

## **CITY CIVIL COURT ACT, 1953**

**21 of 1953**

**[1st September, 1953]**

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**CITY CIVIL COURT ACT, 1953**

**21 of 1953**

**[1st September, 1953]**

An Act to establish an additional Civil Court for the City of Calcutta.  
WHEREAS it is expedient to establish an additional Civil Court for the City of Calcutta; It is hereby enacted as follows :

**1. Short title and commencement :-**

(1) This Act may be called the City Civil Court Act, 1953.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context,

(1) "Chief Judge" means the Chief Judge of the City Civil Court, appointed under sub-section (1) of section 4;

(2) "City Civil Court" means the Court established under section 3;

(3) "City of Calcutta" means the area comprised within the local limits for the time being of the ordinary original civil jurisdiction of the High Court;

(4) "High Court" means the High Court at Calcutta;

<sup>1</sup>(5) "proceeding" includes any proceeding arising out of a suit of a civil nature and any other proceeding whatsoever of a civil nature not arising out of a suit;

(6) "Small Cause Court" means the Court of Small Causes of Calcutta, constituted under the Presidency Small Cause Courts Act, <sup>2</sup>[1882;].

<sup>3</sup>(7) "suit" includes in appeal.

1. Clause (5) subs, by W.B. Act 12 of 1999.

2. Figures subs, by W.B. Act 12 of 1999.

3. Clause (7) ins. by W.B. Act 12 of 1999.

**3. Establishment of City Civil Court :-**

(1) The State Government may, by notification in the Official Gazette, establish a Civil Court to be called the City Civil Court.

(2) The City Civil Court shall be deemed to be a Court subordinate to and subject to the superintendence of the High Court within the meaning of the Letters Patent for the High Court and of the Code of Civil Procedure, 1908.

#### **4. Appointment of Judges :-**

(1) There shall be appointed a Chief Judge of the City Civil Court and as many other Judges of that Court as the State Government thinks fit.

(2) Each of the Judges of the City Civil Court may exercise all or any of the powers conferred on that Court by this Act or by any other law for the time being in force.

#### **5. Jurisdiction :-**

(1) The local limits of the jurisdiction of the City Civil Court shall be the City of Calcutta.

(2) Subject to the provisions of sub-sections (3) and (4), 4\* \* \* the City Civil Court shall have jurisdiction and the High Court shall not have jurisdiction to try suits and proceedings of a civil nature, not exceeding 5[rupees ten lakhs] in value.

<sup>1</sup>(3) The City Civil Court shall have jurisdiction and the High Court shall not have jurisdiction to try any proceeding under

(i) the Guardians and Wards Act, 1890,

(ii) <sup>2</sup> \* \* \* \* \*

(iii) the Indian Lunacy Act, 1912,

(iv) the Indian Succession Act, 1925.

(4) The City Civil Court shall not have jurisdiction to try suits and proceedings of the description specified in the First Schedule.

(5) All suits and proceedings which are not triable by the City Civil Court shall continue to be triable by the High Court or the Small Cause Court or any other Court, tribunal or authority, as the case may be, as heretofore.

1. Sub-sec. (3) subs, by W. B. Act 60 of 1980.

2. Words, figures and brackets om. by W.B. Act 19 of 1982.

#### **6. Procedure :-**

Save as otherwise provided in this Act, the Code of Civil Procedure, 1908, shall apply to all suits and proceedings under this Act so far as it is consistent with this Act.

#### **7. Law to be administered by the City Civil Court :-**

All questions, other than questions relating to procedure or

practice, which arise in suits or proceedings before the City Civil Court, shall be dealt with and determined according to the law for the time being administered by the High Court <sup>1</sup> \*\*\*\*\*

1. Words om. by W.B. Act 12 of 1999.

## **8. Appeal :-**

(1) An appeal shall lie to the High Court from

(a) every decree passed by the City Civil Court; and

(b) every order passed by the City Civil Court being

(i) an order specified in sub-section (1) of section 104 of the Code of Civil Procedure, 1908, and in particular, in Order XLIII of the First Schedule to the Code of Civil Procedure, 1908, or an order under clause (i) or clause (ii) of section 14, or

(ii) any other order, from which an appeal lies to the High Court under any law.

