

BOMBAY CIVIL COURTS ACT, 1869

14 of 1869

[19th March, 1869]

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SCHEDULE 1 :- THE SCHEDULE

BOMBAY CIVIL COURTS ACT, 1869

14 of 1869

[19th March, 1869]

An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Prensidency of Bombay. Preamble.-
WHEREAS It is expedient to consolidate and amend the law relating to the district and other Subordinate Civil Courts in the Presidency of Bombay. It is hereby enacted as follows:-

PART 1
PRELIMINARY

1. Short title and extent :-

(1) This Act may be called The Bombay Civil Courts Act, 1869.

(2) It extends to the whole of the ¹ [State of Maharashtra].

1. Substituted for the words 'Royal Arms' by Bom Act 22 of 1949, S. 3.

2. Repeal of enactments :-

Repealed by the Repealing Act, 1870 (14 of 1870).]

PART 2
DISTRICTS AND SADR STATIONS

3. Alteration and creation of Districts :-

The State Government may, from time to time by a notification in the Official Gazette, alter the limits of existing zilas (which shall hereafter be called districts) and create new districts for the purposes of this Act.

4. Position of sadr station :-

The State Government may also from time to time, by a notification in the Official Gazette, alter the position of the sadr station in any district, and fix the position of the sadr station in any new district.

PART 3
DISTRICT COURTS

5. District Judges :-

There shall be in each district a District Court presided over by a Judge to be called the District Judge.

6. Situation of District Court :-

The District Judge shall ordinarily hold the District Court at the sad station in his district, but may, with the previous sanction of the High Court, hold it elsewhere within the district.

7. Original jurisdiction of District Court :-

The District Court shall be the principal Court of original civil jurisdiction in the district, within the meaning of Code of Civil Procedure, 1908 .

8. Appellate jurisdiction of District Court :-

Except as provided in section 16 , Section 17 and Section 26 , the District Court shall be the Court of Appeal from all decrees and

orders passed by the subordinate courts from which an appeal lies under any law for the time being in force.

9. Control and inspection of Courts :-

The District Judge shall have general control over all the Civil Courts and their establishments within the district, and it shall be his duty to inspect, or to cause one of his assistants to inspect, the proceedings of all the courts subordinate to him, and to give such directions with respect to matters not provided for by law as he may think necessary. The District Judge shall also refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

10. Writs and orders :-

The District Judge shall obey all writs, orders or processes issued to him by the High Court, and shall make such returns or reports thereto under his signature and the seal of the Courts as the exigencies of the case require. Reports and returns.- He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the State Government.

11. Seal of District Judge :-

The District Judge shall use a circular seal, two inches in diameter, which shall bear thereon ¹ [the Asoka Capital Motif,] with the following inscription in English and the principal language of the district:- "District Court of....."

1. Substituted for the words 'Royal Arms' by Bom Act 22 of 1949, S. 3.

PART 4

[JOINT DISTRICT JUDGES]

12. Power to appoint a [Joint District Judges] :-

The State Government may appoint in any district a ¹[Joint District Judge] who shall be invested with co-extensive powers and a concurrent jurisdiction with the District Judges, except that he shall not keep a file of civil suits and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to the ¹ [Joint District Judge] by order of the High Court.

1. See foot note

12A. District Judge to appoint age or [Additional District Judge] in one district to be Joint District Judge in another

district :-

12.- The State Government may appoint the District Judge or the ¹[Additional District Judge] in any district to be also a [Joint District Judge] in another district. Such [Joint District Judge] may hold his Court and transact civil business at such place or places in either district as he may deem fit,]

1. under S. 12A supra.
2. See foot note

13. Enactments applied to Joint District Judge;Joint District Judges Seal :-

11.- All Regulations and Acts now or hereafter in force and applying to a District Judge shall be deemed to apply also to the ¹[Joint District Judge] and the seal of the ¹ [Joint District Judge] shall be the; same as is used by the District Judge.

1. See foot note

PART 5

ADDITIONAL DISTRICT JUDGES

14. Power to appoint Additional District Judge :-

1.- The State Government may appoint one or more ¹ [Additional District Judges] to the District Judge.

1. Substituted for the words "original suits of which the subject-matter does not amount to forty thousand rupees in amount or value" by the Bom Civil Courts (Amendment) Act. 1982 (Maha.Act 10 of 1983). S.2(a) (1-1-1984).

