

THE PUDUCHERRY CIVIL COURTS ACT, 1966

(No.12 of 1966)

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THE PUDUCHERRY CIVIL COURTS ACT, 1966

(Act No. 12 of 1966)

21st October, 1966.

AN ACT

to consolidate and amend the law relating to the Civil Courts in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Seventeenth Year of the Republic of India as follows: -

1. Short title, extent and commencement. - (1) This Act may be called the Pondicherry Civil Courts Act, 1966.

(2) It extends to the whole of the Union territory of Puducherry.

(3) It shall come into force on such +date as the Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act, and any reference to the commencement of this Act in any provision thereof shall be construed as a reference to the date on which that provision comes into force.

2. Definitions. - In this Act, unless the context otherwise requires, --

(a) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

(b) "High Court" means the High Court at Madras;

(c) "Union territory" means the Union territory of Puducherry.

3. Courts and their number and jurisdiction. -- (1) There shall be the following Courts in the Union territory *[…], namely: -

*[(a) the Courts of the District Judge], (b)

the Subordinate Judge's Courts, and (c)

the Munsif's Courts.

+ This Act came into force w.e.f 5.9.1968 vide Notification S.O. No.98 published in the Extraordinary Gazette No.73 dated 4.9.68.

* Amended vide Act No.9 of 1986. This Act came into force w.e.f 1.9.1986 vide Notification published in the Gazette of Puducherry No.34 dt. 26.8.86

(2) Appointments to the posts of District Judge, Sub-ordinate Judge and Munsif shall be made by the Government in accordance with rules made under article 309 of the Constitution:

Provided that appointment to the post of District Judge shall be made after consultation with the High Court.

(3) The number of * ~~Courts of the District Judge, Subordinate Judge's Courts~~] and Munsif's Courts shall be fixed and may, from time to time, be altered by the Government.

*~~[(4) The local limits of the jurisdiction of a Court of the District Judge, a Subordinate Judge's Court and a Munsif's Court shall be such as the Government may, by notification in the Official Gazette, specify:~~

Provided that the Government may, by a like notification, alter the jurisdiction of any Court under this sub-section from time to time].

4. Appointment of Additional Judges. – (1) The Government may, if satisfied after consultation with the High Court that the state of business pending before any Court so requires, appoint in accordance with the provisions of sub-section (2) of section 3 one or more Additional Judges to that Court for such period as it may deem necessary.

(2) When more than one Judge is appointed to a Court, one of the Judges shall be appointed the Principal Judge of that Court.

(3) Each of the Judges appointed to a Court may exercise all or any of the powers conferred on that Court by this Act or any other law for the time being in force.

(4) The Principal Judge of every Court may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof:

Provided that the District Judge, or the Principal District Judge, if there is more than one District Judge, may give such general or special direction in regard to the distribution of work in the courts of Subordinate Judge and Munsif.

Explanation. – In this section, unless the context otherwise requires, the expression 'judge' includes a Subordinate Judge and Munsif.

* Substituted vide Act No.9 of 1986 w.e.f 26-6-1986.

5. Situation of Courts. - (1) The place at which any Court under this Act shall be held may be fixed and may, from time to time, be altered by the Government.

(2) The place fixed for any Court under this section shall be deemed to be within the local jurisdiction of that Court.

6. Courts under the Act to be successors to existing Courts. - (1) The Tribunal Supérieur d' Appel, Courts of Tribunal de lere Instance and Juge de Paix existing immediately before the commencement of this Act shall be respectively the first Court of the District Judge, Subordinate Judges' Court and Munsif's Court under this Act.

*[Provided that in any area of the Union territory where there is no Subordinate Judge's Court or Munsif's Court, the next superior court exercising jurisdiction in that area shall be the successor to the Court of Tribunal de lere Instance or the Court of Juge de Paix, as the case may be].

(2) As from the commencement of this Act, ---

- (a) the President and Judges of the Tribunal Supérieur d' Appel holding office immediately before such commencement shall respectively function as the Principal District Judge and Additional District Judges; and
- (b) the Presidents of the Tribunal de lere Instance and Juges de Paix holding office immediately before such commencement shall respectively function as Subordinate Judges and Munsifs within their jurisdiction.

(3) Subject to the other provisions of this Act, a District Judge sitting singly shall exercise all the powers and functions of the Tribunal Supérieur d' Appel in respect of all pending cases and cases remanded by the High Court in exercise of its powers as Cour de Cassation.

7. Seal of Court. - Every Court under this Act shall use a seal of such form and dimensions as are, for the time being, prescribed by the Government.

