

Act no. XXXII of 1949
[AS PASSED BY THE DOMINION LEGISLATURE.]

BILL

Repealed by Act 48 of 1954

further to amend the Code of Civil Procedure, 1908.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908 (Act V of 1908), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Code of Civil Procedure (Amendment) Act, 1949.

2. **Amendment of section 82, Act V of 1908.**—In section 82 of the Code of Civil Procedure, 1908,—

(a) in sub-section (1), for the words "Where the decree is against the Dominion of India or a Province or against a public officer in respect of any such act as aforesaid", the following words shall be substituted, namely:—

"Where in a suit by or against the Government, or by or against a public officer in respect of any such act as aforesaid, a decree is passed against the Dominion of India or a Province or, as the case may be, the public officer"; and

(b) after sub-section (2), the following sub-section shall be added, namely:—

"(3) The provisions of sub-sections (1) and (2) shall apply in relation to an order or award as they apply in relation to a decree, if the order or award—

(a) is passed or made against the Dominion of India or a Province or a public officer in respect of any such act as aforesaid, whether by a Court or by any other authority, and

(b) is capable of being executed under the provisions of this Code or of any other law for the time being in force as if it were a decree."

Applied to Darjeeling Dist. by West Bengal Court.
Notification no. 5784 - J. S. 4.11.49.