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## THE PUNJAB COURTS ACT, 1918.

## PUNJAB ACT VI OF 1918.

[Received the assent of the Lieutenant-General of the Punjab on the 30th May, 1918, and that of the Governor-General on the 12th June, 1918, and was first published in the Punjab Gazette<sup>2</sup> of the 12th July, 1918.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation .
1918 ..	VI	The Punjab Courts Act, 1918	Repealed in part, Act IV of 1926 Amended, Punjab Act IV of 1919 Supplemented, Act IX of 1919 <sup>3</sup> Amended, Punjab Act IX of 1922 <sup>4</sup> Amended, Government of India (Adaptation of Indian Laws) Order, 1937 Amended by Punjab Act VI of 1941 <sup>5</sup> Amended by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order of 1943 (G.G.O. 40) Amended by Adaptation of Laws Order, 1950 Amended by Adaptation of Laws (Third, Amendment) Order, 1951

<sup>1</sup>For Statement of Objects and Reasons, see Punjab Gazette, 1918, Part V, page 326, for Report of the Select Committee, see *ibid*, 1918, Part V, pages 349—358, for Proceedings in Council, see *ibid*, 1918, Part V, pages 376-377, 435, 446-447, and 490—93.

<sup>2</sup>Part V, pages 495—503.

<sup>3</sup>For Statement of Objects and Reasons, see Punjab Gazette, 1919, Part V, pages 16-17, and for Proceedings in Council, see *ibid* 1919, Part V, pages 66—71. It came into force on 21st March, 1919.

<sup>4</sup>For Statement of Objects and Reasons, see Punjab Gazette, 1922, Part V, pages 205-06, for Reports of the Select Committee, see *ibid*, 1922, Part V, pages 210—13 and for Proceedings in Council, see Punjab Legislative Council Debates, Volume IV, pages 517-18, 649, 709—15 and 729—34. This Act came into force on 5th January, 1923.

<sup>5</sup>For Statement of Objects and Reasons, see Punjab Gazette, 1940, page 936, for Proceedings in Assembly, see Punjab Legislative Assembly Debates, Volume XV, Pages 86-87. This Act was made applicable to all pending cases,—(vide section 3), with the following words :—

"Notwithstanding anything to the contrary in the Punjab General Clauses Act, 1898, or any other law for the time being in force the provisions of this Act shall apply to all cases which may be pending at its commencement".



1	2	3	4
			<p>Extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union, by Punjab Act 38 of 1957<sup>1</sup></p> <p>Amended by Punjab Act 35 of 1963<sup>2</sup></p> <p>Amended by Punjab Act 25 of 1964<sup>3</sup></p> <p>Amendment by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order 1968</p>

An Act to validate all things done under the Punjab Courts Act, 1914, as amended by Punjab Act IV of 1914, to repeal the said Acts or so much of them as may be valid and to enact a law relating to Courts in 'Punjab which is free from the defect described in the preamble.

WHEREAS, it appears that the Punjab Courts Act, 1914, as assented to by the Lieutenant-Governor on the 15th January, 1914, and by the Governor-General on 27th April, 1914, and as published in the *Punjab Gazette* on 22nd May, 1914, included a clause, namely, clause (b) of sub-section (1) of section 39 which had not been passed by the Legislative Council of the Lieutenant-Governor, and whereas doubts have arisen as to the validity of things done under the said Act, and the amending Act, Punjab Act IV of 1914.

And whereas it is expedient to validate all things done under the said Acts, to repeal the said Acts or so much of them as may be valid, and to enact a law relating to Courts in 'Punjab, which is free from the defect above described, it is hereby enacted as follows:—

<sup>1</sup>For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1957, page 1675. First published in *Punjab Government Gazette (Extraordinary)*, dated the 14th November, 1957.

<sup>2</sup>For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1963, page 1162, First published in the *Punjab Government Gazette (Extraordinary) Legislative Supplement* of 18th October, 1964.

<sup>3</sup>For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1964, pages 935—37. It came into force on the 2nd October, 1964, see *Punjab Government, Home (Judicial) Department, Notification No. GSR 218/P.A. 25/64/S. 1/64*, dated the 1st October, 1964.

<sup>4</sup>Substituted for the words "East Punjab" (which had been inserted for the words "the Punjab" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948) by the Adaptation of Laws (Third Amendment) Order, 1951.



