prescribe on all processes and orders issued, and on all decrees passed, by it.

CHAPTER V.

GENERAL.

28. (1) Every proceeding pending in any Civil Court at the commencement of this Act shall be deemed to be transferred to the Court exercising the jurisdiction under this Act which corresponds, as far as may be, to the jurisdiction of the Court in which the proceeding was instituted, and the Court to which any proceeding is transferred shall proceed to try, hear and determine the matter as if it had been instituted in such Court. Pending proceedings.

(2) Appeals from decrees and orders passed by Civil Courts and not appealed against before the commencement of this Act, shall lie to the Court exercising the jurisdiction under this Act which corresponds, as far as may be, to the jurisdiction of the Court to which such appeals would have lain if this Act had not been passed.

(3) Nothing contained in this section shall be construed to extend the period of limitation to which any suit or appeal may be subject.

29. The enactments mentioned in the schedule are hereby repealed to the extent specified in the fourth column thereof. Repeals.

THE

Central Provinces Courts.
(*The Schedule.*)

THE SCHEDULE.

1	2	3	4
Year.	Number.	Subject or short title.	Extent of repeal.
1885	XVI	The Central Provinces Civil Courts Act, 1885.	So much as is un-repealed.
1890	IV	Amending the Central Provinces Civil Courts Act, 1885.	The whole Act.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to the Central Provinces Civil Courts Act, 1885.
1896	XIX	The Central Provinces Additional Judicial Commissioners Act, 1896.	The whole Act.
1901	IV	The Central Provinces Civil Courts (Amendment) Act, 1901.	Ditto.