

Chhattisgarh Civil Courts Act, 1958

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Chhattisgarh Civil Courts Act, 1958

An Act to consolidate and amend the law relating to Civil Courts in Chhattisgarh BE IT enacted by the Chhattisgarh Legislature in the Ninth Year of the Republic of India as follows:--

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

- (1) The Act may be called The Chhattisgarh Civil Courts Act, 1958.
- (2) It extends to the whole of Chhattisgarh
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, specify in this behalf.

2. Definition :-

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

- (a) "Cadre or Higher Judicial Service" means the cadre of District Judges and shall include the District Judge, and Additional District Judge;
- (b) Cadre of Lower Judicial Service" means the cadre of Civil Judges consisting of Civil Judge Class I and Civil Judge Class II;
- (c).....omitted.
- (d) "Value" with reference to a suit or original proceedings means the amount or value of the subject matter of such suit or original proceedings.

CHAPTER 2 CONSTITUTION OF CIVIL COURTS

3. Classes Of Civil Courts :-

1. In addition to the Courts established under any other law for the time being in force, there shall be the following classes of Courts, namely:--

- (1) the Court of the District Judge;
- (2).....omitted;
- (3) the Court of the Civil judge (Class II), and
- (4) the Court of the Civil judge (Class I),

2. An Additional Judge to the Court of Civil Judge may be appointed from the cadre of Lower Judicial Service.

3. Every Court of the District Judge shall be presided over by a District Judge to be appointed by the High Court may also appoint Additional District Judge from the Cadre of Higher Judicial Service to exercise jurisdiction in the Court of the District Judge.

4 . The Court of the District Judge shall include the Court of Additional Judge and the Court of Civil Judge Class I or Class II shall include the Court of Additional Civil Judge to that Court.

4. Civil Districts :-

(1) For the purpose of this Act, a revenue district notified by the State Government shall also be the civil district:

Provided that the State Government may, on the recommendation of the High Court, alter the limits or number of such civil districts or create new civil districts.

(2) Upon the alteration of the limits or the number of civil districts or creation of new civil districts under sub-section (1), the High Court shall make such consequential orders, as it may deem fit in respect of the transfer of suits, appeals and proceedings from the Courts of existing districts to other Courts acquiring territorial jurisdiction as a result of such alteration or creation, as also for any other matter ancillary thereto.

5. Establishment Of Civil Courts :-

The State Government shall establish--

- (a) the Court of the District Judge for each Civil District; and
- (b) so many Court of Additional District Judges, Civil Judges (Class I) and Civil Judges (Class II), for each civil district, as it may think fit.

6. Original Jurisdiction Of Civil Courts :-

(1) Subject to the provisions of any law for the time being in force:--

(a) the Court of the Civil Judge (Class II) shall have jurisdiction to hear and determine any suit or original proceeding of a value not exceeding Rs. 25,000.

(b) the Court of the Civil Judge (Class I) shall have jurisdiction to hear and determine any suit or original proceeding of a value not exceeding Rs. 50,000.

(c) the Court of the District Judge shall have jurisdiction to hear and determine any suit or original proceeding without restriction as

regards value.

(2) The local limits of the jurisdiction of the Courts specified in clauses (a) and (b) of sub-section (1) shall be such as the State Government may, by notification, define.

(3) Nothing in clauses (a), (b) and (c) of sub-section (1) shall affect any suit or original proceedings instituted before 26th January, 1979.

7. Principal Civil Courts Of Original Jurisdictions :-

(1) The Court of the District Judge shall be the Principal Civil Court of original jurisdiction in the civil district

(2) An Additional District Judge shall discharge any of the functions of a District Judge, including the functions of Principal Civil Court of original jurisdiction which the District Judge may, by general or special order, assign to him and in the discharge of such functions he shall exercise the same powers as the District Judge."

8. Appointment Of Additional Judge :-

(1) An additional Judge or Judges to the Court of District Judge, Additional District Judge, Civil Judge Class I or Civil Judge Class II may, whenever it appears necessary or expedient, be appointed to the Court of District Judge or Additional District Judge or Civil Judge Class I or Civil Judge Class II, as the case may be, and such Additional Judge shall exercise the jurisdiction of the Court to which he is appointed and the powers of the Judge thereof, subject to any general or special orders of the authority by which he is appointed as to the Class or Value of the suit which he may try, hear or determine.

