

ANDHRA PRADESH CIVIL COURTS ACT, 1972

19 of 1972

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ANDHRA PRADESH CIVIL COURTS ACT, 1972

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An Act to consolidate and amend the law relating to the Civil Courts, Subordinate to the High Court in the State of Andhra Pradesh . Received the assent of the Governor on 13th October, 1972. Be it enacted by the Legislature of the State of Andhra Pradesh in the Twenty Third Year of the Republic of India as follows:-

1. Short title, extent and commencement :-

(1) This Act may be called the Andhra Pradesh Civil Courts Act 1972.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force in such area and on such date as the Government may, by notification, appoint; and they may appoint different dates for different areas and for different provisions of this Act.

2. Definitions :-

In this Act, unless the context otherwise requires

(a) "Court" means a civil court established or deemed to be established under this Act;

(b) "Government" means the State Government ;

(c) "High Court" means the High Court of Andhra Pradesh;

(d) "Notification" means a notification published in the Andhra Pradesh Gazette; and the word "notified" shall be construed accordingly.

3. Establishment of a City Civil Court :-

(1) The Government may, after consultation with the High Court, by notification establish a court to be called the City Civil Court with jurisdiction to receive, try and dispose of, subject to the provisions of this Act, all suits and proceedings of a civil nature arising in the District of Hyderabad.

(2) The City Civil Court existing on the date of the commencement of this Act shall be deemed to have been established under sub-section (1).

4. Appointment of judges to the City Civil Court :-

(1) The number of judges to be appointed to the City Civil Court shall be one Chief Judge of the rank of a District judge and such number of Additional judges and such number of Assistant judges as the Government may, after consultation with the High Court, from time to time, by notification, fix. (2) The Chief Judge, any Additional Chief Judge, any Senior Civil Judge and any Assistant Judge appointed to the City Civil Court existing on the date of the commencement of this Act shall be deemed to have been appointed under sub-section (1).

5. Jurisdiction of the Judges of the City Civil Courts in original suits and proceedings :-

(1) The pecuniary jurisdiction of the Chief Judge and an Additional Chief Judge shall, subject to the provisions of the Code of Civil Procedure, 1908 and the other provisions of the Act, extend to all original suits and proceedings of a civil nature including land acquisition original petitions, the amount or value of the subject matter of which exceeds rupees ten lakhs.

(2) The pecuniary jurisdiction of Senior Civil Judge shall extend to all like suits and proceedings of a Civil nature including land acquisition original petitions not otherwise exempted from his cognizance under any other law for the time being in force, the amount or value of the subject matter of which exceeds rupees one lakh but does not exceed rupees ten lakhs.

(3) The pecuniary jurisdiction of Junior Civil Judge shall extend to all like suits and proceedings not otherwise exempted from his cognizance under any other law for the time being in force, the amount or value of the subject matter of which does not exceed rupees one lakh.

6. Distribution of work in the City Civil Court :-

(1) The Chief Judge may, from time to time, make such arrangements as he may think fit, for the proper distribution of the business of the City Civil Court among the various Judges thereof.

(2) An Additional Chief Judge shall, subject to the general or special orders of the High Court, perform all or any of the functions of the Chief Judge which the Chief Judge may assign to him and in the performance of those functions, the Additional Chief Judge shall exercise the same powers as the Chief Judge.

7. . :-

(Omitted as per Act No. I of 1980)

8. . :-

(Omitted as per Act No. I of 1980)

9. Forum for appeals :-

(1) An appeal shall, when it is allowed by law, lie from any decree or order in a civil suit or proceeding

(i) of the Chief Judge or the Additional Chief Judge of the City Civil Court, to the High Court;

(ii) of the Senior Civil Judge of the City Civil Court, (a) to the Court of the Chief Judge, when the amount or value of the subject matter of suit or proceeding is not more than rupees three lakh (b) to the High Court in other cases; and

(iii) of the Junior Civil Judge of the City Civil Court to the Court of the Chief Judge

(2) The Chief Judge may, subject to the orders of the High Court transfer for disposal any appeal filed in the City Civil Court to any Additional Chief Judge or any Senior Civil Judge.