## PART I

1. (1) This Act may be called the Punjab Courts Act, 1918. Short title and extent.

(2) It extends to <sup>1</sup>[Union territory of Chandigarh].

2. In this Act—

Definitions.

the expression "the Punjab Courts Act, 1914, means what was published as the Punjab Courts Act, 1914, in Part V of the *Punjab Gazette*, dated 22nd May, 1914; and

the expression "Punjab Act IV of 1914" means what was published as Punjab Act IV of 1914, in Part V of the *Punjab Gazette*, dated 20th November, 1914.

3. (1) (a) The provisions contained in Part II of this Act are hereby enacted, and shall be deemed to have had effect on and from the first day of August, 1914. Enactment of provisions relating to Courts in the <sup>1</sup>[Union territory of Chandigarh].

(b) The Punjab Courts Act, 1914, and Punjab Act IV of 1914, or so much of them as may be valid, are repealed on and from the first day of August, 1914.

(2) All things done under the Punjab Courts Act, 1914, as amended by Punjab Act IV of 1914, shall be deemed to be in every way as valid as if the Punjab Courts Act, 1914, as amended by Punjab Act IV of 1914, had been of full force and effect on and from the first day of August, 1914: Validation of acts done.

Provided, firstly, that any appeal which may have been decided by the Chief Court in the exercise of jurisdiction purporting to be exercised under section 39 (1) (b) of the Punjab Courts Act, 1914, shall be deemed to have been validly decided and shall not be called in question by reason of anything contained in this Act;

Proviso.

And, secondly, that any appeal which before the commencement of this Act has been presented to the Chief Court under section 39 (1) (b) of the Punjab Courts Act, 1914, and which should not have been so presented if the said sub-section had run as set out in section 39 of Part II of this Act shall if it has not been decided be transferred

<sup>1</sup>Substituted for the word "Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

by the said Court for disposal to the District Court having jurisdiction;

And thirdly, that any appeal which would have lain to the Chief Court under section 39 (1) (b) of the Punjab Courts Act, 1914, but which lies to the District Court under the provisions of this Act and which if presented to the Chief Court at the commencement of this Act would be within time, shall be deemed to be presented within time if presented to the District Court within sixty days from the commencement of this Act.

## PART II

### CHAPTER I.

#### PRELIMINARY.

1. \* \* \* \* \*

Repeal.

2. The enactment specified in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Definitions.

3. In this Part, unless there is something repugnant in the subject or context,—

(1) "Small cause" means a suit of the nature cognizable by a Court of Small Causes under the Provincial Small Cause Courts Act, 1887; IX of 1887.

(2) "Land-suit" means a suit relating to land as defined in section 4(1) of the Punjab Tenancy Act, 1887, or to any right or interest in such land; XVI of 1887.

(3) "Unclassified suit" means a suit which is neither a small cause nor a land suit ; and

(4) "Value" used with reference to a suit means the amount or value of the subject-matter of the suit.



## CHAPTER II.

4 to 17. '[ \* \* \* \* \* ]

## CHAPTER III.

## THE SUBORDINATE CIVIL COURTS.

*Classes of Courts.*

18. Besides <sup>Classes of</sup> <sup>Courts.</sup> <sup>of</sup> the Courts of Small Causes established under the 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, namely:—

(1) The Court of the District Judge;

\* \* \* \* \* 3 \* \* \* \* \* ; and

(3) The Court of the Subordinate Judge.

19. (1) For the purposes of this Part the <sup>Civil districts.</sup> <sup>[Central Government]</sup> shall divide the territories under its administration into civil districts.

(2) The <sup>[Central Government]</sup> may alter the limits or the number of these districts.

20. The <sup>[Central Government]</sup> shall appoint as <sup>District Judge.</sup> many persons as it thinks necessary to be District Judges, and shall post one such person to each district as District Judge of that District:

Provided that the same person may, if the <sup>[Central Government]</sup> thinks fit, be appointed to be District Judge of two or more districts.

<sup>[21. (1) The [Central Government], in consulta-</sup> <sup>Additional Dis-</sup> <sup>trict Judges.</sup> <sup>tion with the High Court, may also appoint Additional District Judges to exercise jurisdiction in one or more courts of the District Judges.</sup>

<sup>1</sup>Repealed by Punjab Act IV of 1919, section 2(1).

