

Manipur (Courts) Act, 1955

56 of 1955

[30 December 1955]

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Manipur (Courts) Act, 1955

56 of 1955

[30 December 1955]

An Act to provide for the establishment of a Judicial Commissioner's Court and other Courts in Manipur. BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:-

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Manipur (Courts) Act, 1955.
- (2) It extends to the whole of the State of Manipur.

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,--

- (i) "Chief Commissioner" means the Chief Commissioner of Manipur;
- (ii) "civil suit" includes every suit of a civil nature not expressly or impliedly classed otherwise by any law for the time being in force;
- (iii) "district court" means the court of the district judge and includes the court of the additional district judge;
- (iv) "hill areas" mean such areas in the hill tracts of the State of Manipur as the Chief Commissioner may, by notification in the Official Gazette, declare to be hill areas;
- (v) "small cause suit" means a suit of the nature cognizable by a court of small causes under the Provincial Small Cause Courts Act, 1887 (IX of 1887);
- (vi) "value" in relation to a suit means the amount or value of the subject-matter of the suit.

CHAPTER 2

COURT OF THE JUDICIAL COMMISSIONER

3. Establishment Of The Court Of The Judicial Commissioner :-

There shall be established for the State of Manipur a court to be known as the Court of the Judicial Commissioner for Manipur which shall consist of the Judicial Commissioner and the Additional Judicial Commissioner, if any.

4. Appointment Of Judicial Commissioner And Additional Judicial Commissioner :-

- (1) The Judicial Commissioner and the Additional Judicial Commissioner, if any, shall be appointed by, and shall hold office during the pleasure of, the President.
- (2) A person shall not be appointed as Judicial Commissioner or Additional Judicial Commissioner unless he is qualified to be appointed as a Judge of a High Court under clause (2) of article 217 of the Constitution or unless he was, immediately before the commencement of this Act, the Judicial Commissioner of Manipur.

5. Casual Vacancy In The Office Of The Judicial

Commissioner :-

On the occurrence of a vacancy in the office of the Judicial Commissioner, the Additional Judicial Commissioner, if any, or if there is no Additional Judicial Commissioner, the senior-most district judge shall, pending the appointment of the Judicial Commissioner, act as the Judicial Commissioner.

6. Rank, Precedence And Responsibility Of Judicial Commissioner :-

The Judicial Commissioner shall have rank and precedence before the Additional Judicial Commissioner and shall be responsible for the administration of, and generally for the distribution of business in, the Court of the Judicial Commissioner.

7. Exercising Of Jurisdiction By Judicial Commissioner And Additional Judicial Commissioner :-

Subject to such orders as the Judicial Commissioner may make as regards the distribution of business between himself and the Additional Judicial Commissioner, the jurisdiction of the Court of the Judicial Commissioner may be exercised by the Judicial Commissioner or by the Additional Judicial Commissioner.

8. Civil And Criminal Jurisdiction Of The Court Of The Judicial Commissioner :-

Save as otherwise provided by this Act or any other law for the time being in force, the Court of the Judicial Commissioner shall, with reference to any civil or criminal proceeding under any law for the time being in force in the State of Manipur, be the highest court of appeal, revision or reference.

9. Registrar And Ministerial Officers Of The Court Of The Judicial Commissioner :-

(1) The Judicial Commissioner may appoint a Registrar and such other ministerial officers as may be necessary for the administration of justice by the Court of the Judicial Commissioner and for the exercise of the powers and the performance of the duties conferred or imposed on the Court by or under this Act or any other law for the time being in force.

(2) The Judicial Commissioner may make rules for delegating to the

Registrar such powers and duties of a judicial, quasi-judicial or non-judicial nature as he thinks fit; and the ministerial officers shall exercise such powers and perform such duties of a quasi-judicial or non-judicial nature as the Judicial Commissioner may direct.

10. Superintendence And Control Of Subordinate Court :-

(1) The general superintendence and control of all courts in the State of Manipur shall vest in, and all such courts shall be subordinate to, the Court of the Judicial Commissioner.