10. Establishment of District Courts :-

(1) The Government may, after consultation with the High Court by notification, establish such number of District Courts as they may

deem necessary and appoint a District Judge for each District Court.

(2) The Government may, from time to time, likewise abolish any District Court established under this section.

11. Appointment of Additional District Judges :-

(1) Where, in the opinion of the High Court, the state of business pending in a District Court, so requires, the Government may, after consultation with the High Court, appoint one or more Additional District Judges to the District Court for such period as they may deem necessary.

(2) An Additional District Judge so appointed shall perform all or any of the functions of the District Judge under this Act or any other law for the time being in force which the District Judge may assign to him, and in the performance of those functions, he shall exercise the same powers as the District Judge.

12. Establishment of Courts of Senior Civil Judges and Junior Civil Judges :-

(1) The Government may, after consultation with the High Court, by notification, establish such number of Courts of Senior Civil Judges and Junior Civil Judges as they may deem necessary for each district in the State other than the district of Hyderabad.

(2) The Government may, from time to time, likewise abolish any such court established under this section.

13. Appointment of Principal and Additional Senior Civil Judges and Junior Civil Judges :-

(1) Where, in the opinion of the High Court, the state of business pending in the Court of Senior Civil Judges or Junior Civil Judges so requires, the Government may, after consultation with the High Court, appoint one or more Additional Senior Civil Judges to the Court of Senior Civil Judge or one or more Additional Junior Civil Judges to the Court of Junior Civil Judges for such period as they may deem necessary.

(2) Where more than one Senior Civil Judge is appointed to a Court of Senior Civil Judge or more than one Junior Civil Judge is appointed to a court of Junior Civil Judge, one of the Senior Civil Judges or Junior Civil Judges shall be designated by the High Court

as the Principal Senior Civil Judge or the Principal Junior Civil Judge and the others as Additional Senior Civil Judges or as Additional Junior Civil Judges, as the case may be.

(3) Each of the Senior Civil Judges or Junior Civil Judges appointed to a Court of Senior Civil Judge or to a Court of Junior Civil Judge, as the case may be, may exercise all or any of the powers conferred on such Court by this Act or any other law for the time being in force.

(4) Subject to the general or special orders of the District Judge, the Principal Senior Civil Judge or the Principal Junior Civil Judge may, from time to time, make such arrangements as he thinks fit for the proper distribution of the business of the Court among the Senior Civil Judges or Junior Civil Judges, as the case may be.

14. Existing District Courts, Subordinate Judges, Courts and District Munsifs Courts deemed to be established under this Act :-

The District Courts, the Courts of Subordinate Judge and the courts of District Munsifs' existing on the date of the commencement of this Act and the District Judges, [Subordinate Judges and the District Munsifs appointed to such courts prior to the said date shall be deemed to have been established or appointed. as the case may be, under this Act.

Explanation :- The courts of Munsifs established and the Munsifs appointed under the Andhra Pradesh (Telangana Area) Civil Courts Act, 1954, shall be deemed to be and always to have been respectively the Courts of District Munsifs established and the District Munsifs appointed under this Act.

15. Local limits of Jurisdiction of District Courts, Courts of Senior Civil Judge and Junior Civil Judge :-

(1) The Government shall, after consultation with the High Court, by notification, fix and may from time to time, likewise alter, the local limits of the jurisdiction of any District Court or Court of Senior Civil Judge; and the High Court shall, by notification, fix and may from time to time, likewise alter the local limits of the jurisdiction of any Court of Junior Civil Judge.

(2) The local limits of the jurisdiction of every District Court, Court of Senior Civil Judge or Court of Junior Civil Judge existing on the date of commencement of this Act shall be deemed to have been

fixed under this section and shall continue as such until altered.

16. Jurisdiction of District Judge, Senior Civil Judge and Junior Civil Judge in original suits and other proceedings :-

(1) The pecuniary jurisdiction of a District Judge, shall subject to the provisions of the Code of Civil Procedure, 1908 and the other provisions of this Act, extend to all original suits and proceedings of Civil nature including Land Acquisition original petitions, the amount or value of the subject matter of which exceeds rupees ten lakhs.

(2) The pecuniary jurisdiction of Senior Civil Judge shall extend to all like suits and proceedings of a Civil nature including land acquisition original petitions not otherwise exempted from his cognizance under any other law for the time being in force, the amount or value of the subject matter of which exceeds rupees one lakh but does not exceed rupees ten lakhs.