<sup>2</sup>The words "the Chief Court" were repealed by Punjab Act IV of 1919, section 2(2).

<sup>3</sup>The brackets, figures and words "(2) The Court of the Additional Judge" omitted by Punjab Act 35 of 1963, section 2.

<sup>4</sup>The clause "(4) of the Court of Munsif" was repealed by Punjab Act IX of 1922, section 3.

<sup>5</sup>Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

<sup>6</sup>Substituted by Punjab Act 35 of 1963, section 3.

(2) Additional District Judges shall have jurisdiction to deal with and dispose of such cases only as the High Court, by general or special order, may direct them to deal with and dispose of or as the District Judge of the District may make over to them for being dealt with and disposed of :

Provided that the cases pending with the Additional District Judges immediately before the 28th day of June, 1963, shall be deemed to be cases so directed to be dealt with or disposed of by the High Court or so made over to them by the District Judge of the District as the case may be.

(3) While dealing with and disposing of the cases referred to in sub-section (2), an additional District Judge shall be deemed to be the Court of the District Judge.]

Subordinate  
Judges.

<sup>1</sup>[22. (1) The <sup>2</sup>[Central Government] may after consultation with the High Court fix the number of Subordinate Judges to be appointed <sup>3</sup>[\* \* \* \* \*].

<sup>4</sup>[(2) The High Court may confer on any Judicial Magistrate the powers of such class of Subordinate Judges as it may deem fit to be exercised by the Judicial Magistrate within such local area as the High Court may define.]

23. [Repealed by section 5 of Punjab Act IX of 1922.]

District Court  
to be principal  
Civil Court of  
original jurisdic-  
tion.

24. The Court of the District Judge shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the district.

<sup>1</sup>Substituted by Punjab Act IX of 1922, section 4. For rules under sub-section (2), see notification No. 24019, dated 16th October, 1923, *Punjab Gazette*, 1923, Part I, page 794, No. 7460, dated 11th March, 1924, *Punjab Gazette*, 1924, Part I, page 233 and No. 6158, dated 9th March, 1925; *Punjab Gazette*, 1925, Part I, page 152.

<sup>2</sup>Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

<sup>3</sup>The words "and when there is a vacancy in that number may, subject to the rules, if any, made under sub-section (2) appoint such person as is nominated by the High Court to the said vacancy" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>4</sup>Added by Punjab Act 25 of 1964, section 2 and the Schedule. The original sub-section (2) which ran as follows :—"The Local Government may, after consultation with the High Court, make rules as to the qualifications of persons to be appointed Subordinate Judges" was omitted by the Government of India (Adaptation of Indian Laws), Order, 1937.



25. Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall have jurisdiction in original civil suits without limit as regards the value. Original jurisdiction of District Judges in suits.

26. The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Subordinate Judge, \* <sup>1</sup> \* shall \* <sup>2</sup> \* be determined \* <sup>3</sup> \* by the <sup>4</sup>[High Court] either by including him in a <sup>5</sup>Class \* <sup>6</sup> \* or otherwise as it thinks fit. Pecuniary limits of jurisdiction of Subordinate Judges.

\* \* \* \* \*

27. (1) The local limits of the jurisdiction of a Subordinate Judge shall be such as the <sup>8</sup>[High Court] may define. Local limits of jurisdiction.

\* \* \* \* \*

(2) When the <sup>4</sup>[High Court] posts a Subordinate Judge \* \* <sup>9</sup> \* \* to a district, the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

28. <sup>10</sup>[(1) The <sup>11</sup>[Central Government] may after consultation with the High Court appoint any person to be an Honorary Subordinate Judge, and the High Court may confer on such Judge all or any of the powers conferable Special Judges and Benches.

<sup>1</sup>The words "or Munsif" were repealed by Punjab Act IX of 1922, section 6 (2).

<sup>2</sup>The words "in the case of a Subordinate Judge" were repealed by Punjab Act IX of 1922, section 6 (2).

<sup>3</sup>The words "by Local Government and, in the case of a Munsif" were repealed by section 6 (2) of Punjab Act IX of 1922, section 6 (2).

<sup>4</sup>Substituted for the words "Chief Court" by Punjab Act IV of 1919, section 2 (5).