(2) An officer may be appointed an Additional Judge of one or more Courts and an Officer who is a Judge of one Court may be appointed an Additional Judge of another Court or of other Courts."

9. Section 9 :-

(1) The High Court may, by a notification, invest any civil Court with the powers of a Court of Small Causes under the law for the time being in force in any area relating to the Court of Small Causes, Such power shall be exercisable in cases arising within the limits of the Courts jurisdiction or in any specified area within such limits.

(2) The value of suits of small cause nature shall not exceed one

thousand rupees in the case of the Court of a District Judge five hundred rupees in the case of The Court of a Civil Judge (Class I) and two hundred rupees in the case of the Court of a Civil Judge (Class II).

10. Exercise Of Jurisdiction Of District Court By Civil Judges In Certain Proceedings :-

The High Court may, by general or special order, authorise any Civil Judge (Class I) to take cognizance of and any District Judge to transfer to a Civil Judge (Class I) under his control, any proceeding or any class or proceedings, specified in such order, arising under.--

(a) Parts I to VIII of the Indian Succession Act, 1925 (Act No. XXXIX of 1925); or

(b) Part IX of the Indian Succession Act, 1925 (Act No. XXXIX of 1925) which can not be disposed of by District Delegates; or

(c) The Guardians and Wards Act, 1890 (Act No. VIII of 1890); or

(d) The Provincial Insolvency Act, 1920 (Act No. V of 1920).

(2) Notwithstanding anything contained in section 388 of the Indian Succession Act, 1925 (Act No. XXXIX of 1925) the High Court may, by general or special order, invest any Judge inferior in grade to the District Judge with power to exercise the functions of a District Judge under Part X of that Act.

(3) The District Judge may withdraw any such proceeding taken cognizance of by, or transferred to, a Civil Judge (Class I) under his control, and may either dispose it of himself or transfer it to any other competent Court.

(4) Proceedings taken cognizance of by, or transferred to a Civil Judge (Class I) under this section shall be disposed of by him in accordance with the law and rules applicable to like proceedings in the Court of the District Judge.

11. Jurisdiction Under The Indian Divorce Act :-

The Court of the District Judge shall have jurisdiction to hear and determine any original proceeding under the Indian Divorce Act 1869 (Act No. IV of 1869) and shall be deemed to be the District Court under that Act for the Civil District.

12. Place Of Sitting Of Civil Courts :-

(1) Every Court shall be held at such place or places as the High Court may by notification direct or, in the absence of any such

direction, at any place within the local limits of jurisdiction of the Court.

(2) Every Additional Judge to a Court established under this Act shall sit at such place or places within the local limits of the jurisdiction of the Court to which he is an Additional Judge, as the High Court may direct.

(3) The District Judge and other Judges of the district, may with the previous sanction of the High Court and after due notice to the parties, sit temporarily for taking up particular case or class of cases at any other place within the district.

CHAPTER 3 APPELLATE JURISDICTION

13. Appellate Jurisdiction :-

(1) 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 the Court of the Civil Judge (Class I) or of the Civil Judge (Class II) to the Court of the District Judge;

(b) from a decree or order of the Court of the District Judge to the High Court.]

Explanation.- The Court of the Civil Judge or the Court of the District Judge shall include an Additional Judge to that Court.

(2) Notwithstanding the fact that a suit or proceeding was instituted or commenced period to 26th January 1979, and appeal against any decree or order passed in such suit or proceeding shall lie as provided in sub-section (1)

(3) Nothing in this section shall apply to any appeal instituted before 26th January, 1979.

CHAPTER 4 ADMINISTRATIVE CONTROL

14. Superintendence And Control Over Civil Courts And The Judges In The District :-

Subject to the general superintendence and control of the High Court, the District Judge shall superintend and control all other civil Courts established including all Additional Judges appointed to such Courts under this Act in the local area within his jurisdiction, and in the discharge of such functions it shall be his duty to--

(a) inspect or cause to be inspected the proceedings of the Courts, judges and offices under his control;

(b) give administrative directions with respect to any matters as he

may think fit; and

(c) call for such reports and returns from the subordinate Courts and Judges in the district as may be prescribed by the High Court or as he may require for administrative purposes.