(2) In exercise of the powers of general superintendence and control vested in it but without prejudice to the generality of such powers, the Court of the Judicial Commissioner may,--

(a) call for returns from such courts;

(b) direct the transfer of any suit, proceeding, case or appeal from any subordinate court to any other court of equal or superior jurisdiction;

(c) make rules and issue general directions and prescribe forms for regulating practice and procedure of subordinate courts;

(d) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts.

11. Registers, Books, Accounts And Statements To Be Kept By The Judicial Commissioner :-

(1) The Court of the Judicial Commissioner shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court and shall forward to the Chief Commissioner such of these registers, books and accounts and such statements of the work done in the Court as may, from time to time, be required by the Chief Commissioner.

(2) The Court of the Judicial Commissioner shall also comply with such requisitions as may be made by the Central Government or the Chief Commissioner for certified copies of, or extracts from, the records of the Court of the Judicial Commissioner or any court subordinate thereto.

12. Procedure Of The Court Of The Judicial Commissioner :-

Notwithstanding anything contained in the Code of Civil Procedure, 1908(V of 1908), or the Code of Criminal Procedure, 1898(V of 1908), the Court of the Judicial Commissioner shall record evidence and judgments in such manner and prescribe such forms to be used

in proceedings before it, as it may direct by rules made by it with the sanction of the Chief Commissioner.

13. Admission And Removal Of Advocates, Vakils And Pleaders :-

(1) The Court of the Judicial Commissioner may, subject to such rules as it may with the sanction of the Chief Commissioner make, admit proper persons to be advocates, vakils and pleaders in any court in the State of Manipur and may remove or suspend from practice on reasonable cause any person so admitted and may authorize such advocates, vakils and pleaders to plead or to act or to plead and act for parties and accused persons.

(2) No person other than an advocate, vakil or pleader shall be allowed to plead or to act for parties and accused persons except that any party may appear, plead or act on his own behalf or on behalf of another party if so authorized.

14. Court Of The Judicial Commissioner To Be A Court Of Record :-

The Court of the Judicial Commissioner shall be a court of record and shall have all powers of such court including the power to punish for contempt of itself.

15. Place Of Sitting Of The Court Of The Judicial Commissioner :-

The Court of the Judicial Commissioner shall sit at Imphalor at such other place or places, if any, as the Judicial Commissioner may, with the approval of the Chief Commissioner, from time to time, appoint.

CHAPTER 3

SUBORDINATE COURTS

16. Classes Of Subordinate Civil Courts :-

In addition to the Court of the Judicial Commissioner and the courts of small causes established under the Provincial Small Cause Courts Act, 1887(IX of 1887), and the courts established under any other law for the time being in force, there shall be the following classes of civil courts in the State of Manipur, namely:--

- (i) the district court;
- (ii) the court of a subordinate judge;

(iii) the court of a munsiff:

Provided that the court of a subordinate judge shall be established only with effect from such date as the Chief Commissioner may, by notification in the Official Gazette, specify.

17. Civil Districts And District Judges :-

(1) For the purposes of this Chapter, the Chief Commissioner may, by notification in the Official Gazette, divide the State of Manipur into civil districts and sub-divisions, alter the limits or the number of these districts and sub-divisions and determine the headquarters of each district and sub-division-

(2) The Chief Commissioner shall, after consultation with the Judicial Commissioner, appoint as many persons as he thinks necessary to be district judges and shall post one of these persons to each district as district judge of that district:

Provided that the same person may, if the Chief Commissioner thinks fit, be appointed to be district judge of two or more districts.

18. Additional District Judges :-

(1) When the business pending before the court of a district judge requires the aid of an additional district judge for its speedy disposal, the Chief Commissioner may, after consultation with the Judicial Commissioner, appoint such number of additional district judges as may be necessary.

(2) The additional district judges so appointed shall discharge any of the functions of a district judge which the district Judge may assign to them and in the discharge of those functions they shall exercise the same powers as the district judge.

