

ACT No. XXIX OF 1858.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 31st July 1858.)

An Act for the relief of persons who, in consequence of the recent disturbances, have been prevented from instituting or prosecuting suits or appeals in the Civil Courts of the North-Western Provinces within the time allowed by law.

WHEREAS, during the recent disturbances, many of the Civil Courts in the North-Western Provinces were compelled to suspend their sittings for considerable periods; and whereas, during this interval, the time allowed by law for instituting and prosecuting original suits and appeals has in many cases expired, and it is proper to provide relief for the plaintiffs and appellants in such cases; It is enacted as follows :—

Preamble.

I. Whenever, subsequently to the 10th May 1857, the sittings in any Civil Court in the North-Western Provinces may have been suspended in consequence of the disturbed state of the country, it shall be competent to such Court to receive and try, or to re-admit any original suit or appeal within its jurisdiction, in which the period allowed by law for instituting or prosecuting the same may have expired during the time that the sittings of such Court were so suspended, provided that the plaintiff or appellant, according as the case may be, shall present

Further time allowed for instituting or prosecuting certain suits and appeals in consequence of the suspension of the sittings of the Civil Courts.

sent his petition of plaint or appeal, or, if the suit or appeal shall have been previously instituted but shall have abated for want of prosecution, shall make an application for the re-admission of the same within the period of three months from the date on which the principal Civil Court of original jurisdiction in the District shall issue a proclamation, copies of which shall be affixed in some conspicuous place in the several Courts and in the Office of the Collector and Magistrate of the District, notifying that the Courts of the District, or such of them as it is intended to re-establish, have resumed their sittings.

II. In like manner any Civil Court in the North-Western Provinces may receive and try, or re-admit any original suit or appeal in which the period allowed by law for instituting or prosecuting the same may have expired subsequently to the said 10th May 1857, if it shall appear to the satisfaction of such Court that the plaintiff or appellant in such suit or appeal was precluded from instituting or prosecuting it within the limited period, owing to the disturbed state of the country whereby access to such Court was rendered dangerous or difficult, provided that the plaintiff or appellant, according as the case may be, shall present his petition of plaint or appeal, or, if the suit or appeal shall have been previously instituted but shall have abated for want of prosecution, shall make an application for the re-admission of the same within three months from the passing of this Act or from the time when the cause above stated shall cease to exist.

Further time allowed for prosecuting certain suits and appeals in consequence of the difficulty of access to the Courts.

III. If the application be for the admission of a special appeal, the appellant may present his application either in the Sudder Court, or in the Court from whose decision the appeal is made for transmission to the Sudder Court.

Application for admission of special appeals to whom to be presented.

IV. The petition of plaint or appeal in any original suit or regular or special appeal falling within the provisions of this Act, which may be instituted, for the first time, under Section I or Section II, shall be written on stamp paper of the value prescribed for regular suits and appeals; but an application for the re-admission of an original suit or appeal, which shall have been previously instituted but shall have abated for want of prosecution, may be written on plain paper.

Stamps in what cases necessary.

V. No

V. No original suit or appeal, which may have been instituted or re-
admitted in any Civil Court in the North-Western Pro-
vinces subsequently to the said 10th May 1857, shall be
liable to be dismissed, nor shall any decision passed in any
such suit or appeal be reversed on the ground that at the
date of its institution the period allowed by law for the
admission of the suit or appeal had expired, or that the suit or appeal had
abated for want of prosecution (according as the case may be) ; if, at the time
the period allowed by law for instituting or prosecuting such suit or appeal
expired, the sittings in the Court by which it was cognizable, or in which it
was pending were suspended, or access to such Court was rendered dangerous
or difficult by reason of the disturbed state of the country.

VI. For the purposes of this Act, the certificate of the Zillah Judge that
the sittings in any Court within his jurisdiction were sus-
pended, or that access to any such Court was rendered
dangerous or difficult, owing to the disturbed state of the
country during any particular period, shall be deemed
conclusive evidence of the fact.

VII. This Act may be extended by the Governor General in Council, or
by the Executive Government of any Presidency or place,
to any District within the limits of their respective juris-
dictions.

Suit instituted after
10th May 1857 not to be
dismissed if the time al-
lowed by law for its insti-
tution had expired while
the sittings of the Court
were suspended.

Certificate of Zillah
Judge to be conclusive
evidence of the suspen-
sion of the sittings of the
Court, &c.

Extension of Act.