15. Situation of Additional District Judges Court :-

1An ¹ [Additional District Judge] shall ordinarily hold his Court at the same place as the District Judge, but he may hold his court elsewhere within the district, whenever the District Judge shall, with the previous sanction of the High Court, direct him so to do.

1. Substituted for the words "original suits of which the subject-matter does not amount to forty thousand rupees in amount or value" by the Bom Civil Courts (Amendment) Act. 1982 (Maha.Act 10 of 1983). S.2(a) (1-1-1984).

16. Original Jurisdiction of Additional District Judges :-

1The District Judge may refer to any ¹[Additional District Judge] subordinate to him ¹[any original suits and proceedings of a civil nature], ⁴[applications or references under Special Acts,] and miscellaneous applications. ⁵[* * *]. The ¹Additional District Judge]

shall have jurisdiction to try such suits and to dispose of such applications or references. Where the ¹[Additional District Judge's] decrees and orders in such cases are appealable, the appeal shall lie to the District Judge or to the High Court according as the amount or value of the subject-matter does not exceed or exceeds ⁸ [fifty thousand rupees].

1. Substituted for the words "original suits of which the subject-matter does not amount to forty thousand rupees in amount or value" by the Bom Civil Courts (Amendment) Act. 1982 (Maha.Act 10 of 1983). S.2(a) (1-1-1984).

4. Inserted by Bom Act 1 of 1900, S. 2.

5. Words "not being of the nature of appeals." omitted by Bombay Act 94 of 1958, S. 4(1-4-1959).

8. See foot note [b] under S. 12A supra.

17. Appellate jurisdiction of Additional District Judge :-

¹²An ²[Additional District Judge] shall have jurisdiction to try such appeals from the decrees and orders of the Subordinate Courts as would lie to the District Judge and as may be referred by him to the ²[Additional District Judge]. Decrees and orders passed under this section by an ² [Additional District Judge] shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge].

1. Substituted by the Bombay Civil Courts (Extension) and (Amendment) Act, 1958 (Bom. Act 94 of 1958), S. 5 (1-4-1959).

2. See foot note [b] under S. 12A supra.

18. Co-terminance of (Additional District Judges) appellate jurisdiction :-

Omitted by Bombay Act 94 of 1958, S. 6 (1-4-1959).]

19. Power to invest Additional District Judge with powers of District Judge :-

¹The State Government may, by notification in the Official Gazette, invest an ¹[Additional District Judge] with all or any of the powers of a District Judge within a particular part of a district, and may, by like notification, from time to time, determine and alter the limits of such part. The jurisdiction of an ¹[Additional District Judge] so invested shall pro tanto exclude the jurisdiction of the District Judge from within the said limits. Every ¹ [Additional District Judge] so invested shall ordinarily hold his Court at such place within the local limits of his jurisdiction as may be determined by the State Government, and may, with the previous sanction of the High

Court, hold it at any other place within such limits.

1. Substituted for the words "Assistant Judge" by the Bombay Civil Courts (Amendment) Act (27 of 1984). S. 2(a) (27-9-84).

20. Additional District Judge) to use seal of District Judge :-

¹Every ¹ [Additional District Judge] shall use the seal of the District Judge to whom he is assistant.

1. See Foot Note [a] under S. 19 supra.

PART 6

CIVIL JUDGES

21. Number of subordinate Civil Courts :-

There shall be in each district so many Civil Courts subordinate to the District Court as the State Government shall from time to time direct: ¹[Provided that for special reasons it shall be lawful for the ¹ [State Government] at any time to close temporarily any such subordinate Court.]

1. Substituted for the original section by Bombay Act 94 of 1958, S. 7 (1-4-1959).

22. Appointment of Civil Judges :-

The Judges of such subordinate Courts shall be appointed by the State Government and shall be called ¹[Civil Judges]. ² [* * * *],

1. Substituted for the original section by Bombay Act 94 of 1958, S. 7 (1-4-1959).

2. Substituted for the words "one thousand and five hundred rupees" by the Maharashtra Civil Courts (Enhancement of Pecuniary Jurisdiction and Amendment) Act (46 of 1977), S. 15(a)(1-1-1978).

22A. Power to fix local limits, of jurisdiction of Civil Judges :-

¹The State Government may, by notification in the Official Gazette, fix, and, by a like notification, from time to time, alter the local limits of the ordinary jurisdiction of the ² [Civil Judges].]