19. Subordinate Judges And Munsiffs :-

(1) The Chief Commissioner may, after consultation with the Judicial Commissioner, fix the number of subordinate judges and munsiffs to be appointed and if there is a vacancy in that number, Place of sitting of the Court the Judie Commissioner. may, subject to the rules, if any, made under sub-section (2), appoint such person as is nominated by the Judicial Commissioner to the vacancy.

(2) The Chief Commissioner may, after consultation with the Judicial Commissioner, make rules as to the qualifications of persons to be appointed as subordinate judges and munsiffs.

20. District Court To Be Principal Civil Court Of Original Jurisdiction :-

The district court shall be the principal civil court of original jurisdiction in the district.

21. Original Jurisdiction Of District Courts :-

Save as otherwise provide 1 by any other law for the time being in force, the district court, shall, subject to the provisions of section 15 of the Code of Civil Procedure, 1908, have original jurisdiction in all civil suits without limit as regards the value.

22. Original Jurisdiction Of Courts Of Subordinate Judges And Munsiffs :-

The jurisdiction in original civil suits as regards the value to be exercised by a subordinate judge or a munsiff shall be determined by the Chief Commissioner in such manner as he thinks fit, after consultation with the Judicial Commissioner:

Provided that in no case shall the jurisdiction of a munsiff be without limit.

23. Local Limits Of The Jurisdiction Of Courts Of Subordinate Judges And Munsiffs :-

(1) The local limits of the jurisdiction of the court of a subordinate judge or a munsiff shall be such as the Chief Commissioner may, by notification in the Official Gazette, define.

(2) When the Chief Commissioner posts a subordinate judge to a district, the local limits of the district shall, in the absence of any direction to the contrary, be the local limits of his jurisdiction.

24. Small Causes Jurisdiction Of Subordinate Judges And Munsiffs :-

The Judicial Commissioner may, by notification in the Official Gazette, confer within such local limits as he thinks fit, upon any district judge, subordinate judge or munsiff, the jurisdiction of a judge of the court of small causes under the Provincial Small Cause Courts Act, 1887 (IX of 1887), for the trial of suits of the nature cognizable by such courts upto such value not exceeding five hundred rupees, as he thinks fit and may withdraw any jurisdiction so conferred.

25. Exercise By Subordinate Judges And Munsiffs Of Jurisdiction Of District Courts In Certain Proceedings :-

(1) The Judicial Commissioner may, by general or special order, authorize any subordinate judge or munsiff to take cognizance of, or any district judge to transfer to a subordinate judge or a munsiff under his administrative control, any proceeding or class of proceedings specified in such order, under--

(a) the Indian Succession Act, 1925(XXXIX 1925); or

(b) the Guardians and Wards Act, 1890(VIII of 1890); or

(c) the Provincial Insolvency Act, 1920(V of 1920).

(2) The district judge may withdraw any such proceeding taken cognizance of by, or transferred to, a subordinate judge or a munsiff and may either himself dispose of them or transfer it for disposal to any other competent court under his administrative control.

(3) Proceedings taken cognizance of by, or transferred to, a subordinate judge or a munsiff under this section shall be disposed of by him subject to the rules applicable to like proceedings when disposed of by the district judge:

Provided that an appeal from an order of the munsiff in any such proceedings shall lie to the district judge.

(4) An appeal from the order of the district judge on appeal from the order of a munsiff under this section shall lie to the Court of the Judicial Commissioner if a further appeal from the order of the district judge is allowed by the law for the time being in force.

26. Place Of Sitzings Of Courts :-

(1) The Chief Commissioner may, by order, fix a place or places at which any court constituted under this Chapter is to be held.

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the court.

(3) Save as otherwise provided by an order under this section, a court constituted under this Act may be held at any place within the local limits of its jurisdiction.

27. Administrative Control Of Courts :-

Subject to the general superintendence and control of the Court of the Judicial Commissioner, the district judge shall have administrative control over all the civil courts under this Chapter within the local limits of his jurisdiction.

