

**ACT No. XIX OF 1865.**

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor-General on the 10th April 1865).*

*An Act to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies.*

WHEREAS it is expedient to define the jurisdiction of the Courts of Judicature in the Punjab and its Dependencies; It is enacted as follows:—

Short title.                   1. This Act shall be called "The Punjab Courts' Act, 1865."

2. In this Act—

Interpretation clause.

"Assistant Commissioner."

"Assistant Commissioner" includes Extra Assistant Commissioner.

"Land" does not apply to any land excluded from a Settlement of Land Revenue, whether the Revenue be paid to Government or to the assignee of Government.

"Land."

3. For the purposes of this Act, the local jurisdiction of a Deputy Commissioner shall be deemed a District, and the Court of such Deputy Commissioner shall be deemed the District Court. The local jurisdiction of a Commissioner shall, in like manner, be deemed a Division, and his Court a Divisional Court.

"District."

"District Court."

"Division."

"Divisional Court."

4. There shall be seven grades of Courts in the Punjab which shall be in addition to any Courts of Small Cases, and to any other Courts established under any Act which may hereafter be passed, unless otherwise provided in such Act, namely:—

Grades of Courts in the Punjab.

- (1). The Court of the Tahsildar.
- (2). The Court of the Assistant Commissioner with ordinary powers.
- (3). The Court of the Assistant Commissioner with special powers.
- (4). The Court of the Assistant Commissioner with full powers.
- (5). The Court of the Deputy Commissioner.
- (6). The Court of the Commissioner.
- (7). The Court of the Judicial Commissioner.

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5. The Local Government may invest any Tahsildar with power to try and determine suits of every description not exceeding three hundred Rupees in value or amount.

Jurisdiction of Tahsildar.

6. The Local Government shall also have power, from time to time, specially to invest any Naib Tahsildar with the powers of a Tahsildar as aforesaid within such limits as it may think proper and to withdraw such powers.

Local Government may in special cases give Naib Tahsildars powers of Tahsildar.

7. The Assistant Commissioner with ordinary powers shall have power to try and determine suits of every description not exceeding one hundred Rupees in value or amount.

Jurisdiction of Assistant Commissioner with ordinary powers.

8. The Assistant Commissioner with special powers shall have power to try and determine suits of every description not exceeding five hundred Rupees in value or amount.

Jurisdiction of Assistant Commissioner with special powers.

9. The Criminal powers to be exercised by the Courts of the said first, second, and third grades respectively, shall be those with which the several Officers presiding in those Courts shall from time to time be invested by the Local Government under Section 23 of the Code of Criminal procedure.

Criminal powers to be exercised by Courts of the 1st, 2nd, and 3rd grades.

10. The Assistant Commissioner with full powers shall, on the Civil side, have power to try and determine suits of every description under ten thousand Rupees in value or amount and on the Criminal side to exercise the powers of a Magistrate as defined in the Code of Criminal Procedure.

Jurisdiction of Assistant Commissioner with full powers.

11. The Deputy Commissioner shall, on the Civil side, have power to try and determine suits of every description without limitation in value or amount, and to hear appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Punjab, from decisions and orders of the first three grades of Courts mentioned in the fourth Section of this Act, and, on the Criminal side, to exercise the powers of a Magistrate as defined in the Code of Criminal Procedure, and to hear appeals according to the provisions of the same Code relating to the hearing of appeals by Magistrates from the sentences and orders of Courts subordinate to the Magistrate of the District. The Deputy Commissioner may also be invested by the Local Government with the powers described in Act No. XV of 1862 (*to amend the Code of Criminal Procedure*).

Jurisdiction of Deputy Commissioner.

12. The Commissioner shall, on the Civil side, have power to try and determine suits of every description without limitation in value or amount, and to hear and determine appeals, where an appeal is allowed by the Code of Civil Procedure in force in the Punjab, from decisions and orders

Jurisdiction of Commissioner.

orders of the Courts of the said fourth and fifth grades, and, on the Criminal side, to exercise the powers of a Sessions Judge as defined in the Code of Criminal Procedure, and to hear appeals from the subordinate Courts according to the provisions of the same Code relating to the hearing of appeals by the Sessions Court.

**13.** Every suit shall be instituted in the Court of the lowest grade competent to try it : Provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

Court in which suit shall be instituted.

Distribution of business in Courts subordinate to Deputy Commissioner.

**14.** The Deputy Commissioner may direct the business in the Courts subordinate to him, holding their sittings at the same place, to be distributed among such Courts in such way as he shall think fit: Provided that no Court shall try any suit the value or amount of which shall exceed its proper jurisdiction.

**15.** The Commissioner or Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him and try such suit himself, or refer it for trial to any other Court subordinate to him and competent in respect of the value or amount of the suit to try the same. The Commissioner may also withdraw any appeal from the Court of any Deputy Commissioner subordinate to him and try the appeal himself or refer it for trial to the Court of any other Deputy Commissioner in his Division.

