

**Mizoram Civil Court (Amendment) Act, 2007****9 of 2007****[21 September 2007]**

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**Mizoram Civil Court (Amendment) Act, 2007****9 of 2007****[21 September 2007]**

AN AC to amend the Mizoram Civil Courts Act, 2005 (Act no. 11 of 2005) and to provide for matters connected therewith or incidental thereto. It is enacted by the Legislative Assembly of Mizoram in the Fifty-eighth year of the Republic of India as follows:-

**1. Short Title And Commencement :-**

- (1) This Act may be called the Mizoram Civil Courts (Amendment) Act, 2007.
- (2) It shall come into force on the date of publication in the official Gazette.

**2. Amendment Of Section 2 :-**

In section 2 of the Mizoram Civil Courts Act, 2005 (hereinafter referred to as the Principal Act),

- (a) The words "High Court", which appear in clause (d) shall be substituted by the word "Government".

(b) After clause (f), a new clause shall be added as follows:-

"(g) High Court means the Gauhati High Court."

### **3. Amendment Of Section 4 :-**

In section 4 of the Principal Act, sub-section (1) shall be substituted as follows:-

"(1) There shall be established by the Government, by Notification, in each district a court of the District Judge and such number of courts of the District Judge as may be fixed, in consultation with the High Court".

### **4. Amendment Of Section 5 :-**

In section 5 of the principal Act,

(a) for sub-section (I), the following shall be substituted, namely:-

"(1) There shall be established by the Government by Notification, a Court of Senior Civil Judge for each district and such number of the Courts of Senior Civil Judge as may be fixed, in consultation with the High Court";

Provided that the Government may, in consultation with the High Court, establish a court of Senior Civil Judge for part of a district and specify the local limits of its jurisdiction".

(b) The word "Principal" which appears in subsection (2) and in the third line of clause (ii) of sub-section (3) shall stand deleted.

### **5. Amendment Of Section 6 :-**

In section 6 of the Principal Act,

(a) for sub-section (1), the following shall be substituted, namely:-

"(1) There shall be established by the Government, by Notification, in each District such number of Courts of the Civil Judge as may be fixed in consultation with the High Court and with such local limits of jurisdiction of each such Court as may be specified".

(b) The word "Principal" which appears in sub-section (2) shall stand deleted.

(c) The word "High Court" in the first line and the word "Government" in the second line of sub-section (3) shall be substituted by the words "Government" and "High Court" respectively.

(d) The word "Principal" which appear in sub-section (4) shall stand deleted.

### **6. Amendment Of Section 8 :-**

In section 8 of the Principal Act, for sub-section (1), the following shall be substituted, namely:-

"(1) The place or places at which every Civil Court under this Act shall be held, shall be fixed and may, from time to time, be altered by the State Government in consultation with the High Court".

#### **7. Amendment Of Section 10 :-**

(a) The provisions contained in section 10 of the Principal Act shall start with the following words, namely:-

"Subject to the provisions contained in section 3 of the Act-,"

(b) in sub-section (2), between the words "deemed" and "to be" in the second line, the word "also" shall be added.

(c) in sub-section (3), the words "deemed to be" shall be substituted by the words "be deemed also to be".

(d) in sub-section (4), the figure " 10" which appears in the first line shall be substituted by the figure "(1)".

#### **8. Amendment Of Section 11 :-**

In section 11 of the Principal Act, the word "Principal" which appears in sub-sections (2) and (3) shall stand deleted.

#### **9. Amendment Of Section 21 :-**

Sub-section (1) of section 21 of the Principal Act shall be substituted as follows:-

"(1) Subject to the provisions contained in sub-section (3) of section I of the Code of Civil Procedure, 1908. the procedures prescribed in the Code shall, save in so far as is otherwise provided by this Act, be followed in spirit in all the Civil Courts".

#### **10. Amendment Of Section 23 :-**

The word "Principal" wherever it appears in section 23 of the Principal Act, except in the case of Principal District Judge, shall stand deleted

#### **11. Amendment Of Section 32 :-**

In section 32 of the Principal Act, the words "High Court" shall be substituted by the words "Government in consultation with the High Court".