15. Power To Distribute Business :-

(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908), or the law relating to Courts of Small Causes, for the time being in force, or in any other provisions contained in this Act, the District Judge may, by order in writing, direct that any civil business cognizable by his Court or by other civil Courts established under section 5, in his civil district, shall be distributed amongst himself and Additional Judges, if any, of his Court, as also amongst other Courts under his control and amongst Additional Judges of such other interse in such manner, as he deems fit:

Provided that, except in so far as it may effect the exclusive jurisdiction of a Court of Small Causes, or of a Court invested with jurisdiction of a Court of Small Causes, a direction given under this section shall not empower any Court to exercise powers or deal with business beyond the limits of its pecuniary and notified territorial jurisdiction.

(2) Any judicial act in any suit, appeal or proceeding, instituted in a Court of competent jurisdiction, shall not be invalid only by reason of the fact that such institution was not in accordance with the order of distribution of business referred to in sub-section (1).

(3) Whenever it appears to any Court, as is referred to in sub-section (2) that institution of suit, appeal or proceeding, pending before it, was not in conformity with the order of distribution of business made under sub-section (1), it shall submit the record of such suit, appeal or proceeding, as the case may be, to the District Judge for appropriate orders, and the District Judge in relation thereto may pass orders either transferring the concerned record to proper court as per order of distribution of business or otherwise to any other Court of competent jurisdiction.

(4) In distribution of civil business under sub-section (1) the District Judge shall be guided by such principles as the High Court may, by rules, prescribe.

16. Judges Not To Try Cases In Which They Are Personally Interested :-

(1) No Judge of a Court under this Act shall hear or determine any suit, appeal or other proceeding to which he is a party or in which he is directly or indirectly interested.

(2) If any such suit, appeal or other proceeding comes before any civil Court in the district or before an Additional Judge to such Court, the Judge shall refer the case along with the record thereof and his report regarding the attending circumstances to the District Judge, who may either dispose of such case himself or subject to the limits of pecuniary jurisdiction, make it over or transfer it to another Court or Additional Judge to any of the Courts in the district, as the case may be, for disposal.

(3) If any such suit, appeal or other proceeding comes before the District Judge himself, he may either make over such case to any Additional Judge of his Court, or transmit the record along with his comments on the attending circumstances to the High Court for appropriate orders.

17. [Omitted] :-

[Omitted.....]

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

In the event of death of a District Judge or his absence from civil district on leave or in the event of his being prevented from performing his duties by illness or other cause, senior most Judge, according to cadre seniority as per hierarchy or the cadres, shall assume charge of the District Court, without interruption to his ordinary duties; and while so in charge, shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, petitions, execution of processes, return of writs and the like; and shall further have power and jurisdiction to dispose of emergent interlocutory matters of such nature, as the High Court may by rules prescribe and the Judge so in charge shall continue in such charge until the office of the District Judge has been resumed or assumed by an officer duly appointed thereto.

19. Delegation Of Power Of District Judge :-

Any District Judge leaving the headquarters and proceeding on duty to any place within his District, may delegate to the senior most Additional Judge of his Court at the headquarter or where

there is no Additional Judge, to a Civil Judge at the headquarters, the Powers of performing such duties as may be emergent and of disposing of any emergent matters as may be specified under section 18 and such Judge shall be deemed to be a Judge in charge of the court of the District Judge.

20. Continuance Of Powers Of Officers :-

Where any person holding an office in the service of the State Government who has been invested with any powers under this Act throughout any local area is transferred or posted to an equal or higher office of the same nature within a like local area, he shall unless the High Court otherwise directed, exercise the same powers in the local area to which he is so transferred or posted.

CHAPTER 5 MISCELLANEOUS PROVISION

21. Vacations :-

(1) Subject to the approval of the State Government the High Court shall prepare a list of days to be observed in each year as holidays in the Civil Court subordinate thereto.

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

(3) A judicial act done by a day specified in a list under sub-section (2) shall not be invalid by reason only of its having been done on that day.

(4) The District Judge may make such arrangements, as he may deem fit, for disposal of urgent civil matters during such vacation.

22. Seal :-

Every Civil Court shall use a seal of such form and dimensions as the State Government may prescribe on all processes and order issued, and on all decrees passed by it.