28. District Judges Power To Distribute Business :-

Notwithstanding anything contained in the Code of Civil Procedure, 1908(V of 1908), the district judge may, by written order, direct that any business cognizable by his court and the courts under his control shall be distributed among such courts, and in such manner, as he thinks fit:

Provided that no direction issued under this section shall empower any court to exercise any power and deal with any business beyond the limits of its jurisdiction.

29. Seals Of Courts :-

Every court under this Chapter shall use a seal of such form and dimension as are prescribed by the Chief Commissioner.

30. Ministerial Officers Of The Courts :-

(1) Ministerial officers of the district court shall be appointed by the district judge.

(2) Ministerial officers of civil courts under the administrative control of the district judge shall be appointed by the district judge.

(3) Every appointment under this section shall be subject to such rules as the Judicial Commissioner may make in this behalf.

(4) Any order passed by the district judge under this section shall be liable to be reversed or modified by the Judicial Commissioner.

31. Delegation Of Powers Of District Judges And District Courts In Certain Cases :-

The district judge may, with the previous sanction of the Judicial Commissioner, delegate to the judge of any court under his administrative control all or any of the powers conferred on a district judge by section 27 and section 28 of this Act and on a district court by section 24 of the Code of Civil Procedure, 1908(V of 1908), to be exercised by the judge in any specified portion of the district subject to the control of the district judge.

32. Appeals From Original Decrees :-

Save as otherwise provided by any law for the time being in force, appeals from decrees or orders of courts exercising original jurisdiction shall lie as follows: --

(a) from a decree or order of a munsiff in any suit and of a

subordinate judge in a suit the value of which does not exceed five thousand rupees, to the court of the district judge; and
(b) in all other cases, to the court of the Judicial Commissioner.

33. Appeals From Appellate Decrees :-

A second appeal shall lie to the court of the Judicial Commissioner from an appellate decree or order of a district court on any ground on which a second appeal lies under section 100 of the Code of Civil Procedure, 1908(V of 1908).

34. Revisional Powers Of The Court Of The Judicial Commissioner :-

In addition to the powers conferred by section 115 of the Code of Civil Procedure, 1908(V of 1908), the Court of the Judicial Commissioner may, on application made to it, call for the record of any case which has been decided by a civil court subordinate to it and in which no appeal lies to it and if the Court of the Judicial Commissioner is of opinion that there is an important question of law or custom and the question requires further consideration, the Court of the Judicial Commissioner may make such order in the case as it thinks fit:

Provided that--

(i) no application shall be admitted after the expiration of ninety days from the date of the decision in respect of which the application is made unless the applicant satisfies the Court of the Judicial Commissioner that he had sufficient cause for not making application within that period;

(ii) on any such application the Court of the Judicial Commissioner shall not revise the decision of the court below except in so far as such decision involves a question of law or custom in respect of which the application has been admitted; and

(iii) when any such application has been admitted the Court of the Judicial Commissioner shall, subject to clause (ii) of this proviso, treat the matter of the application as if it were an appeal.

Explanation 1.--The question of procedure is not a question of law or custom within the meaning of this section.

Explanation 2.--In computing the period of limitation mentioned in clause (i) of this proviso and in all other respects not herein specified, the period of limitation of the application shall be governed by the provisions of the Indian Limitation Act, 1908(V of 1908).

35. Court Fees Payable On Applications For Revision :-

(1) The court fees payable on applications to the Court of the Judicial Commissioner for the exercise of its jurisdiction under section 34 shall be such as are prescribed by the Chief Commissioner in consultation with the Judicial Commissioner.

(2) If the Court of the Judicial Commissioner, on an application in respect of which the court fee payable under sub-section (I) has been paid, sets aside or modifies a decree or order of the court below or remands the case for further decision, the Court of the Judicial Commissioner may grant to the applicant a certificate authorizing him to receive back from the Collector of the district in which the court below is situated or from such other officer as the Chief Commissioner may authorise by notification in the Official Gazette, the full amount of such court fee or such part thereof as the Court of the Judicial Commissioner having regard to the circumstances of the case may think fit.