(3) The pecuniary jurisdiction of Junior Civil Judge shall extend to all like suits and proceedings, not otherwise exempted from his cognizance under any other law for the time being in force, the amount or value of the subject matter of which does not exceed rupees one lakh.

17. Appeals from the decrees and orders of Courts in the Districts :-

(1) An appeal shall, when it is allowed by law, lie from any decree or order in a civil suit or proceeding:-

(i) of the District Court, to the High Court;

(ii) of the Court of Senior Civil Judge,-

(a) to the District Court, when the amount or value of the subject matter of the suit or proceeding is not more than rupees three lakhs

(b) to the High Court ; in other cases ; and

(iii) of the Court of Junior Civil Judge, to the District Court.

(2) The District Judge may, subject to the orders of the High Court transfer for disposal any appeal from the decree or order of a Court of Junior Civil Judge preferred in the District Court, to any Court of Senior Civil Judge within the district.

(3) Where a Court of Senior Civil Judge is established in any district at a place remote from the seat of the District Court, the High Court, may, with the previous sanction of the Government, direct that an appeal from the decree or order of any Court of Junior Civil Judge within the local limits of the jurisdiction of such Court of Senior Civil Judge shall be preferred in the said Court of Senior Civil Judge .

Provided that the District Judge may, from time to time, transfer to his own Court, any appeal so preferred, and dispose it of himself.

18. Establishment of a Court of Senior Civil Judge for two or more districts :-

(1) Notwithstanding anything in this Act, the Government may, after consultation with the High Court, by notification, establish a Court of a Senior Civil Judge for such area comprised within the limits of the jurisdiction of two or more District Courts as may be specified in the notification.

(2) A Senior Civil Judge appointed for the Court established under sub-section (1) shall hold the Court at such place within the jurisdiction of each of the said District Courts and for such period as the High Court may, from time to time, appoint.

(3) The local limits of the jurisdiction of the Court of Senior Civil Judge , when it is sitting at any such place, shall be the same as those of the District Court concerned, but the Court of Senior Civil Judge shall not entertain any original suit, appeal or proceedings but shall try or dispose of only such suit, appeal or other proceedings as may be transferred to it by the District Court concerned by or under this Act or any other law.

(4) An appeal from the decree or order of the Court of Senior Civil Judge in a suit or proceeding so transferred shall, where it lies to a District Court, lie to the District Court which transferred the suit or proceeding.

19. Exercise by Senior Civil Judge of Jurisdiction of District Judge in certain proceedings :-

(1) The High Court may, by general or special order, authorise any Senior Civil Judge to take cognizance of or any District Judge to transfer to any Senior Civil Judge under his control any proceedings under the Indian Succession Act, 1925, which cannot be disposed

of by District Delegates.

(2) The District Judge may withdraw any such proceedings taken cognizance of by, or transferred to a Senior Civil Judge and may either by himself dispose them of or transfer them to a Court under his control, competent to dispose them of.

(3) Notwithstanding anything in section 17, the proceedings taken cognizance of by, or transferred to a Senior Civil Judge under the provisions of this section shall be disposed by him subject to the law applicable to like proceedings when disposed of by the District Judge.

(4) The provisions of this section shall apply in relation to the Chief Judge, City Civil Court and Senior Civil Judges thereof as they apply in relation to the District Judge and the Senior Civil Judges with the substitution of references to the Chief Judge and Senior Civil Judges for references to the District Judge and the Senior Civil Judges .

20. Definition :-

In this Part the terms "District Judge", "Additional District Judge" "Senior Civil Judge" and "Junior Civil Judge" , and the "District Court", "Court of Senior Civil Judge" and the "Court of Junior Civil Judge" , shall, in relation to the district of Hyderabad respectively mean the Chief Judge, Additional Chief Judge, Senior Civil Judge and Junior Civil Judge of the City Civil Court, and the Courts of the Chief Judge or Additional Chief Judge, Senior Civil Judge and Junior Civil Judge thereof.