(2)

(a) The period of limitation for an appeal from a decree or order of the City Civil Court shall be thirty days from the date of such decree or order.

(b) The provisions of the Indian Limitation Act, 1908, other than the portion of sub-section (2) of section 29 thereof, beginning with the words ",and for the purpose of determining" and ending with the words "shall not apply", shall apply to all suits and proceedings triable by the City Civil Court and to appeals and applications under this Act to the High Court from or in respect of any suit or proceedings.

(3) Save as otherwise provided in the foregoing provisions of this section, the City Civil Court shall have jurisdiction and the High Court shall not have jurisdiction in respect of an appeal arising out of a suit or proceeding for the recovery of possession of any premises under the West Bengal Premises Tenancy Act, 1956.

## **8A. Revision :-**

A revision arising out of a suit or proceeding for the recovery of possession of any premises under the West Bengal Premises Tenancy Act, 1956, shall lie to the City Civil Court.

Explanation. For the purposes of this section, "City Civil Court" shall

be deemed to be a District Court within the meaning of section 115A of the Code of Civil Procedure, 1908.

**9. Power of High Court to remove suit or proceeding to itself :-**

Omitted by W.B. Act 35 of 1969.

**10. Power of Chief Judge in respect of distribution of business, and transfer and withdrawal of suits or proceedings :-**

(1) The Chief Judge may make such arrangements as he thinks fit for the distribution of business of City Civil Court among the Judges thereof.

(2) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or if he is of opinion that it is necessary so to do in order to ensure proper distribution of business or in order to give effect to the provisions of section 11, then of his own motion and without such notice, the Chief Judge may at any stage

(a) transfer any suit or proceeding pending before him for trial or disposal to any other Judge of the City Civil Court, or

(b) withdraw any suit or proceeding pending before any other Judge of that Court, and 9. Sub-sec. (3) ins. by W.B. Act 12 of 1999. 10. Sec. 8A ins. by W.B. Act 12 of 1999.

(i) try or dispose of the same; or

(ii) transfer the same for trial or disposal to any Judge other than the Judge from whom it was withdrawn.

(3) Where any suit or proceeding has been transferred or withdrawn under sub-section (2), the Judge who thereafter tries such suit or proceedings may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn, as he thinks fit: Provided that in a suit or proceeding where the hearing has already commenced before the transfer or withdrawal, the Judge shall retry it if any of the parties prays for a retrial.

**11. No Judges to try suits or proceedings in which he is interested :-**

(1) The Chief Judge, or any other Judge of the City Civil Court,

shall not try any suit or proceeding to which he is a party or in which he is directly or indirectly interested.

(2) When any such suit or proceeding comes before the Chief Judge, he shall of his own motion forthwith transfer it under section 10, to another Judge of the City Civil Court.

(3) When any such suit or proceeding comes before any other Judge of the City Civil Court, he shall of his own motion forthwith transmit the record of such suit or proceeding to the Chief Judge with a report of the circumstances and the Chief Judge shall deal with such suit or proceeding under section 10.

### **12. Temporary charge of office of Chief Judge :-**

(1) In the event of the death, resignation or removal or absence on leave of the Chief Judge or of his being incapacitated by illness or otherwise from the performance of his duties, or of his absence from the City of Calcutta, the Judge of the City Civil Court next in order of seniority according to the period of 11[service in the West Bengal Higher Judicial Service], who may be present, shall, without relinquishing his ordinary duties, assume charge of the office of the Chief Judge, and shall continue in charge thereof until the office is resumed by the Chief Judge or assumed by a person appointed thereto.

(2) While in charge of the office of the Chief Judge, such Judge may, subject to any rules which the High Court may make in this behalf, exercise any of the powers of the Chief Judge.

### **13. Vacancy in the office of a Judge other than the Chief Judge :-**

(1) In the event of the death, resignation or removal or absence on leave of a Judge of the City Civil Court other than the Chief Judge, or of his being incapacitated by illness or otherwise from the performance of his duties or of his absence from the City of Calcutta, the Chief Judge may transfer all or

(2) Suits and proceedings transferred under sub-section (1) shall be disposed of in the manner provided in sub-section (2) of section 10.