Power of Commissioner or Deputy Commissioner to withdraw suits from subordinate Courts.

**16.** The Judicial Commissioner may withdraw any suit or appeal from any Court subordinate to him other than Courts of Small Causes or Courts of Cantonment Magistrates, and refer such suit or appeal for trial to any other Court subordinate to him and competent in respect of the value or amount of the suit to try the same.

Power of Judicial Commissioner to transfer suits.

**17.** If the suit be for immovable property situate within the limits of a single District, but within the jurisdiction of different Courts, the suit may be brought in the Court within whose jurisdiction any portion of the property is situate, provided that, in respect of the value of the property in suit, the entire claim be cognizable by such Court. In such case the Court in which the suit is brought shall apply to the District Court for authority to proceed with the same, and the District Court, after hearing the objections, if any, of the defendant, may grant such authority.

Suits for immovable property situate within different jurisdictions of single District.

**18.** If the suit be for immovable property situate within the limits of different Districts within the same Division, the suit may be brought in any Court otherwise competent to try it, within the jurisdiction of which any portion of such property is situate ; but in such

Suits for immovable property situated in different Districts.

case

case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the same ; and such Commissioner, after hearing the objections, if any, of the defendant, may grant authority accordingly. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

**19.** If the Districts within the limits of which the immovable property is situate are subordinate to different Commissioners, the application mentioned in the last preceding Section shall be submitted to the Commissioner in whose Division the District in which the suit is brought is situate, and such Commissioner, after hearing the objections, if any, of the defendant, may give authority to proceed with the suit.

Suits for immovable property situate in Districts subject to different Commissioners.

**20.** Whenever the number of cases depending in any District or Divisional Court shall be so great as to prevent their being disposed of within a reasonable period, the Local Government may, with the previous sanction of the Governor-General of India in Council, invest any Officer with the Civil and Criminal powers of a Deputy Commissioner or Commissioner, as defined in this Act, in such District or Division as the case may be.

Local Government may invest additional Officers with powers of Commissioner, and Small Cause Court Judges with powers of Assistant Commissioner.

**21.** In any District in which a Settlement of Land Revenue is in progress, the Local Government may, on its own authority, empower and direct the Tahsildars, Assistant Commissioners, Deputy Commissioner, and Commissioner in such District, to exercise their respective powers as defined in this Act in suits regarding land, or the rent, revenue, or produce of land, on the Revenue and not on the Civil side of their Courts. The Local Government may also, with the previous sanction of the Governor-General of India in Council, invest any special Officer in such District with the Civil powers of a Commissioner, Deputy Commissioner, Assistant Commissioner, or Tahsildar, as defined in this Act, for the purpose of deciding suits in respect to land, or the rent, revenue, or produce of land; such powers to be exercised on the Revenue side: Provided that in all such suits as aforesaid no deviation shall be allowed from the Rules of Civil Procedure in force, and that the powers given under this Section shall continue only so long as Settlement operations are in progress in the District, and shall cease on the termination thereof.

Local Government may invest special Officers with Civil powers of Commissioners, &c., in Districts in course of settlement.

**22.** In any District in which a Settlement of Land Revenue is in progress, the Local Government may invest the Financial Commissioner with the powers of the Judicial Commissioner for the purpose of trying special appeals from Commissioners and Deputy Commissioners in all decisions passed by them in regular appeal under

Local Government may invest Financial Commissioner with powers of Chief Court for certain purposes.

under the twenty-first Section of this Act, and with the power of a Court of final appeal in any class of suits regarding land, or the rent, revenue, or produce of land :

Proviso.

Provided that in the trial of such appeals no deviation shall be allowed from the Rules of Civil Procedure in force, and that the power given under this Section shall continue only so long as Settlement operations shall be in progress, and shall cease on the termination thereof. So long as the Financial Commissioner may be invested with powers as aforesaid, the jurisdiction of the Judicial Commissioner in respect to the appeals hereby made cognizable by the Financial Commissioner shall be suspended.

**23.** Whenever in a case of succession or inheritance the claim shall relate not only to land but to land and other property not permanently attached to the land comprised in the claim, neither the Revenue Courts nor Financial Commissioner shall have jurisdiction under the twenty-first or the twenty-second Section of this Act.

Exclusion of jurisdiction, under Sections 21 and 22, of Revenue Courts and Financial Commissioner.

**24.** No decision or order passed by any Officer in the Punjab and its Dependencies prior to the passing of this Act, shall be invalid solely on the ground of a doubt existing as to the authority of the Officer who passed the decision or order.

Saving of decisions and orders passed before passing of this Act.

Commencement of Act.

**25.** This Act shall commence and come into operation on the first day of May 1865.