

# ACT No. I OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 24th  
February, 1926.)

## An Act to resolve certain doubts as to the powers, in regard to the attachment of immoveable property, of Provincial Small Cause Courts.

**W**HEREAS it is expedient further to amend the Provincial  
Small Cause Courts Act, 1887, and the Code of Civil  
Procedure, 1908, for the purpose of resolving certain doubts  
which have arisen as to the powers, in regard to the attachment  
of immoveable property, of Courts constituted under the Pro-  
vincial Small Cause Courts Act, 1887, and of Courts exercising  
the jurisdiction of a Court of Small Causes under that Act;  
It is hereby enacted as follows:—

1. This Act may be called the Small Cause Courts (Attach- Short title.  
ment of Immoveable Property) Act, 1926.

2. (1) In sub-section (1) of section 17 of the Provincial Amendment of  
section 17,  
Act IX of 1887.  
Small Cause Courts Act, 1887, for the words beginning with  
the words "The procedure" and ending with the words "are  
applicable" the following shall be substituted, namely:—

"The procedure prescribed in the Code of Civil Procedure,  
1908, shall, save in so far as is otherwise provided  
by that Code or by this Act."

(2) In sub-section (2) of the same section, for the figures  
"253" the figures "145" shall be substituted, and after  
the words "Code of Civil Procedure" the figures "1908"  
shall be added.

3. In clause (b) of section 7 of the Code of Civil Procedure, Amendment of  
section 7,  
Act V of 1903.  
1908 (hereinafter referred to as the said Code), for the words  
"so far as they relate to injunctions and interlocutory orders"  
the following shall be substituted, namely:—

"so far as they authorise or relate to—

- (i) orders for the attachment of immoveable property,
- (ii) injunctions,

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*Small Cause Courts (Attachment of [ACT I OF 1926.]  
Immoveable Property).*

- (ii) injunctions,
- (iii) the appointment of a receiver of immoveable property, or
- (iv) the interlocutory orders referred to in clause (e) of section 94."

Amendment  
of Order  
XXXVIII in  
the First  
Schedule to  
Act V of 1908.  
Small Cause  
Court not to  
attach im-  
moveable  
property.

4. To Order XXXVIII in the First Schedule to the said Code, after rule 12 the following rule shall be added, namely:—

" 13. Nothing in this Order shall be deemed to empower any Court of Small Causes to make an order for the attachment of immoveable property."