

ACT No. XXIII OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st October, 1942.)

An Act further to amend the Code of Civil Procedure, 1908.

V of 1908. **W**HEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1942. Short title.

V of 1908. 2. In the First Schedule to the Code of Civil Procedure, 1908, after Order XXVII, the following Order shall be inserted, namely :— Amendment of First Schedule, Act V of 1908.

“ ORDER XXVIIA.

26 Geo. 5, c. 2. *Suits involving a substantial question of law as to the interpretation of the Government of India Act, 1935, or any Order-in-Council made thereunder.*

26 Geo. 5, c. 2. 1. In any suit in which it appears to the Court that a substantial question of law as to the interpretation of the Government of India Act, 1935, or any Order-in-Council made thereunder is involved, the Court shall not proceed to determine that question until after notice has been given to the Advocate-General of India if the question of law concerns the Central Government and to the Advocate-General of the Province if the question of law concerns a Provincial Government. Notice to the Advocate-General.

26 Geo. 5, c. 2. 2. The Court may at any stage of the proceedings order that the Central Government or a Provincial Government shall be added as a defendant in any suit involving a substantial question of law as to the interpretation of the Government of India Act, 1935, or any Order-in-Council made thereunder if the Advocate-General of India or the Advocate-General of the Province as the case may be, whether upon receipt of notice under rule 1, or otherwise, applies for such addition and Court may add Government as party.

the Court

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Price anna 1 or 1½d.

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(Amendment).

the Court is satisfied that such addition is necessary or desirable for the satisfactory determination of the question of law involved.

3. Where under rule 2 Government is added as a defendant in a suit, the Advocate-General or the Government shall not be entitled to or liable for costs in the Court which ordered the addition unless the Court having regard to all the circumstances of the case for any special reason otherwise orders.

Application of
Order to
appeals.

4. In the application of this Order to appeals the word 'defendant' shall be held to include a respondent and the word 'suit' an appeal."