### **14. Return of plaint for want of jurisdiction and provision for crediting fees already paid :-**

If at any stage of a suit or proceeding instituted in the High Court

or the City Civil Court, such Court finds that for want of jurisdiction it cannot, or will not be able to, entertain or decide the suit or proceeding and that it should have been instituted in the City Civil Court or the High Court, as the case may be, the High Court or the City Civil Court shall,

(i) order the plaint or the application to be returned for presentation to the City Civil Court or the High Court, as the case may be; and

(ii) order that in the levy of any court-fee payable by a party to a suit or proceeding in connection with the suit or proceeding in the City Civil Court or the High Court, as the case may be, credit shall be given for any court-fee already paid by such party in connection with the suit or proceeding instituted in the High Court, or the City Civil Court and that any excess shall be refunded.

**15. Appointment of Registrar and of clerks and other ministerial officers and their duties :-**

(1) The State Government shall appoint a person to be the Registrar of the City Civil Court.

(2) The State Government shall fix the number of clerks and other ministerial officers for the City Civil Court. The appointment of such clerks and other ministerial officers shall be made by the State Government or, if in any class or classes of cases the State Government so directs, by the Chief Judge.

(3) Subject to the superintendence of the High Court, the Chief Judge shall have administrative control over the Registrar of the City Civil Court, and the clerks and ministerial officers referred to in sub-section (2), and may frame regulations prescribing the duties of such Registrar, clerks and ministerial officers.

**16. Holidays and vacation :-**

(1) The Chief Judge shall, before the commencement of each year, draw up a list of holidays and vacations to be observed in the City Civil Court, and shall submit the same for the approval of the High Court.

(2) Such list, when it has received such approval, shall be published in the Official Gazette and the said holidays and vacations shall be observed accordingly.

**17. Attorneys entitled to act and plead in the City Civil Court :-**

(1) All persons entered as attorneys-at-law on the roll of the High Court shall be entitled to act and plead in the City Civil Court.

(2) The provisions of sub-section (1) shall be in addition to and not in derogation of any law entitling a person to act and plead, or to plead, as the case may be, in the City Civil Court.

**18. Seal :-**

The City Civil Court shall use a seal of such form and dimension as may, for the time being, be prescribed by the State Government.

**19. Rules :-**

(1) The High Court may, from time to time, with the approval of the Governor, make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely,

(a) the practice and procedure of the City Civil Court, so far as such rules are not inconsistent with the provisions of this Act as read with the Code of Civil Procedure, 1908;

(b) registers, books, accounts and other records to be maintained by the City Civil Court;

(c) returns, statements and other information to be submitted by the City Civil Court from time to time to the High Court, and also to the State Government if required by the State Government;

(d) the manner in which the period of service in the City Civil Court of the Judges of that Court shall be calculated and the exercise of the powers of the Chief Judge under sub-section (2) of section 12;

(e) the manner in which credit shall be given for court-fee already paid and the manner in which refund shall be made of any excess of court-fee in cases where a direction has been issued under the provision to clause (b) of sub-section (2) of section 9, or an order has been made under clause (ii) of section 14.

<sup>1</sup> (f) delegation to the Registrar of the City Civil Court of any judicial, quasi-judicial and non-judicial duties.

1. Clause (f) ins. by W.B. Act 17 of 1959.

**20. Saving of suits and proceedings pending in High Court :-**

Nothing in this Act shall affect any suit or proceeding pending in the High Court on the date on which this Act comes into force, and every such suit or proceeding shall be continued as if this Act had not been passed.

**21. Act to override other law including Letters Patent :-**

The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law, including in particular the Letters Patent of the High Court.

**22. Amendments to certain enactments :-**

The enactments specified in the Second Schedule are hereby amended in their application to West Bengal to the extent and in the manner mentioned in the fourth column of such Schedule.

SCHEDULE 1

.

[See section 5 (4).]	
<b>SCHEDULE.</b>	
<b>[See section 5 (4).]</b>	
1. Suits and proceedings triable by the High Court as a Court of Admiralty or Vice-Admiralty, or as a Colonial Court of Admiralty. 13* *****	
10. Suits and proceedings	
(i) under the Indian Companies Act, 1913, or the Banking Companies Act, 1949, or	
(ii) relating to or arising out of the constitution, incorporation, management or winding	
up of corporations.	
10A. Proceedings for the relief of insolvent debtors triable by the High Court.	
15. Suits and proceedings triable by the High Court as a Court of matrimonial jurisdiction.	
16. Suits and proceedings triable by the High Court under any special law other than the Letters Patent.	
17. Suits and proceedings triable by the Small Cause Court.	