<sup>5</sup>See notification Nos. 4 and 10, dated 3rd January, 1923, *Punjab Gazette*, Extraordinary, 1926.

<sup>6</sup>The words "or grade" were repealed by Punjab Act IX of 1922, section 6 (2).

<sup>7</sup>Sub-section (2) and the proviso thereto were repealed by Punjab Act IX of 1922, section 6 (3).

<sup>8</sup>Substituted for the words "Local Government" by Punjab Act IX of 1922, section 7.

<sup>9</sup>Sub-section (2) omitted and sub-section (3) renumbered as sub-section (2) and the words "or the High Court posts a Munsif" were omitted by Punjab Act IX of 1922, section 7 (2) and (3).

<sup>10</sup>Substituted by Punjab Act IX of 1922, section 8.

<sup>11</sup>Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

under this Act on a Subordinate Judge with respect to particular classes of suits or with respect to suits generally in any local area.]

(2) The <sup>1</sup>[Central Government] may direct any uneven number of persons invested with powers of the same description and exercisable within the same local area under this section to sit together as a bench; those powers shall, while the direction remains in force, be exercised by the bench so constituted, and not otherwise.

(3) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.

(4) Persons on whom powers, are conferred under this section and the benches constituted under this section shall be deemed, for the purposes of this Part, to be Subordinate Judges \* \* \* 2 \*

Power to invest  
Subordinate  
Judge with  
Small Cause  
Court jurisdic-  
tion.

29. The <sup>2</sup>[High Court] may, by notification in the Official Gazette, confer, within such local limits as it thinks fit upon any Subordinate Judge, \* \* \*, the jurisdiction of a Judge 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 <sup>3</sup>[two thousand rupees] \* \* \* 4 \* \* \*, as it thinks fit, and may withdraw any jurisdiction so conferred.

1887.

Exercise by Sub-  
ordinate Judge  
of jurisdiction  
of District  
Court in certain  
proceedings.

30. The <sup>4</sup>[High Court] may by general or special order authorise any Subordinate Judge to take cognizance of, or any District Judge to transfer to a Subordinate Judge under his control, any of the proceedings next hereinafter mentioned or any class of those proceedings specified in such order.

<sup>1</sup>Substituted for the words "State Government" by the Punjab Re-organisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order 1968.

<sup>2</sup>The words "or Munsifs as the Local Government may direct" were omitted by Punjab Act IX of 1922, section 8(2).

<sup>3</sup>Substituted for the words "Local Government" by Punjab Act IX 1922, section 9.

<sup>4</sup>The words "or Munsifs" and "in the case of Subordinate Judge or two hundred and fifty rupees in the case of a Munsif," omitted by *ibid.*

<sup>5</sup>Substituted for the words "five hundred rupees" by Punjab Act 35 of 1963, section 4.

<sup>6</sup>Substituted for the words "Chief Court" by Punjab Act IV of 1919, section 2 (5).



(2) The proceedings referred to in sub-section (1) are the following, namely:—

X of  
1865.  
V of  
1881.

(a) Proceedings under the Indian Succession Act, 1865<sup>1</sup> and the Probate and Administration Act, 1881<sup>1</sup> which cannot be disposed of by the District Judge.

(b) \* \* \* \* \*

(3) 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 under his control competent to dispose of them.

(4) Proceedings taken cognizance of by or transferred to a Subordinate Judge as the case may be under this section shall be disposed of by him, subject to the rules applicable to like proceedings when disposed of by the District Judge.

31. (1) The <sup>3</sup>[High Court] may fix the place or places at which any Court under this Part is to be held. Place of sitting of Court.

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(3) Except as may be otherwise provided by any order under this section, a Court under this Part may be held at any place within the local limits of its jurisdiction.

32. [\* \* \* \* \*].

33. Subject to the general superintendence and control of the <sup>4</sup>[High Court], the District Judge shall have Control of Courts. control over all the Civil Courts under this Part within the local limits of his jurisdiction.

34. Notwithstanding anything contained in the Code of Civil Procedure, every District Judge may by written order direct that any civil business cognizable by his Court Power to distribute business.

<sup>1</sup>See now the Indian Succession Act, 1925 (XXXIX of 1925).

<sup>2</sup>Clause (b) was repealed by Punjab Act, IV of 1926, section 7.

<sup>3</sup>Substituted for the words "Local Government" by Punjab Act IX of 1922, section 10.

