

**BHAVNAGAR MERCANTILE DISPUTES SETTLEMENT RULES
(REPEALING AND CONSEQUENTIAL PROVISIONS) ACT,
1961**

10 of 1961

[14th April, 1961]

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**BHAVNAGAR MERCANTILE DISPUTES SETTLEMENT RULES
(REPEALING AND CONSEQUENTIAL PROVISIONS) ACT,
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An Act to repeal the Rules made under Tharav No, 299, dated the 7th January, 1904, of the-former State of Bhavnagar and to provide for the disposal of pending proceedings (Including appeals) Instituted under the said Rules and for purposes connected with the matters aforesaid, It is hereby enacted in the Twelfth Year of the Republic of India as follows:

1. Short title and commencement :-

(1) This Act may be called the Bhavnagar Mercantile Disputes Settlement Rules (Repealing and Consequential Provisions) Act,

1961.

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

2. Repeal of Bhavnagar Mercantile Disputes Settlement Rules and provision for pending Cases :-

(1) Tharav No. 299. dated the 7th January 1904 made by the Ruler of the former State of Bhavnagar. as amended by Tharav No. 740. dated the 24th May 1904, and further amended by Orders No. C/2P

(2) 1216, dated the 24th May. 1904. and No. CB/III/6066, dated the 21st June 1950. of the former Government of Saurashtra, is hereby repealed, and the Rules relating to the adjudication of disputes therein contained (hereinafter In this Act called "the Rules") shall cease to have effect.

(2) All proceedings specified in Part I of the Schedule, instituted or purported to be Instituted under the Rules, and pending before the Port Officer, Bhavnagar, on the date of the commencement of this Act, shall stand transferred to the court of the Civil Judge (Senior Division), Bhavnagar. and the said court shall dispose of such proceedings in accordance with the provisions of the Code of Civil Procedure, 1908 (V of 1908), and all other laws relating to such disputes, as if they had been originally Instituted in that court.

(3) All appeals specified in Part II of the Schedule, instituted under the Rules and pending before the Collector of the Bhavnagar district on the date of the commencement of this Act, shall stand transferred to the District Court, Bhavnagar, and the said court shall dispose of such appeals in accordance with the provisions of the Code of Civil Procedure, 1908 (V of 1908), and all other laws relating to such disputes as if the appeals had been preferred to it from original decrees.

3. Jurisdiction exercised by Civil Court saved :-

Nothing in this Act shall effect,

(a) the validity or invalidity of the institution, continuance or disposal of these proceedings, or the appeals aforesaid, before or by any of the authorities under the Rules;

(b) the institution, continuance or disposal of any proceedings in respect of any dispute of the nature described in the Rules, which, after the commencement of the State of Saurashtra (Application of

Central and Bombay Acts) Ordinance, 1948, (Sau, Ord. No.XXV of 1948) are instituted in any Civil Court and.no such proceedings shall be called in question on the ground only that they should have been adjudicated under the Rules.

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