SCHEDULE 2

.

(See section 22.)

**SECOND SCHEDULE.**

(See section 22.)

Year	Number	Short Title	Amendments
1	2	3	4
			Acts of the Central Legislature
1890	8	The Guardians and Wards Act, 1890.	In clause (4) of section 4, for the words "a High Court in the exercise of its Ordinary original civil jurisdiction", the words "as respects the city of Calcutta as defined in the City Civil Court Act, 1953, the City Civil Court established under that Act" shall be substituted.
1912	4	Indian Lunacy Act, 1912	<p>(1) In clause (1) of section 25, for the words "High Court", the words "City Civil Court" shall be substituted.</p> <p>(2) In section 26, in sub-section (1), for the words "High Court", the words "City Civil Court" shall be substituted.</p> <p>(3) In Chapter IV under Part III, for section 37, the following section shall be substituted:</p> <p>"37. Jurisdiction in lunacy in Presidency-town. Except as otherwise provided hereinafter in this Chapter, the Court having jurisdiction under this Chapter shall be the City Civil Court established under the City Civil Court Act, 1953."</p> <p>(4) In section 39, after the words "Advocate-General" the words "or the Government pleader" shall be inserted.</p> <p>(5) Sections 43 and 44 shall be omitted.</p> <p>(6) In section 45, the words "or the finding of the District Court to which the inquisition may have been referred under the provisions of section 43 with such amendments as may be made under the provisions of section 44, as the case may be," shall be omitted.</p> <p>(7) In the proviso to section 55, for the words "High Court " in the two places where they occur, the words "City Civil Court" shall be substituted.</p> <p>(8) After section 60, the following section shall be inserted :</p> <p>"60A. Appeals. An appeal shall lie to the High Court from any order made by the City Civil Court, under this Chapter."</p> <p>(9) In section 61, for the words "The Court" the words "The High Court" shall be substituted.</p> <p>(10) In the proviso to sub-section (1) of section 71, for</p>

		<p>the words "High Court", the words "City Civil Court" shall be substituted.</p> <p>(11) In Chapter VII under Part IV, in section 88, for the words "High Court", the words "City Civil Court" shall be substituted.</p>
1925	39	<p>(1) To clause (bb) of section 2, the following proviso shall be added:</p> <p>"Provided that as respect the area comprised within the local limits for the time being of the ordinary original civil jurisdiction</p> <p>of the High Court at Calcutta references to a District Judge in this Act shall be construed</p> <p>as references to the City Civil Court established under the City Civil Court Act, 1953."</p> <p>(2) In section 273, clause (a) of the proviso shall be omitted.</p> <p>(3) In section 274, for sub-section (1), the following sub-section shall be substituted:</p> <p>"(1) Where probate or letters of administration has or have been granted by a District Judge with the effect referred to in the proviso to section 273, the District Judge shall send a certificate</p> <p>thereof to the High Court to which such District Judge is subordinate and to each of the other High Courts."</p> <p>(4) Section 300 shall be omitted.</p> <p>(5) For Schedule IV, the following Schedule shall be substituted;</p>

### SCHEDULE 3

.

(See section 274 (2).]

#### **"SCHEDULE IV**

**(See section 274(2).]**

#### **FORM OF CERTIFICATE**

	<p>I., A. B ..... hereby certify that on the day of ..... , ..... granted probate of the will (or letters of administration</p> <p>of the estate) of C.D., late of ..... deceased, to E. F. of .. and G.H. of ..... and that such probate (or letters) has (or have) effect over all the property of the deceased throughout India."</p>
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Acts of the West Bengal Legislature

1956	XII The West Bengal	In the First Schedule, in clause (1), for sub-
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	Premises Tenancy Act, 1956.	clauses (i) and (ii), the following sub-clauses shall be substituted:
		"(i) where the value of the suit does not exceed 20[rupees ten lakhs] to the City Civil Court as defined in the City Civil Court Act, 1953;
		(ii) where the value of the suit exceeds 20[rupees ten lakhs] to the High Court at Calcutta."