1. Substituted for the original section by Bombay Act 94 of 1958, S. 7 (1-4-1959).

2. Substituted for the words "one thousand and five hundred rupees" by the Maharashtra Civil Courts (Enhancement of Pecuniary Jurisdiction and Amendment) Act (46 of 1977), S. 15(a)(1-1-1978).

23. Situation of Subordinate Courts :-

The ¹[Civil Judges] shall hold their Courts at such place or places as the State Government may from time to time appoint within the local limits of their respective jurisdictions: ²[Provided that for special reasons it shall be lawful for the State Government to order that a ¹[Civil Judge] shall hold his Court at a place outside the local limits of his jurisdiction.] Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the ¹[Civil Judge] shall hold his Court at each of such places, and the ¹[Civil Judge] shall cause such days to be duly notified throughout the local limits of his jurisdiction. The same person may be the Judge of more than one subordinate Court and may dispose of the Civil business of any one of his Courts at the headquarters of any other of his Court;] and in such cases the District Judge shall, subject to the control of the High Court, prescribe rules for regulating the time during which the ¹[Civil Judge] shall sit in each Court. Appointment of Joint ¹[Civil Judges]. [For the purpose of assisting the Judge of any subordinate Court in the disposal of the civil business on his file, the High Court may appoint to such Court from the members of the Subordinate Civil Judicial Service of the State one or more Joint ¹[Civil Judges] or the District Judge may, with the previous sanction of the High Court, depute to such Court the Judges of another subordinate Court within the district. A ¹[Civil Judge] thus appointed or deputed to assist in the Court of another ¹[Civil Judge] shall dispose of such civil business within the limits of his pecuniary jurisdiction as may, subject to the control of the District Judge, be referred to him by the Judge of such Court. He may also dispose of the civil business of his Court at the place of his deputation subject to the general or special orders of the High Court in this behalf. Provisions applicable to Joint Civil Judges. For the purposes of this section the provisions of the Act applicable to ¹[Civil Judges] shall be, and shall be deemed always to have been applicable to Joint ¹[Civil Judges]; Provided that no such Joint ¹ [Civil Judge] shall hear and determine any suit instituted under section 4 of the Dekkhan Agriculturists' Relief Act, 1879, unless the value of the said suit falls within the limits of the pecuniary jurisdiction conferred on him by that Act.]

1. Substituted for the original section by Bombay Act 94 of 1958, S. 7 (1-4-1959).

2. Substituted for the words "one thousand and five hundred rupees" by the Maharashtra Civil Courts (Enhancement of Pecuniary

Jurisdiction and Amendment) Act (46 of 1977), S. 15(a)(1-1-1978).

24. Classes of Civil Judges :-

The ¹[Civil Judges] shall be of two classes. Jurisdiction of ²[Civil Judge (Senior Division)]. The jurisdiction of a ³[Civil Judge (Senior Division)] extends to all original suits and proceedings of a civil nature. Jurisdiction of ¹[Civil Judge (Junior Division)]. The jurisdiction of a ³[Civil Judge (Junior Division)] extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed in amount or value [twenty-five thousand rupees]: [Provided that the State Government may increase the limit of [twenty-five thousand rupees to forty thousand rupees] in the case of any ³ [Civil Judge (Junior Division)] of not less than ten years standing and specially recommended in this behalf by the High Court. A Civil Judge so em

1. Substituted for the original section by Bombay Act 94 of 1958, S. 7 (1-4-1959).

2. Substituted for the words "one thousand and five hundred rupees" by the Maharashtra Civil Courts (Enhancement of Pecuniary Jurisdiction and Amendment) Act (46 of 1977), S. 15(a)(1-1-1978).

3. Substituted for the words "five hundred rupees" where they occur for the second time by the Maharashtra Civil Courts (Enhancement of Pecuniary Jurisdiction and Amendment) Act, S. 15(b) Court may by general or special order invest any Civil Judge, within such local limits and subject to such pecuniary limitation as may be prescribed in such order, with all or any of the powers of a District Judge or a District Court as the case may be under the Indian Succession Act, 1865, the Probate and Administration Act, 1881, or Paragraph 5 of Schedule III to the Code of Civil Procedure. 1908.

25. Special jurisdiction of Civil Judge (Senior Division)] :-

¹A Civil Judge (Senior. Division), in addition to his ordinary jurisdiction, shall exercise a special jurisdiction in respect of such suits and proceedings of a civil nature, as may arise within the local jurisdiction to the Courts in the district presided over by ²[Civil Judges (Senior Division)] ³[and wherein the subject matter exceeds the pecuniary jurisdiction of the ²[Civil Judge (Junior Division)] as defined by section 24 .] In districts to which more than one ² [Civil Judge (Senior Division)] have been appointed, the District Judge, subject to the orders of the High Court. shall assign to each the local limits within which his said special jurisdiction is to be

exercised.

