

ACT NO. V OF 1936.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
26th April, 1936.)

An Act to remove certain doubts and to establish the validity of certain proceedings in High Courts of Judicature in British India.

WHEREAS doubts have arisen as to the validity of
certain proceedings in High Courts of Judicature
in British India under the Letters Patent erecting and
establishing those Courts ;

AND WHEREAS it is expedient to terminate those
doubts and to establish the validity of those proceed-
ings ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Decrees and Orders Validating Act, 1936. Short title and extent.

(2) It extends to the whole of British India, including
British Baluchistan and the Sonthal Parganas.

2. No decree passed or order made by the High Court of Judicature at Fort William in Bengal, the High Court of Judicature at Madras or the High Court of Judicature at Bombay, in the exercise of its ordinary original civil jurisdiction under clause 12 of its Letters Patent, or by the High Court of Judicature at Rangoon, in the exercise of its original civil jurisdiction under clause 10 of its Letters Patent, shall be called in question in any proceedings before any other Court on the ground that the High Court passing the decree or making the order had no jurisdiction to pass or make the decree or order. Certain decrees and orders not to be called in question.

3. Where-

Price anna 1 or 1½d.

Decrees and Orders Validating. [Act V of 1936.]

Restoration of
proceedings.

3. Where in any proceedings concluded on or after the 26th day of August, 1935, any such decree or order has been found to be invalid on such ground by any Court, such finding shall be void and of no effect ; and the Court shall, notwithstanding anything to the contrary in the Indian Limitation Act, 1908, or any other law for the time being in force, on application made within six months from the commencement of this Act by any person prejudicially affected by such finding, restore the proceedings at and continue the proceedings from the stage reached immediately before the order embodying or based on such finding was made.