

Small Causes Court Act, 1968

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Title
2. Commencement
3. Jurisdiction Of Srinagar Small Causes Court
4. Savings
5. Definition

CHAPTER 2 :- CONSTITUTION OF COURTS OF SMALL CAUSES

6. Judge
7. Additional Judge
8. Suspension Or Removal Of Judges
9. Procedure In Case Of More Than One Judge
10. Decision In Case Heard By A Bench
11. Registrar
12. Section 12
13. Duties Of Ministerial Officers

CHAPTER 3 :- JURISDICTION OF COURTS OF SMALL CAUSES

14. Cognizance Of Suits By Courts Of Small Causes
15. Exclusive Jurisdiction Of Courts Of Small Causes

CHAPTER 4 :- PRACTICE AND PROCEDURE

16. Application Of The Code Of Civil Procedure
17. Trial Of Suits By Registrar
18. Admission, Return And Rejection Of Plaints By Registrar
19. Passing Of Decrees By Registrar On Admission
20. Execution Of Decrees By Registrar
21. Adjournment Of Cases By Chief Ministerial Officer
22. Return Of Plaint In Suit Involving Questions Of Title
23. Appeals From Certain Order Of Court Of Small Causes
24. Revision Of Decrees And Orders Of Courts Of Small Causes
25. Finality Of Decrees And Orders

CHAPTER 5 :- SUPPLEMENTAL PROVISIONS

26. Subordination Of Court Of Small Causes
27. Seal
28. Abolition Of Courts Of Small Causes
29. Saving Of Power To Appoint Judge Of Court Of Small Causes To

Other Office

29A. Power Of High Court

30. Application Of Act And Courts Invested With Jurisdiction Of Courts Of Small Causes

31. Application Of Act And Code To Court So Invested

32. Modification Of Code As So Applied

33. Continuance Of Proceedings Of Abolished Courts

34. Publication Of Orders

SCHEDULE 1 :- SCHEDULE I

SCHEDULE 2 :- SCHEDULE II

Small Causes Court Act, 1968

CHAPTER 1 PRELIMINARY

1. Title :-

This Act relates to the Court of Small Causes established in the town of Srinagar and its suburbs, and shall apply to any other small Causes Court that may hereafter be established in any other town or towns within the territories of the State and shall be called the Small Causes Court Act for the Jammu and Kashmir State.

2. Commencement :-

It shall come into force on the 1st day of Baisakh, 1968.

3. Jurisdiction Of Srinagar Small Causes Court :-

The jurisdiction of the Small Causes Court established at Srinagar in the Province of Kashmir shall extend to the whole of the town of Srinagar, and its suburbs as specified in the schedule annexed herewith. The limits of the said jurisdiction may be extended from time to time by special order of 1[the Government].

1. Substituted by Act XIII of 2004 for "the High Court" (For earlier amendment see Notification 3-L/85 published in Government Gazette dated 8th Bhadon, 1985.

4. Savings :-

Nothing in this Act shall be construed to affect any proceeding, before or after decree, in any suit, instituted before the commencement of this Act, or any local law or any special law, other than the Code of Civil Procedure.

5. Definition :-

In this Act, unless there is something repugnant in the subject or context, "Court of Small Causes" means a Court of Small Causes constituted under this Act, and includes any person exercising jurisdiction under this Act in any such Court.

CHAPTER 2 CONSTITUTION OF COURTS OF SMALL CAUSES

6. Judge :-

1[The Government may on the recommendation of the High Court appoint a Judge for the Court of Small Causes who shall be styled Judge of the Small Causes Court.]

1. Section 6 substituted by Act XIII of 2004. (For earlier amendment see Act X of 1996, Act 1 of 2001 and Notification 3-L/85 published in Government Gazette dated 8th Bhadon, 1985.)

7. Additional Judge :-

1[(1) The Government may on the recommendation of the High Court appoint an Additional Judge of Small Causes Court].

(2) The Additional Judge, when appointed, shall discharge such of the functions of the Judge of that Court, as the Judge may assign to him, and in the discharge of those functions shall exercise the same powers as the Judge.

(3) The Judge may withdraw, from the Additional Judge, any business pending before him.

(4) When the Judge is absent, the Additional Judge may discharge all or any of the functions of the Judge.

1. Section 7(1) substituted by Act XIII of 2004 (For earlier amendment see Notification 3-L/85 published in Government Gazette dated 8th Bhadon, 1985, Act X of 1996 and Act I of 2001.

8. Suspension Or Removal Of Judges :-

1[A Judge or an Additional Judge of a Court of Small Causes may be suspended from office by the High Court subject to confirmation of the Government and removed from office by the Government on the report of the High Court.]

1 . Section 8 substituted by Act XIII of 2004 (For earlier amendment see Notification 3-L/85 published in Government Gazette dated 8th Bhadon, 1985, Act X of 1996 and Act I of 2001.

9. Procedure In Case Of More Than One Judge :-

In case there are more than one Judges appointed, 1[the Government] may, by order in writing, direct that two Judges or a Judge and Additional Judge of the Small Causes Court, shall sit together for the trial of such class or classes of suits or applications cognizable by a Court of Small Causes as may be described in the order.

1. Substituted by Act XIII of 2004. (For earlier amendment see Notification 3-L/85 published in Government Gazette dated 8th Bhadon, 1985.)