<sup>4</sup>Section 22 was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>5</sup>Substituted for the words "Chief Court" by Punjab Act IV of 1919 section 2(5).

and the Courts under his control shall be distributed among such Courts in such manner as he thinks fit:

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its jurisdiction.

35. [\* \* \* \* 1\* \* \* \* \*].

Power to fine  
ministerial offi-  
cers.

36. (1) A District Court or any Court under the control of District Court may fine, in an amount not exceeding one month's salary, any ministerial officer of the Court for misconduct or neglect in the performance of his duties.

(2) The District Court may, on appeal or otherwise, reverse or modify any order made under sub-section (1) by any Court under its control, and may of its own motion fine up to the amount of one month's salary any ministerial officer of any Court under its control.

Delegation of  
District Judge's  
powers.

37. A District Court may, with the previous sanction of the <sup>2</sup>[High Court] delegate to any Subordinate Judge in the district, the power conferred on a District Court by sections 33, <sup>3</sup>[and 34], of this Part and section 24 of the Code of Civil Procedure, to be exercised by the Subordinate Judge in any specified portion of the districts, subject to the control of the District Court.

V of  
1908.

## CHAPTER IV.

### APPELLATE AND REVISIONAL JURISDICTION IN

### CIVIL CASES.

Appeal from  
District Judges  
or Additional  
Judges.

38. (1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree

<sup>1</sup>Section 35 was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup>Substituted for the words "Local Government" by Punjab Act IX of 1922, section 12.

<sup>3</sup>Substituted for the figures and word '34 and 35' by the Government of India (Adaptation of Indian Laws) Order, 1937.



or order of a District Judge or <sup>1</sup>[Additional District Judge] exercising original jurisdiction shall lie to the <sup>2</sup>[High Court].

(2) An appeal shall not lie to the <sup>2</sup>[High Court] from a decree or order of an <sup>1</sup>[Additional District Judge] in any case in which, if the decree or order had been made by the District Judge, an appeal would not lie to that Court.

39. (1) Save as aforesaid, an appeal from a decree or order of a Subordinate Judge shall lie—

Appeals from  
Subordinate  
Judge.

<sup>3</sup>[(a) to the District Judge,—

(i) where the decree or order was made before the 28th day of June, 1963 and the value of the original suit in which the decree or order was made did not exceed five thousand rupees; or

(ii) where the decree or order is made after the 28th day of June, 1963 and the value of the original suit in which the decree or order is made does not exceed ten thousand rupees; and]

(b) to the <sup>2</sup>[High Court] in any other case.

\* \* \* \* \*

<sup>5</sup>[(2) Subject to the provisions of sub-section (2A), an appeal to the Court of the District Judge shall be heard by the District Judge or by an Additional District Judge.

(2A) An Additional District Judge shall hear only such appeals as the High Court, by general or special order, may direct or as the District Judge of the District may make over to him.]

<sup>6</sup>[(3) The High Court may by notification direct that appeals lying to the District Court from all or any of the

<sup>1</sup>Substituted for the words "Additional Judge" by Punjab Act 35 of 1963, section 4.

<sup>2</sup>Substituted for the words "Chief Court" by Punjab Act IV of 1919, section 2(5).

<sup>3</sup>Substituted by Punjab Act 35 of 1963, section 6(2).

<sup>4</sup>Sub-section (2), was omitted and sub-section (3) renumbered as sub-section (2), and new sub-section (3) substituted for sub-section (4) by Punjab Act IX of 1922, section 14. For notification under sub-section (3), see *Punjab Gazette, Extraordinary*, dated 5th January, 1923, page 13.

<sup>5</sup>Substituted by Punjab Act No. 35 of 1963, section 6(2).

<sup>6</sup>Sub-section (2) was omitted and sub-section (3) renumbered sub-section (2) and new sub-section (3) substituted for sub-section (4) by Punjab Act IX of 1922, section 14. For notification under sub-section (3), see *Punjab Gazette (Extraordinary)*, dated 5th January, 1923, page 13.

decree or orders passed in an original suit by any Subordinate Judge shall be preferred to such other Subordinate Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly and the Court of such other Subordinate Judge shall be deemed to be a District Court for the purposes of all appeals so preferred.]

Power to transfer to a Subordinate Judge appeals from other Subordinate Judges.