36. Temporary Vacancy In The Office Of District Judge :-

In the event of death of a district judge or of his being prevented from performing his duties by illness or other cause or of his absence from the civil district on leave, the additional district judge, if any, in the district or where there is no additional district judge, the senior-most subordinate judge, or as the case may be, the senior-most munsiff in the district shall assume charge of the district court without interruption of his ordinary jurisdiction and being so in charge shall perform the duties of the district judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated as the additional district judge or the subordinate judge or the munsiff, as the case may be, in charge of the district and shall continue in such charge until the office of the district judge has been resumed by him or assumed by an officer duly appointed thereto.

37. Delegation Of Powers Of District Judges :-

Any district judge leaving headquarters and proceeding on duty to any place in the district may delegate to the additional district judge, if any, or where there is no such additional district judge, to a subordinate judge or, as the case may be, to a munsiff at the headquarters, the power of performing such duties enumerated in

section 36 as may be emergent and such officer shall be designated as the additional district judge or the subordinate judge or the munsiff, as the case may be, in charge of the headquarter.

38. Temporary Vacancy In The Office Of A Subordinate Judge Or Munsiff :-

In the event of death, suspension or temporary absence of a subordinate-judge or a munsiff, the district judge may empower any other subordinate judge or munsiff of the same civil district to continue the duties of the vacated court of the subordinate judge or munsiff either at the place of such court or of his own court but in every such case the register and record of the court shall be kept distinct.

CHAPTER 4

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

39. Power To Confer Powers Of Civil Courts On Officers In Hill Areas And Procedure Before The Courts Of Such Officers :-

(1) The Chief Commissioner after consultation with the Judicial Commissioner may, by notification in the Official Gazette, invest, by name or in virtue of office, any officer in the hill areas with the powers of any civil court under this Act and upon such investiture the provisions of this Act shall, so far as they can be made applicable, apply to him as if he were a judge of the court with the powers of which he is invested.

(2) Where the place at which the court of an officer invested with powers under sub-section (1) is to be held, has not been fixed under section 26, the court may be held at any place within the local limits of its jurisdiction.

(3) The Code of Civil Procedure, 1908(V of 1908), shall apply to all suits and proceedings before the court of an officer invested with powers under sub-section (1) subject to the following exceptions, namely: --

(a) a defendant in a suit may, instead of filing a written statement, make an oral statement of his defence which shall be recorded by the court;

(b) all applications by parties in any suit or proceeding may be made orally before the court;

(c) no appearance, application or act in or to the court, required or authorized by law to be made or done by a party in such court shall

be made or done by a pleader (as defined in the Code of Civil Procedure, 1908(V of 1908)) save with the permission of the court;
(d) it shall be sufficient for the court to make a memorandum of the substance of the evidence of any witness examined by it and it shall not be necessary for the court to take down evidence of any witness in writing at length unless the court is, on the application of any party or otherwise, satisfied that there is any special reason for so doing.

40. Power Of The Judicial Commissioner To Make Rules :-

The Court of the Judicial Commissioner may make rules consistent with this Act and any other law for the time being in force, providing for all or any of the following matters, namely: --

- (a) the supervision of all courts subordinate to the Court of the Judicial Commissioner and their inspection;
- (b) the translation of any papers filed in the Court of the Judicial Commissioner and the preparation of paper-books for the hearing of appeals and the copying, typing or printing of any such papers or translations and the recovery from the persons at whose instance or on whose behalf papers are filed. all the expenses thereby incurred;
- (c) the fees to be charged for processes issued by a civil court or by any officer of any such court and the fee payable in any suit or proceeding, in any such court by any party to such suit or proceeding in respect of the fees of the pleader of any other party to such suit or proceeding;
- (d) the manner in which the proceedings of civil courts shall be kept and recorded, and the manner in which paper-books for the hearing shall be prepared and the granting of copies;
- (e) the various matters relating to the officers of the court;
- (f) the persons to be, permitted to act as petition-writers in the court subordinate thereto or act as pleaders clerks;
- (g) the issue of licences to persons referred to in clause (f), the conduct of business by them and the scale of fees to be charged by them;
- (h) the authority by which breaches of such rules shall be investigated and the penalty which may be imposed.