23. Power To Make Rules :-

(1) The High Court may, from time to time make rules for carrying out all of any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the forgoing power, such rules may provide for all or of the following matters:-

(a) supervision and inspection of all courts subordinate to it;

(b) fees to be charged for processes issued by civil Courts, 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;

(c) the manner in which proceedings of Civil Courts shall be kept and recorded, the manner in which paper books for the hearing of appeals may be prepared and the grant of copies;

(d) matters relating to officers of courts;

(e) persons who shall be permitted to act as petition writers in the courts subordinate thereto, grant of licences to such persons, conduct of business by them and the scale of fees to be charged by them, the authority by which breaches of rules shall be investigated and the penalties which may be imposed on them;

(f) prescribing the principles for guidance of a District Judge for distribution of civil business amongst courts in his civil district;

(g) emergent matters which a Judge in charge of District Court under section 18 shall have a power and jurisdiction to dispose of.

24. Repeals And Saving :-

The Central Provinces and Berar Courts Act, 1917 (Act No. 1 of 1917), the Madhya Bharat Civil Courts Act, Samvat, 2009 (Act No. 41 of 1949), the Bhopal and Vindhya Pradesh (Courts) Act 1950 (Act No. XLI of 1950) and the Rajasthan Civil Courts Ordinance, 1950 (Act No. VII of 1950), in so far as it is applicable to Sironj region are hereby repealed:

Provided that the repeal of the enactments aforesaid shall not affect--

(a) the previous operation thereof; or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

(c) any investigation, legal proceeding or remedy in respect of any such punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that all appointments, rules and orders made, jurisdiction and powers conferred under any one of the repealed enactments or purporting expressly or impliedly to have been so made or conferred, shall be deemed to have been respectively made and conferred under the corresponding provisions of this Act.

25. Transitional Provisions :-

As from the date of the commencement of this Act,--

(1) all existing Courts of District Judges and Additional District Judges shall respectively be deemed to be the Courts of District Judges and Additional District Judges established under this Act;

(2) all existing Courts of Munsiffs in the Vindhya Pradesh, Bhopal and Sironj region and of Civil Judges of the Second class in the Madhya Bharat region shall be deemed to be the Courts of Civil Judges (Class II) established under this Act;

(3) all existing Court of Civil Judges of the First class in the Madhya Bharat and Sironj and of Subordinate Judges in the Bhopal region shall be deemed to be the Courts of Civil Judges (Class I) established under this Act;

(4) the existing Courts of Civil Judges in the Mahakoshal region shall be deemed to be the Courts of Civil Judge (Class II) established under this Act except such of these Courts as may be specified by the State Government by a notification to be the Courts of Civil Judge (Class I).

Explanation.--In this section "existing Court" means a Court established under any of the enactments repealed by Section 24 and functioning immediately before the commencement of this Act.

26. Construction Of Reference :-

In every enactment passed before the commencement of the Act--

(i) any reference to a "Subordinate Judge" shall be deemed to be a reference to the Court of the Civil Judge (Class I) and any reference to a Munsiff shall be deemed to be a reference to the Court of the Civil Judge (Class II) established or deemed to be established under this Act; and

(ii) any reference to a Civil Judge where no class is specified shall in relation to the Mahakoshal region be deemed to be a reference to the Court of Civil Judge (Class II) established or deemed to be established under this Act.

27. Pending Suits And Proceeding :-

Every suit or other proceedings pending before any of the existing Courts immediately before the commencement of this Act shall on such commencement stand transferred to the Court having jurisdiction under the provisions of this Act and if there are more than one Court having such jurisdiction, to the Court which the District Judge may specify in that behalf in accordance with the

provisions of this Act, and the Court to which proceeding so stand transferred shall proceed to try, hear and determine the matter as if it had been pending in that Court.

27A. Removal Of Difficulty :- -

If any difficulty arises in giving effect to the provisions of the Madhya Pradesh Civil Courts(Amendment) Act, 1982. the High Court may, from time to time, issue such orders and directions not inconsistent with the provisions of the aforesaid Amendment Act, or transfer such cases from one court to the other as it may deem fit.

28. Amendment Of Laws Relating To Courts Of Small Causes :-

The Acts and Ordinance specified in column (i) of the Schedule shall be amended to the manner and to the extent specified in column (2) thereof.