1. Substituted for the original section by Bombay Act 94 of 1958, S. 7 (1-4-1959).
2. Substituted for the words "five hundred rupees" where they occur for the second time by the Maharashtra Civil Courts (Enhancement of Pecuniary Jurisdiction and Amendment) Act, S. 15(b) Court may by general or special order invest any Civil Judge, within such local limits and subject to such pecuniary limitation as may be prescribed in such order, with all or any of the powers of a District Judge or a District Court as the case may be under the Indian Succession Act, 1865, the Probate and Administration Act, 1881, or Paragraph 5 of Schedule III to the Code of Civil Procedure. 1908.
3. Substituted for the words "one thousand and five hundred rupees" by the Maharashtra Civil Courts (Enhancement of Pecuniary Jurisdiction and Amendment) Act (46 of 1977), S. 15(a) (1-1-1978).

26. Appeals from his decision :-

In all suits decided by a Civil Judge ¹[* * * *] of which the amount or value of the subject-matter exceeds ² [fifty thousand rupees], the appeal from his decision shall be direct to the High Court.

1. Substituted for the original section by Bombay Act 94 of 1958, S. 7 (1-4-1959).
2. Substituted for the words "one thousand and five hundred rupees" by the Maharashtra Civil Courts (Enhancement of Pecuniary Jurisdiction and Amendment) Act (46 of 1977), S. 15(a) (1-1-1978).

27. Appellate jurisdiction of Civil Judge (Senior Division) or Judge of Court of Small Causes :-

¹The State Government may invest any ¹[Civil Judge (Senior Division)] or any Judge of the Court of Small Causes established under the Provincial Small Cause Courts Act, 1887, in any place to which this section extends with power to hear appeals from such decrees and orders of Subordinate Courts as may be referred to him by the Judge of the district. Decrees and orders so passed in appeal by a Civil Judge¹(Senior Division) or a Judge of a Court of Small Causes shall have the same force as if passed by a District Judge. A ¹[Civil Judge¹(Senior Division)] or a Judge of a Court of Small Causes, on whom the power of hearing appeals has once been conferred under this section, shall continue to have this power so long and so often as he may fill the office of ¹[Civil Judge¹(Senior Division)] or Judge of a Court of Small Causes respectively, without reference to the district in which he may be employed:

Provided that the State Government may, by notification in the Official Gazette, at any time withdraw such power.

1. Substituted for the original section by Bombay Act 94 of 1958, S. 7 (1-4-1959).

28. Power to invest Civil Judges with small cause powers :-
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(1) The High Court may invest any Civil Judge with the jurisdiction of a Court of Small Causes for the trial of suits cognizable by such Courts up to such amount as it may deem proper, not exceeding in the case of a Civil Judge (Senior Division) ²[three thousand rupees] and in the case of a Civil Judge (Junior Division) ²[One thousand and five hundred rupees].

(2) A Civil Judge (Senior Division) or a Civil Judge (Junior Division) who is invested with the jurisdiction of a Court of Small Causes under sub-section (1), shall continue to have such jurisdiction within the local limits of his ordinary jurisdiction so long and so often as he may fill the office of Civil Judge (Senior Division) or Civil Judge (Junior Division), as the case may be, without reference to the District in which he may be employed.

(3) The High Court may, whenever it thinks fit, withdraw such jurisdiction from any Civil Judge so invested.]

(4) Every order made by a Civil Judge by virtue of the powers conferred upon him under sub-section (1) shall be subject to appeal to the High Court or the District Court according as the amount or value of the subject-matter exceeds or does not exceed ⁴ [fifty thousand rupees].

(5) Every order of the District Judge passed on appeal under sub-section (2) from the order of a Civil Judge shall be subject to an appeal to the High Court under the rules contained in the Code of Civil Procedure, 1908 applicable to appeals from appellate decrees.]

1. Substituted for the original section by Bombay Act 94 of 1958, S. 7 (1-4-1959).

2. Substituted for the words "one thousand and five hundred rupees" by the Maharashtra Civil Courts (Enhancement of Pecuniary Jurisdiction and Amendment) Act (46 of 1977), S. 15(a) (1-1-1978).