* Inserted vide Act No.9 of 1986 w.e.f 26-6-1986

***[8. Jurisdiction of District Judge, Subordinate Judge and District Munsif in original suits. -** (1) The jurisdiction of the District Judge shall, subject to the rules of procedure contained in the Code of Civil Procedure, 1908 (hereinafter referred to in this section as the said Code) for the time being in force, extend to all original suits and proceedings of a civil nature, of which the amount or value of the subject matter exceeds rupees five lakhs.

(2) The jurisdiction of the Subordinate Judge shall, subject to the rules of procedure contained in the said Code for the time being in force, extend to all original suits and proceedings of a civil nature, of which the amount or value of the subject matter exceeds rupees one lakh but does not exceed rupees five lakhs:

****[**"Provided that the jurisdiction of the Subordinate Judge's Court at Mahe and Yanam extends, subject to the provisions of the said Code to all original suits and proceedings of civil nature."**]**

(3) The jurisdiction of the District Munsif shall extend to all like suits and proceedings not otherwise exempted from his cognizance, of which the amount or value of the subject matter does not exceed rupees one lakh:

Provided that the Government may, by notification in the Official Gazette, increase the jurisdiction as and when exigency arises].

*****[9. Appeal from Decrees and Orders of District Courts, Subordinate Courts and District Munsif Courts. -** (1) Appeals from the Decrees and Orders of District Judges at Puducherry and Karaikal shall, when such appeals are allowed by law, lie to the High Court of Judicature at Madras.

(2) Appeals from the Decrees and Orders of the Subordinate Judges at Puducherry shall, when such appeals are allowed by law, lie to the Court of District Judge at Puducherry.

(3) Appeals from the Decrees and Orders of the Subordinate Judges at Mahe and Yanam shall, when such appeals are allowed by law, lie to the High Court of Judicature at Madras:

Provided that in so far as appeals from the Decrees and Orders of the Subordinate Judges at Mahe and Yanam in any civil suit where the suit value does not exceed rupees five lakhs, shall, when such appeals are allowed by law, lie to the Court of District Judge at Puducherry.

* Substituted vide Act No.5 of 2005. This Act came into force w.e.f 01.11.2005

** Substituted vide Act No.5 of 2015. This Act came into force w.e.f 01.07.2015

— *** Substituted vide Act No.9 of 2017. This Act came into force w.e.f 01.08.2017.

(4) Appeals from the Decrees and Orders of the Subordinate Judges at Yanam where such decrees and orders were passed by the said Judge concerned as if, he is a District Munsif in relation to their respective jurisdictional areas shall, when such appeals are allowed by law, lie to the Court of District Judge at Puducherry.

(5) Appeals from the Decrees and Orders of Subordinate Judge at Karaikal shall, when such appeals are allowed by law, lie to the Court of District Judge at Karaikal:

(6) Appeals from the Decrees and Orders of District Minsifs shall, when such appeals are allowed by law, lie to the Court of Subordinate Judge.

Provided however that the pecuniary limit specified in this section shall not apply in the case of appeals from Decrees and Orders passed under and in accordance with the French law relating to civil procedure.

(7) **Transitory provisions.-** (1) All suits pending in the District Court, Karaikal, when the amount or the value of the subject matter of the suit exceeds rupees one lakh but, does not exceed rupees five lakhs shall stand transferred to the Subordinate Court at Karaikal.

(2) All first appeals from the Decrees and Orders of the District Munsif Court at Karaikal and pending on the file of the District Court at Karaikal and when the amount or the value of the subject matter of such appeals does not exceed rupees one lakh shall stand transferred to the Subordinate Court at Karaikal.

(3) All suits pending in the Subordinate Court at Mahe, where the amount or the subject matter of the suit does not exceed rupees one lakh shall stand transferred to the District Munsif Court at Mahe.

(4) All the part-heard and judgment reserved suits and appeal shall be heard and disposed of by the respective Courts as if, this Act has not been passed].”

10. Power to require witness or party to make oath or affirmation. – Every Court under this Act may require a witness or party to any suit or other proceeding pending in such Court to make such oath or affirmation as is prescribed by the law for the time being in force.

11. Judges not to try suits in which they are interested nor try appeals from decrees passed by them in other capacities. – (1) (a) *[No District Judge, Vacation Civil Judge], Subordinate Judge or Munsif shall try any suit to or in which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

(b) *[No District Judge, Vacation Civil Judge], or Subordinate Judge shall try any appeal against a decree or order passed by himself in another capacity.

(2) When any such suit, proceeding or appeal comes before ---

(a) *[any Vacation Civil Judge, Subordinate Judge] or Munsif, he shall report the circumstances to the District Judge, who shall thereupon either take up the case himself or transfer the case to some other officer, otherwise competent to deal with the same;

(b) any District Judge, he shall transfer the case to an Additional District Judge or if there be no such Judge, to a Subordinate Judge who is otherwise competent to deal with the same:

* Substituted vide Act No.9 of 1986 w.e.f. 26-6-1986

Provided that in the absence of any judicial officer competent to deal with the same within the Union territory, the District Judge shall report the circumstances to the High Court, which shall thereupon deal with the case itself or transfer the case for disposal to any other District Judge under its jurisdiction.

