

CALCUTTA IMPROVEMENT (APPEALS) ACT, 1911**18 of 1911****[23rd September, 1911]**

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CALCUTTA IMPROVEMENT (APPEALS) ACT, 1911**18 of 1911****[23rd September, 1911]**

An Act to modify certain provisions of the Calcutta Improvement Act, 1911. Whereas it is expedient to modify the provisions of the Calcutta Improvement Act, 1911, so as to provide in certain cases for an appeal to the High Court from the awards of the Tribunal constituted under that Act;

1. Short Title :-

This Act may be called the Calcutta Improvement (Appeals) Act, 1911.

2. Definitions :-

In this Act,

(1) 'Court' means the High Court of Judicature at Fort William in Bengal; and

(2) 'Tribunal' has the same meaning as in the Calcutta Improvement Act, 1911.

3. Appeal from awards of the Tribunal :-

(1) Notwithstanding anything contained in the Calcutta Improvement Act, 1911, an appeal shall lie to the Court in any of the following cases, namely :

(a) "here the decision is that of the President of the Tribunal sitting along in pursuance of clause (b) of section 77 of the said Act ;

(b) where the decision is that of the Tribunal, and

(i) the President of the Tribunal grants a certificate that the case is a fit one for appeal, or

(ii) the Court grants special leave to appeal :

Provided that the Court shall not grant such special leave unless the President has refused to grant a certificate under sub-clause (i) and the amount in dispute is five thousand rupees or upwards.

(2) An appeal under clause (b) of sub-section (1) shall only lie on one or more of the following grounds, namely :

(i) the decision being contrary to law or to some usage having the force of law ;

(ii) the decision having failed to determine some material issue of law or usage having the force of law;

(iii) a substantial error or defect in the procedure provided by the said Act which may possibly have produced error or defect in the decision of the case upon the merits.

4. Procedure in such appeals :-

Subject to the provisions of section 3, the provisions of the Code of Civil Procedure, 1908, with respect to appeals from original decrees shall, so far as may be, apply to appeals under this Act.

5. Execution of orders of Court :-

The Chief Judge of the Court of Small Causes of Calcutta shall, on application, execute any order passed by the Court on appeal under this Act as if it were a decree made by himself.

6. Period of Limitation for such appeals :-

An appeal under section 3 shall be deemed to an appeal under the Code of Civil Procedure, 1908, within the meaning of No. 156 of the First Schedule to the Indian Limitation Act, 1908.