4. Substituted for the words "twenty-five thousand rupees" by the Bombay Civil Courts (Amendment) Act, 1982, (10 of 1983), S. 4 (1-1-1984). Gujarat Amendment.- In its application to the State of

Gujarat in S, 28A, in sub-section (2), for the words "ten thousand rupees" (Rupees fifty thousand from 1-1-84) the words "twenty thousand rupees" substituted - See Guj. Act (20 of 1979), S. 5 (1-1-1980).

29. Seal of Civil Judge :-

Each Civil Judge shall use a seal one inch and a half in diameter, bearing the Asoka Capital Motif, with the following inscription in English and the principal language of the district:- "Civil Judge of....."

30. First Subordinate Judges, Pending proceedings :-

Repealed by the Repealing Act, 1876 (XII of 1876).]

31. First Subordinate Judges, Pending proceedings :-

Repealed by the Repealing Act, 1876 (XII of 1876).]

32. Government suits :-

(1) No Subordinate Court other than the Court of a ¹[Civil Judge (Senior Division)] and no Court of Small Causes shall receive or register any suit in which ²[the Government] or any officer of the Government in his official capacity is a party.

(2) In every such case the plaintiff shall be referred to the Court of the ¹[Civil Judge (Senior Division)] and such suit shall be instituted only in the Court of the ²[Civil Judge (Senior Division)] and shall be heard by such [Civil Judge,] subject to the provisions of Section 24 of the Code of Civil Procedure, 1908 .

(3) Nothing in this section shall be deemed to apply to a suit against the administration of a Government railway; or to apply to any suit merely because an officer of ² [the Government] is a party thereto, in his capacity of-

(a) member of a local authority,

(b) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under:-

(i) Order 32 , R.4(4) of the Code of Civil Procedure, 1908;

(ii) Section 69 or Section 71 of the LUNACY ACT, 1912 ;

(iii) Section 7 , or Section 42 of the Guardians and Wards Act, 1890 ;

(iv) Section 1 or 17 of the Ahmedabad Talukdars' Act, 1862;

(v) Section 3 , 19(1) , 19(2) , 20 , 22(1) or S.41(1) of the Bombay Court of Wards Act, 1905.]

1. Substituted by Bombay Act 10 of 1945, S. 5 read with Bombay Act 48 of 1947, S. 3.

2. Substituted by A.L.O. 1950.

PART 7

TEMPORARY VACANCIES

35. Temporary Vacancy of Office of District Judge :-

¹ In the event of the death, or of his absence from his district on leave or of his becoming incapable of acting, the first in rank of the [Joint District Judge] in the district, or in the absence of any [Joint District Judge] the first in rank of the [Additional District Judge] in the district, or in the absence of any [Joint District Judge] and [Additional District Judge] the first in the rank of Civil Judges in the district, shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge, shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution processes, return of writs and the like and shall also dispose of any urgent suits, appeals and other proceedings (including any applications or references under any special Acts) which are or may be filed or pending before the District Judge. The Judge performing such duties and exercising such powers shall be designated [Joint District Judge] [Additional District Judge] or Civil Judge, as the case may be. in charge of the district, and shall continue in such charge until the office of the District Judge may be resumed or assumed by an officer duly appointed thereto.]

1. Substituted for the words "The District Judge may, under the general control of the Governor of Bombay in council appoint to any Civil Court under this Act within the local limits of his jurisdiction" by A.I.L.O. 1937.

36. Temporary vacancy of office of District Judge :-

(1) Where the office of the District Judge in a district falls or remains vacant from any cause or the District Judge is prevented from performing his duties due to illness or other cause,-

(i) if there is a Joint Judge in such district, the Joint Judge shall assume charge of the District Court without interruption to his own duties and shall, while so in charge, exercise all the powers of a

District Judge;

(ii) if there is no Joint Judge in the district or if there is a Joint Judge, but he is unable to assume charge of the District Court due to his absence from the district or any other reason, the first in rank of the Assistant Judges in the district shall assume charge of the District Court without interruption to his ordinary jurisdiction and if there is no Assistant Judge or the Assistant Judge is unable to assume charge for any reason as aforesaid, the first in rank of the Civil Judges in the district shall so assume such charge.

(2) The Assistant Judge or, as the case may be, the Civil Judge holding charge of the District Court under sub-section (1) shall, while so in charge, perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and like matters and exercise such powers of a District Judge as may be specified by a general or special order made by the High Court.