12. Duties of ministerial officers. - The ministerial officers of a Court shall perform such duties as may, from time to time, be imposed upon them by the presiding officer of the Court.

13. Temporary discharge of duties of District Judge. - In the event of the death of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties or of his absence from the station in which his Court is held, the senior Additional District Judge or the Additional District Judge, as the case be or if there is no Additional District Judge, the senior Subordinate Judge in the station in which his Court is held shall, without interruption to his ordinary duties, assume charge of the District Judge's Office, and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of processes and the like, and shall continue in charge of the office until the same is resumed or assumed by an officer duly appointed thereto.

14. District Judge to control Civil Courts. - (1) The Court of the District Judge shall be the principal Civil Court of original jurisdiction *[in the local limits over which such court exercises jurisdiction] within the meaning of any law relating to procedure for the time being in force and the Subordinate Judge's Court and the Munsif's Court shall be subordinate to it.

(2) Subject to the other provisions of this Act and any other law for the time being in force and to the general superintendence and control of the High Court, the general control over all Civil Courts under this Act shall be vested in the *[Chief Judge].

**[Explanation.-* For the purpose of this section, "Chief Judge" shall mean the Principal District Judge, Pondicherry].

15. Power to invest **[] Subordinate Judge or Munsif with small cause jurisdiction. - (1) The Government may, by notification in the Official Gazette, invest within such local limits as it shall, from time to time, appoint -

* Substituted vide Act No.9 of 1986 w.e.f 26.06.1986

** Deleted vide Act No.5 of 2005 w.e.f 01.11.2005.

- (a) any *[Subordinate Judge] with the jurisdiction of a Judge of a Court of small Causes for the trial of suits cognizable by such Courts up to the amount of +[five thousand rupees]; and
- (b) any Munsif with the same jurisdiction upto the amount of +[two thousand rupees].

(2) The Government may, by like notification, withdraw such jurisdiction from the *[Subordinate Judge] or Munsif as invested under sub- section (1).

****[Transitory provisions.** (1) All small cause suits pending on the file of the District Court, Karaikal, where the amount or the subject value of such small cause suits does not exceeds rupees two thousand but, does not exceed rupees five thousand shall stand transferred to the Subordinate Court at Karaikal].

****[(2)** All small cause suits pending on the file of the District Court, Karaikal, where the amount or the subject value of such small cause suits exceeds rupees two thousand but, does not exceed rupees five thousand shall stand transferred to the Subordinate Court at Karaikal].

(3) All the part-heard and judgment reserved suits shall be heard and disposed of by the respective courts as if this Act has not been passed.]

16. Exercise by Subordinate Judge of jurisdiction of District Judge in certain proceedings. - (1) The High Court may, by general or special order, authorize any Subordinate Judge to take cognizance of, any District Judge, to transfer to any Subordinate Judge under his control, any proceedings under the Indian Succession Act, 1925 (39 of 1925), which cannot be disposed of by District Delegates.

(2) The District Judge may withdraw any such proceedings taken cognizance of by, or transferred to, a Subordinate Judge and may either himself dispose of them or transfer them to a Court competent to dispose of them.

(3) Notwithstanding anything contained in section 9, proceedings taken cognizance of by or transferred to, a Subordinate Judge under the provisions of this section shall be disposed of by him subject to the law applicable to like proceedings when disposed of by the District Judge.

* Substituted vide Act No.9 of 1986 w.e.f 26-06-1986

+ Substituted vide Act No.9 of 2005 w.e.f 01.11.2005

** Substituted vide Act No.9 of 2017 w.e.f 01-08-2017

17. **Vacation.** – *[(1) The annual vacations for the Courts constituted under this Act shall be fixed by the High Court].

(2) Such annual vacations shall not exceed in the aggregate sixty days in the case of the Court of the District Judge and a Subordinate Judge's Court and forty-five days in the case of a Munsif's Court.

**[Omitted].

(3) Notwithstanding anything contained in this Act or in the Code of Civil Procedure, 1908, the Government may, for the duration of the annual vacations, appoint a Vacation Civil Judge in each of the regions of the Union territory, namely, Pondicherry, Karaikal, Mahe and Yanam;

Provided that a Vacation Civil Judge appointed for Pondicherry or Karaikal region shall be not below the rank of a Subordinate Judge.

(4) The local limits of the jurisdiction of the Vacation Civil Judge shall be the same as those of the principal Civil Court in the region concerned.

(5) The jurisdiction of the Vacation Civil Judge shall extend to all suits, appeals and other proceedings pending in, or cognizable by, any civil court in the region concerned when such court is adjourned for annual vacations.