41. Presiding Officers Of Courts Not To Try Suits And Cases In Which They Are Interested :-

- (1) The presiding officer of a court shall not try any suit,

proceeding or other case, or hear any appeal, to which he is a party or in which he is personally interested.

(2) No presiding officer shall hear an appeal from any judgment, decree, sentence or order passed or made by himself.

(3) Where any such suit, proceeding, case or appeal as is referred to in sub-section (1) or sub-section (2) comes before any such officer, he shall transmit forthwith the record of such suit, proceeding, case or appeal as the case may be, to the court to which he is immediately subordinate with the report of the circumstances attending the reference.

(4) The superior court may transfer the suit, proceeding, case or appeal either to itself or to any court under its administrative control competent to decide it.

42. Certain Decisions To Be According To Custom Or Personal Law :-

(1) Where in any suit or proceeding, it is necessary for any court under this Act to decide any question regarding succession, inheritance, marriage or caste or any religious usage or institution, any custom (if such there be) having the force of law, or any personal law, governing the parties, or the property of the parties to such suit or proceeding shall form the rule of decision except in so far as such custom or personal law has, by legislative enactment, been altered or abolished.

(2) In cases not provided for by sub-section (1) or by any other law for the time being in force, the court shall decide the suit or proceeding according to justice, equity and good conscience.

43. Holidays :-

(1) Subject to the approval of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as closed holidays in the Court of the Judicial Commissioner and the civil courts subordinate to that Court.

(2) The list of holidays shall be published in the Official Gazette.

(3) A judicial act done by a court on a day specified in the list shall not be invalid by reason only of its having been done on that day.

44. Pending Proceedings :-

(1) Any suit, proceeding, case or appeal pending in a court immediately before the commencement of this Act shall, upon the

commencement of this Act, be deemed to be transferred to the court exercising under this Act jurisdiction which corresponds, as far as may be, to the jurisdiction of the court in which the suit, proceeding, case or appeal was pending and the court to which the suit, proceeding, case or appeal is deemed to be transferred shall proceed to try, hear and determine the matter as if it had been pending in that court.

(2) Any appeal from a judgment, decree, sentence or order passed or made by a court and not appealed against before the commencement of this Act shall, after such commencement, lie to the court exercising under this Act jurisdiction which corresponds, as far as may be, to the jurisdiction of the court to which such appeal would have lain if this Act had not been passed and had not come into force.

(3) Any judgment, decree, sentence or order passed or made before the commencement of this Act by any court shall be deemed for the purpose of execution to have been passed by a court constituted under this Act which corresponds, as far as may be, to the court which passed or made the judgment, decree, sentence or order as the case may be:

Provided that nothing contained in sub-section (2) or sub-section (2) shall be construed as extending period of limitation to which any suit, proceeding, case or appeal may be subject.

45. Repeals And Savings :-

(1) The Manipur State Courts Act, 1947, as amended by the Manipur State Courts (Amendment) Order, 1950, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any appointment or delegation made, order, Instrument or direction issued, rule or regulation made under that Act) shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or any action taken under the relevant provisions of this Act.

46. Declaration Of The Judicial Commissioners Court As A High Court For Certain Purposes :-

The Court of the Judicial Commissioner established under section 3 is hereby declared to be a High Court for the purposes of articles 132, 133 and 134 of the Constitution; and the provisions of the

Judicial Commissioners Courts (Declaration as High Courts) Act, 1950, shall apply to that Court as they apply to a Judicial Commissioners Court in existence at the commencement of this Act.