(3) The Joint Judge, Assistant Judge, or, as the case may be, the Civil Judge, while holding such charge shall be designated as Joint Judge, Assistant Judge or, as the case may be, Civil Judge, in charge of the district.

(4) The Joint Judge, the Assistant Judge, or, as the case may be, the Civil Judge in charge of the district shall continue in such charge until the office of the District Judge may be resumed or assumed by an officer duly appointed thereto and in cases other than those where such officer so resumes or assumes such charge, the Assistant Judge or, as the case may be, by the Civil Judge so in charge shall continue to be in such charge until the Joint Judge, or as the case may be, the Assistant Judge shall assume such charge.- See GUJ. Act 31 of 1973, S. 2 (27-12-1973),

37. Delegation of powers of District Judge :-

Any District Judge leaving the sadr station and proceeding on duty to any place within his district may [where no [Joint. District Judge] is available] delegate to an ¹[Additional District Judge], or in the absence of an ¹ [Additional District Judge] to Civil Judge at the sadr station, the power of performing such of the duties enumerated in section 35 as may be emergent; and such officer shall be designated Assistant or Civil Judge, as the case may be, in charge of the sadr station.

1. Substituted for the words "The District Judge may, under the general control of the Governor of Bombay in council appoint to any Civil Court under this Act within the local limits of his jurisdiction" by A.I.L.O. 1937.

38. Temporary vacancy of office of Civil Judge :-

In the event of the death, suspension or temporary absence of any Civil Judge, the District Judge may empower the Judge of any subordinate Court of the same district to perform the duties of the Judge of the vacated subordinate Court, either at the place of such Court or of his own Court; but in every such case the registers and records of the two Court's shall be kept distinct.

PART 8

MINISTERIAL OFFICERS

39. Appointment, etc., of ministerial officers :-

Repealed by A.O. 1937.]

40. Duties of ministerial officers :-

The duties of the ministerial officers of the Civil Courts shall be regulated by such rules as the High Court may from time to time prescribe.

41. Power to appoint clerks of the Courts :-

¹ [There may be appointed to any Civil Court under this Act] a clerk of the Court, who, in addition to such duties as may from time to time be prescribed by the High Court, may receive and register plaints, and shall refer such as he may consider should be refused for the orders of the Judge of the Court, and may sign all processes, and authenticate copies of papers.

1. Inserted by Bombay Act 1 of 1900 s. 2

41A. Power to transfer clerks of the Court or ministerial officer :-

Omitted by A.O. 1937.]

PART 9

MISCELLANEOUS

42. Rules for keeping proceedings :-

The proceedings of each Civil Court shall be kept and recorded according to such rules as the High Court may from time to time prescribe. The High Court shall also lay down rules under which copies of papers may be granted.

42A. Licensed petition-writers :-

(1) The High Court may, from time to time, make rules consistent with this Act and any other enactment for the time being in force-

(a) declaring what persons shall be permitted to act as petition-writers in the Courts subordinate to it;

(b) regulating the issue of licenses to such persons, the conduct of business by them. and the scale of fees to be charged by them; and

(c) providing a penalty of fine not exceeding fifty rupees for breach of any of the rules so made, and determining the authority by which such breaches of the rules shall be investigated and the penalties imposed.

(2) Every fine imposed under clause (c) of sub-section (1) shall be recoverable as if it were a fine imposed by a Magistrate in the exercise of his ordinary jurisdiction.]

43. fees for process :-

The High Court shall from time to time, with the sanction of the State Government, prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act, or by any officer of such Court. Tables of the fees so prescribed shall be published in the Official Gazette.

44. Sittings of Courts :-

The District and Subordinate Courts shall sit from day to day except on Sundays. ¹ [* * * * *] and such other days as may be sanctioned for each or every district by the High Court. Vacation

The High Court may also permit the Civil Courts under its control to adjourn for a period or periods not exceeding in the whole six weeks in each year.

1. Deleted by the Bombay Civil Courts(Amendment) Act, 1982 (Maha. Act 10 of 1983). S. 5 (1-1-1984). Gujarat Amendment.- In its application to the State of Gujarat, in S. 43 in the first paragraph, for the words "Sundays, New Year's Day, Good Friday and Christmas Day" the word "Sunday" be substituted. - Guj. Act 13 of 1982, S. 2 (1-4-1982).

SCHEDULE 1

THE SCHEDULE

Enactments repealed.- [Repealed by the Repeating Act, 1870 (14 of 1870).]