21. Places for the sitting of the Courts :-

(1) The Government may, after consultation with the High Court, from time to time, by notification appoint the place or places at which any District Court or Senior Civil Judge established under this Act shall sit; and the High Court may, from time to time, by notification appoint the place or places at which any Court of Junior Civil Judge established under this Act shall sit.

(2) The place at which any court specified in this Act is sitting on the date of the commencement of this Act shall be deemed to have been appointed under this section and shall continue as such until it is altered.

(3) The place or places appointed, or deemed to have been

appointed, for the sitting of any court under this section shall be within the local limits of the jurisdiction of that court, unless the Government otherwise direct

21A. Special Provision regarding Jurisdiction of certain courts and validation of certain Acts :-

(1) Notwithstanding anything in this Act, whenever a new district is formed under the provisions of Section 3 of the Andhra Pradesh Districts (Formation) Act, 1974, (Act. No. 7 of 1974) whether before or after the commencement of the Andhra Pradesh Civil Courts (Amendment) Act, 1980, until a separate District Court is established for such district, the District Court, the Court of Senior Civil Judge or the Court of Junior Civil Judge exercising jurisdiction over the respective area immediately prior to the formation of such new district, shall continue to exercise the jurisdiction over the area included in such district as if the new district has not been formed.

(2) Any jurisdiction exercised, any judgment, decree or order passed or made, and any other act or proceeding done or taken, until the establishment of a new District Court for the new district on or after the formation of a new district shall be deemed always to have been validly exercised or passed or made and done or taken in accordance with law.

22. Sittings of Courts :-

The courts under the control of the High Court shall sit from day to day, except on Sundays and on such other days as may be declared as holidays by the High Court for all or any of the districts.

23. General Control of a District Judge over all courts in a district :-

Subject to the other provisions of this Act and to such orders as the High Court may, from time to time, issue in this behalf, the general control over all the courts under this Act in a district shall be vested in the District Judge.

24. Investiture of District Judge, Senior Civil Judge or Junior Civil Judge with small causes jurisdiction :-

(1) The High Court may, by notification, invest, within such local limits as it shall, from time to time fix,-

(i) any District Judge or Senior Civil Judge ,with the jurisdiction of a Judge of a Court of Small Causes for the trials of suits cognizable

by such Courts upto the amount of ten thousand rupees.

(ii) any Junior Civil Judge , with like jurisdiction upto the amount of four thousand rupees.

(2) The High Court may, likewise, withdraw the jurisdiction from the District Judge, Senior Civil Judge or Junior Civil Judge so invested.

25. Seal of Court :-

Every Court under this Act shall use a seal of such form and dimensions as may, from time to time, be specified by an order of the High Court with the approval of the Government.

26. Law to be administered by courts in deciding questions regarding succession, inheritance, marriage etc :-

Where in any suit or proceeding, it is necessary for any court under this Act to decide any question regarding succession, inheritance, marriage or any religious usage or institution,-

(i)

(a) the Muslim law in cases where parties are Muslims and Hindu law in cases where the parties are Hindus, or

(b) any custom, if such there be, having the force of law and governing the parties or property concerned, shall form the rule of decision, unless such law or custom has been altered or abolished by legislative enactment, and

(ii) in a case where no specific rule exists the court shall act according to justice, equity and good conscience.

27. Judicial officers not to try suits in which they are interested nor to try appeals from decrees or orders passed by them in other capacities :-

(1) No judicial officer shall try any suit to which he is a party or in which he is personally interested, nor he shall adjudicate upon any proceeding connected with, or arising out of, such suit.

(2) No such officer shall try any appeal against a judgment, decree or order passed by him in another capacity.

(3) Where any such suit, proceeding or appeal comes before any such officer, he shall report the circumstances to the court to which he is immediately subordinate.

(4) The superior court shall thereupon dispose of the case in the manner provided by Section 24 of the Code of Civil Procedure 1908.

(5) Nothing in sub-section (4) shall be deemed to affect the extraordinary original civil Jurisdiction of the High Court.

Explanation :- In this section the expression 'Judicial Officer', includes any Judge of the City Civil Court, any District Judge, any Senior Civil Judge and any Junior Civil Judge .