(6) Notwithstanding the appointment of the Vacation Civil Judge, every civil court in the Union territory shall, during the period it is adjourned for annual vacations, be deemed to be closed for the purpose of section 4 of the Limitation Act, 1963.

(7) On the reopening of a Court of the District Judge, a Subordinate Judge's Court or a Munsif's Court after the annual vacations, all suits, appeals and other proceedings pending in the court of the Vacation Civil Judge which, but for this section, would have been instituted or pending in such Court of the District Judge, Subordinate Judge's Court or Munsif's Court, as the case may be, shall stand transferred to such Court of the District Judge, Subordinate Judge's Court or Munsif's Court and any decree, order or proceeding passed by the Vacation Civil Judge shall, after such transfer, be deemed to be a decree, order or proceeding passed by the court concerned.

(8) Notwithstanding the provisions of sub-section (7), any appeal from the decree or order of the court of the Vacation Civil Judge shall, when such appeal is allowed by law, lie to the High Court].

* Amended vide Act No.5 of 2005 w.e.f. 01-11-2005.

** Omitted vide Act No.9 of 1986 w.e.f. 26-6-1986.

18. Abolition of Conseil du Contentieux Administratif. - (1) As from the commencement of this Act, the Court of Conseil du Contentieux Administratif shall stand abolished.

(2) Notwithstanding such abolition, all cases pending before the said Court immediately before such commencement and those cases that may be remanded by the High Court in exercise of its powers as Conseil d'Etat, shall be heard and disposed of by the District Judge or an Additional District Judge sitting singly in accordance with the procedure followed immediately before the commencement of this Act in so far as it is not inconsistent with the provisions of this Act.

19. Abolition of the Offices of the Procureur de la Republique. - (1) As from the commencement of this Act, the Offices of the Procureur de la Republique shall stand abolished.

(2) Notwithstanding such abolition, the Government may, by notification in the Official Gazette, empower any officer holding a degree or diploma in law to perform the duties and functions of the said offices under the French law in so far as may be necessary for such areas as may be specified.

20. Pending Proceedings. - (1) Any proceeding of a Civil nature pending in a Court immediately before the commencement of this Act shall, on such commencement, be deemed to be transferred to the Court exercising jurisdiction under this Act in which the proceedings would have lain if it had been instituted after such commencement, and the Court to which the proceedings in transferred shall proceed to try, hear and determine the matter as if it has been pending therein.

(2) Any appeal from a decree or order passed by a Court and not appealed against before the commencement of this Act shall lie to the Court exercising jurisdiction under this Act to which such appeal would have lain if it had been preferred after such commencement.

(3) Any decree or order passed before the commencement of this Act by any court shall be deemed, for the purpose of execution, to have been passed by the Court exercising jurisdiction under this Act which corresponds, so far as may be, to the jurisdiction of the Court which passed the decree or order.

Provided that nothing in sub-section (1) or sub-section (2) shall be construed as extending the period of limitation to which any suit or appeal or application may be subject.

21. Rule of construction. - References in any law in force in the Union territory to the Tribunal Superieur d' Appel, the Tribunal de lere Instance or the Juge de Paix shall be construed as references to the Court of the District Judge or a Subordinate Judge or a Munsif as the case may require.

22. Effect on other laws. – The provisions of this Act shall have effect notwithstanding any thing inconsistent therewith contained in any other law in force in the Union territory.

23. Power to remove difficulties. -- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

24. Repeal and saving – (1) As from the commencement of this Act, any law in force in the Union territory including the Ordinances, Decrees and Arretes specified in the Schedule in so far as it makes provisions for the matters covered by this Act, shall stand repealed.

(2) Notwithstanding anything contained in the foregoing provisions, the constitution and organisation of Courts under this Act shall not prejudicially affect the continued operation of any notice served, injunction issued, direction made or proceedings taken before the commencement of this Act by any court under the powers conferred upon it by any law for the time being in force.

THE SCHEDULE

(see section 24)

1. Royal Ordinance dated 7th February, 1842 relating to judicial organisation.
 2. Decree dated 22nd August, 1928 determining the status of the colonial Magistrates and the composition of Courts, Tribunals, etc.
 3. Decree dated 5th August, 1881 relating to organisation and competency of Administrative Courts in the Colonies.
 4. Decree No. 47-707, dated 12th April, 1947 relating to the setting up of an Administrative Court (Conseil du Contentieux Administratif) in the French settlements in India.
 5. Decree No. 48-2032, dated 30th December, 1948 providing for the composition of an Administrative Court in French India.
 6. Arrete No. 267, dated 25th February, 1949 determining the functions of the Administrative Courts' Secretary.
 7. Arrete, dated 1-7-1936 laying down the rules governing the Process Servers of the Judicial Department.
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