40. (1) A District Judge may transfer any appeals pending before him from the decrees or orders of <sup>1</sup>[Subordinate Judges] to and <sup>2</sup>[other] Subordinate Judge under his administrative control competent to dispose of them.

(2) The District Judge may withdraw any appeal so transferred, and either hear and dispose of it himself or transfer it to a Court under his administrative control competent to dispose of it.

(3) Appeals transferred under this section shall be disposed of subject to the rules applicable to like appeals when disposed of by the District Judge.

(4) The powers conferred by this section shall be exercised subject to such general or special orders as may from time to time be issued in this behalf by the <sup>3</sup>[High Court].

Second appeals.

41. (1) An appeal shall lie to the <sup>3</sup>[High Court] from every decree passed in appeal by any Court subordinate to the <sup>3</sup>[High Court] on any of the following grounds, namely:—

- (a) the decision being contrary to law or to some custom or usage having the force of law;
- (b) the decision having failed to determine some material issue of law or custom or usage having the force of law;
- (c) a substantial error or defect in the procedure provided by the Code of Civil Procedure, 1908, or by any other law for the time being in force which may possibly have produced error or defect in the decision of the case upon the merits.

V of 1908.

<sup>1</sup>Substituted for the word "Munsifs" by section 15 of Punjab Act IX of 1922.

<sup>2</sup>Inserted by Punjab Act IX of 1922, section 15.

<sup>3</sup>Substituted for the words "Chief Court" by Punjab Act IV of 1919, section 2(5).



<sup>1</sup>[*Explanation*.—A question relating to the existence or validity of a custom or usage shall be deemed to be a question of law within the meaning of this section.]

(2) An appeal may lie under this section from an appellate decree passed *ex parte*.

(3) \* \* \* \* 2 \* \* \*

42. (1) No second appeal shall lie except on the grounds mentioned in section 41. Second appeal on no other grounds.

(2) No second appeal shall lie in any suit of the nature cognizable by Courts of Small Causes when the amount or value of the subject-matter of the original suit does not exceed five hundred rupees. No second appeal in certain suits.

43. \* \* \* \* 3 \* \* \*

44-A. The <sup>4</sup>[High Court] may call for the record of any case which has been decided by any Court subordinate to it and in which no appeal lies thereto, and if such subordinate Court appears— Revision.

- (a) to have exercised a jurisdiction not vested in it by law; or
- (b) to have failed to exercise a jurisdiction so vested; or
- (c) to have acted in the exercise of its jurisdiction illegally or with material irregularity;

the <sup>1</sup>[High Court] may make such order in the case as it thinks fit.

44-A. (1) The period of limitation for an appeal under section 41 of this Part shall be ninety days from the date of the decree appealed against. Period of Limitation.

(2) In computing this period and in all respects not herein specified the limitation of an appeal under the said section shall be deemed to be governed by the provisions of the <sup>5</sup>Indian Limitation Act, 1908.

<sup>1</sup>Inserted by Punjab Act VI of 1941, section 2(a).

<sup>2</sup>Sub-section (3) omitted by Punjab Act VI of 1942, section 2(b).

<sup>3</sup>Repealed by Punjab Act IV of 1919, section 2(4).

<sup>4</sup>Substituted for the words "Chief Court" by Punjab Act IV of 1919, section 2(5).

<sup>5</sup>See now the Indian Limitation Act, 1963.

## CHAPTER V.

## SUPPLEMENTAL PROVISIONS

Mode of conferring powers.

<sup>1</sup>[45. Except as otherwise provided by this part, any powers that may be conferred by the High Court on any person under this part may be conferred on such person either by name or by virtue of office.]

Continuance of powers of officers.

46. Whenever any person holding an office in the service of Government who has been invested with any powers under this Part throughout any local area is transferred or posted at any subsequent time to an equal or higher office of the same nature within a like local area, he shall, unless the <sup>2</sup>[High Court], otherwise directs or has otherwise directed, exercise the same powers in the local area to which he is so transferred or posted.

Provisions regarding petition-writers.

<sup>3</sup>[46-A. The High Court may from time to time make rules consistent with this Act and any other enactment for the time being in force:—

- (a) declaring what persons shall be permitted to act as petition-writers in the Courts subordinate thereto;
- (b) regulating the issue of licenses to such persons, the conduct of business by them, and the scale of fees to be charged by them; and
- (c) determining the authority by which breaches of such rules shall be investigated and the penalties which may be imposed.]