28. Temporary discharge of duties of the District Judge or Chief Judge, City Civil Court :-

In the event of the death of the District Judge or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the station at which his court is sitting, the Senior Additional District Judge at such station, or if there is no additional District Judge at such station, or if there is no additional District Judge there, the Senior Civil Judge at such station, or if there is no such Additional District or Senior Civil Judge at the station, such other Senior Civil Judge in the District, or any other District Judge of a neighbouring district as the High Court may specify in this behalf shall, without interruption to his ordinary duties, assume charge of the office of the District Judge and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of process and the like, and shall continue in charge of the office until it is resumed or assumed by a person duly appointed to that office.

Provided that where an Additional District Judge or a District Judge of a neighbouring district assumes charge under this Section, it shall be competent for him to perform any of the functions of District Judge under this Act or any other law for the time being in force.

29. Power to require witness or party to a suit to make oath or affirmation :-

Every Court under this Act may require a witness or party to any suit or other proceeding pending in such court to make such oath or affirmation as is prescribed by law for the time being in force.

30. Duties of ministerial officers of Courts :-

A Ministerial Officer of a court shall perform such duties as may, from time to time, be imposed upon him by the presiding officer of the Court.

31. Vacation :-

The Courts under the control of the High Court may adjourn, from time to time, for such periods not exceeding in the aggregate two months in each year, as may be notified by the High Court.

32. Appointment of vacation Civil Judge :-

(1) Notwithstanding anything in this Act or in the Code of Civil Procedure, 1908, the High Court may for the duration of the adjournment of any District Court in summer, appoint for such District Court a Vacation Civil Judge not below the rank of a District Judge or the Government may after consultation with the High Court, so appoint a Vacation Civil Judge not below the rank of a Senior Civil Judge .

(2)

(a) The local limit of the jurisdiction of the Vacation Civil Judge shall be the same as those of the District Court concerned.

(b) The jurisdiction of the Vacation Civil Judge shall extend to all suits, appeals and other proceedings pending in, or cognizable by, any court (whether a District Court, a Court of Senior Civil Judge or a Court of Junior Civil Judge) in the district concerned when such court is adjourned for summer vacation.

(3) The place, at which the court of the Vacation Civil Judge shall be held, shall be the same as the place at which the District Court concerned may be held. The Vacation Civil Judge shall have such administrative control over the staff of the Courts in the District as the High Court may, by general or special order determine.

(4) Notwithstanding the appointment of the Vacation Civil Judge, every court in the district shall, during the period it is adjourned for summer vacation, be deemed to be closed for the purposes of Section 4 of the Limitation Act, 1963.

(5) On the reopening of the District Court, a court of Senior Civil Judge or a court of Junior Civil Judge after the summer vacation, all suits, appeals, and other proceedings pending in the Court the Vacation Civil Judge, which, but for this section would have been instituted or pending in such District Court, Court of Senior Civil Judge or Court of Junior Civil Judge as the case may be, shall stand transferred to the Court concerned and any judgment, decree, order or proceeding passed by the Vacation Civil Judge shall after

such transfer, be deemed to be a judgment decree, order or proceeding passed by the court concerned.

(6) Notwithstanding the provisions of sub-section (5), any appeal from the judgment, decree or order of the court of the Vacation Judge, shall when such appeal is allowed by law, lie to the High Court.

33. High Court to receive suits and appeals when no Vacation Civil Judge is appointed :-

When the District Court or the Court of Senior Civil Judge or the Court of Junior Civil Judge to which a suit, an appeal or other proceeding lies is adjourned under Section 31 and when no Vacation Civil Judge is appointed under sub-section (1) of Section 32, the High Court shall have the power to receive such suits, appeals and other proceedings.

34. Repeals and savings :-

(1) The Andhra Pradesh (Andhra Area) Civil Court Act, 1873, the Andhra Pradesh (Telangana Area) Civil Court Act, 1954 and Section 17 of the Andhra Pradesh (Telangana Area) Small Causes Courts Act, 1930 are hereby repealed.

(2) The provisions of sections 8 and 18 of the Andhra Pradesh General Clauses Act, 1891 shall apply upon such repeal.

35. Validation of proceedings taken before the commencement of this Act :-

All proceedings taken or orders judgments and decrees passed by any court before the date of the commencement of this Act shall be deemed always to have been validly taken or passed in accordance with law.