Control of list of holidays.

47. <sup>4</sup>[(1) Subject to such general orders as may be made by the <sup>5</sup>[Central Government] the High Court shall prepare a list of days to be observed in each year as holidays in the Civil Courts subordinate thereto.]

(2) Every such list shall be published in the Official Gazette.

<sup>1</sup>Substituted by Punjab Act IX of 1922, section 18.

<sup>2</sup>Substituted by Punjab Act IX of 1922, section 17, for "Local Government".

<sup>3</sup>Added by Punjab Act IV of 1919, section 2(6).

<sup>4</sup>Substituted by Punjab Act IV of 1919, section 2(7).

<sup>5</sup>Substituted for the word "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order 1968.



<sup>1</sup>[47-A. All suits, appeals, revisions, applications, reviews, executions and other proceedings whatsoever whether Civil or Criminal pending in the Chief Court of the Punjab shall be continued and concluded in the High Court of Judicature at Lahore as if the same had been had in such High Court; and the High Court of Judicature at Lahore shall have the same jurisdiction in relation to all such suits, appeals, revisions, reviews, executions, applications and other proceedings as if the same had been commenced and continued in such High Court.]

Provision re-  
garding pending  
proceeding.

48. \* \* \* \* \*

49. (a) In section 117(2) of the Punjab Land Revenue Act, 1887, in clause (c), "Subordinate Judge" shall be substituted for "District Judge" and in clause (d) and (e) "District Court" shall be substituted for "Divisional Court".

Amendment of  
the Punjab Land  
Revenue Act,  
Punjab Tenancy  
Act and the  
Indian Court-fees  
Act.

(b) In section 99(1) of the Punjab Tenancy Act, 1887 "District Judge" shall be substituted for "Divisional Judge".

(c) In section 7(v) (b) of the Indian Court-fees Act, 1870, for the word "five" shall be substituted the word "ten".

50. For the definition of "District Judge", in section 2(15) of the Punjab General Clauses Act, 1898, the following shall be substituted:—

Amendment of  
definition of Dis-  
trict Judge in  
Punjab General  
Clauses Act,  
1898.

"District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include the <sup>3</sup>[High Court] in the exercise of its ordinary or extraordinary original civil jurisdiction.

<sup>4</sup>[51. In every enactment now in force, and in every appointment, order, rule, bye-law, notification or form made or issued thereunder all references to the Chief Court of the Punjab shall be construed when necessary as referring to the High Court of Judicature at Lahore <sup>5</sup>[until

Reference in  
existing enact-  
ments to Chief  
Court.

<sup>1</sup>Added by Punjab Act, IV of 1919, section 2(8).

<sup>2</sup>Repealed by Punjab Act, IV of 1919, section 2(4).

<sup>3</sup>Substituted for the words "Chief Court" by Punjab Act IV of 1919, section 2(5).

<sup>4</sup>Added by Punjab Act, IV of 1919, section 2(9).

<sup>5</sup>Inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts), Order, 1948 (G.G.O. 40).

the fifteen days of August, 1947], <sup>1</sup>[from that date and before the commencement of the Constitution, as referring to the High Court of East Punjab, <sup>2</sup>[after the commencement of the Constitution, and before the 1st day of November, 1966 as referring to the High Court of Punjab and on and from that date, as referring to the High Court of Punjab and Haryana].

## THE SCHEDULE

(See Section 2 of this Part)

1	2	3	4
Year	No.	Subject or short title	Extent of repeal
<b>ACTS OF THE GOVERNOR-GENERAL IN COUNCIL</b>			
1884	XVIII	The Punjab Courts Acts	The whole
1888	XIII	Ditto	Do
1895	XIX	Ditto	Do
1899	XXV	Ditto	Do
<b>ACTS OF THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL</b>			
1909	I	Punjab Courts Amendment Act	The whole
1912	I	Ditto	Do
1913	VI	Ditto	Do

<sup>1</sup>Substituted for the words "and thereafter, as referring to the High Court of East Punjab" [vide the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1943] by the Adaptation of Laws (Third Amendment) Order, 1951.

<sup>2</sup>Substituted for the words "and after the Commencement of the Constitution as referring to the High Court of Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.