10. Decision In Case Heard By A Bench :-

If two Judges, or a Judge and an Additional Judge, sitting together under the last foregoing section, differ as to a question of law or usage having the force of law, or in construing a document the construction of which may affect the merits, they shall draw up and refer, for the decision of the High Court, a statement of the facts of the case and of the point on which they differ in opinion; and the provisions of Chapter XLVI of the Code of Civil Procedure shall apply to the reference.

(2) If they differ on any matter other than a matter specified in sub-section (1), the opinion of the Judge who is senior in respect of date of appointment as Judge of a Court of Small Causes, or, if one of them is an Additional Judge, then the opinion of the Judge sitting with him shall, prevail.

(3) For the purposes of sub-section (2) a Judge permanently appointed shall be deemed to be senior to an officiating Judge.

11. Registrar :-

(1) 1[The Government may on recommendation of the High Court] appoint to a Court of Small Causes an officer to be called the Registrar of the Court.

(2) Where a Registrar is appointed, he shall be the chief ministerial officer of the Court.

2[(3) The Registrar shall have, within the local limits of the jurisdiction of the Court, the jurisdiction of a Judge of a Court of Small Causes for the trial of suits of which the value does not exceed twenty rupees.]

(4) The Registrar shall try such suits cognizable by him as the Judge may by general or special order, direct.

3[(5) *****]

1. Substituted by Act XIII of 2004. (For earlier amendment see Notification 3-L/85 published in Government Gazette dated 8th Bhadon, 1985.)
2. Section 11(3) substituted by Notification 3-L/84 published in Government Gazette date 27th Baisakh, 1984.
3. Section 11(5) omitted by Act I of 2001.

12. Section 12 :-

13. Duties Of Ministerial Officers :-

The ministerial officer of a Court of Small Causes shall, in addition to any duties mentioned in this Act, or in any other enactment for the time being in force, as duties which may be imposed on any of them, discharge such duties of a ministerial nature as the Judge directs.

(2) The High Court may make rules consistent with this Act and with any other enactment for the time being in force, conferring and imposing on the ministerial officers of a Court of Small Causes such powers and duties as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed are to be exercised and performed.

CHAPTER 3 JURISDICTION OF COURTS OF SMALL CAUSES

14. Cognizance Of Suits By Courts Of Small Causes :-

(1) A Court of Small Causes shall not take cognizance of the suits specified in the 2nd Schedule as suits exempted from the cognizance of a Court of Small Causes.

(2) Subject to the exceptions specified in that schedule and to the provisions of any enactment for the time being in force, all suits of civil nature of which the value does not exceed five hundred rupees shall be cognizable by a Court of Small Causes.

(3) Subject as aforesaid, 1[the High Court] may by order in writing, direct that all suits of a civil nature of which the value does not exceed one thousand rupees shall be cognizable by a Court of Small Causes mentioned in the order.

1. Substituted by Notification 3-L/85 for "His Highness the Maharaja Sahib Bahadur".

15. Exclusive Jurisdiction Of Courts Of Small Causes :-

Save as expressly provided by this Act or by any other enactment for the time being in force, a suit cognizable by a Court of Small Causes shall not be tried by any other Court having jurisdiction within the local limits of the jurisdiction of the Court of Small Causes by which the suit is triable.

CHAPTER 4 PRACTICE AND PROCEDURE

16. Application Of The Code Of Civil Procedure :-

(1) 1[The procedure prescribed in the Code of Civil Procedure, 1977, shall, save in so far as is otherwise provided by that Code or by this Act] be the procedure followed in a Court of Small Causes in all suits cognizable by it, and in all proceedings arising out of such suits:

Provided that an applicant for an order to set aside a decree passed ex-parte or for a review of judgment shall, at the time of presenting his application, either deposit in the Court the amount due from him under the decree or in pursuance of the judgment, or give security to the satisfaction of the Court for the performance of the decree or compliance with the judgment, as the Court may direct.

(2) Where a person has become liable as surety under the proviso to sub-section (1), the security may be realised in manner provided by section 2[145] of the Code of Civil Procedure, 3[1977].

1. Substituted by Act IX of 1988 for certain words.
2. Substituted by Act IX of 1988 for "253".
3. Added by Act IX of 1988.

17. Trial Of Suits By Registrar :-

(1) Suits cognizable by the Registrar under section 11 sub-sections (3) and (4), shall be tried by him and decrees passed therein shall be executed by him, in like manner in all respects as the Judge might try the suits, and execute the decrees, respectively.

(2) The Judge may transfer to his own file, or to that of the Additional Judge if an Additional Judge has been appointed, any suit or other proceeding pending on the file of the Registrar.

18. Admission, Return And Rejection Of Plaints By Registrar :-

(1) When the Judge of the Court of Small Causes is absent, and an Additional Judge has not been appointed or, having been appointed

is also absent, the Registrar may admit a plaint, or return or reject a plaint for any reason for which the Judge might return or reject it.

Proviso.-Until a Registrar is appointed the Reader of the Court may admit a plaint, but shall not return or reject the same.

(2) The Judge may, of his own motion, or on the application of a party, return or reject a plaint which has been admitted by the Registrar or the Reader, or admit a plaint which has been returned or rejected by the Registrar:

Provided that where a party applies for the return or rejection or the admission of a plaint under this sub-section and his application is not made at the first sitting of the Judge after the day on which the Registrar or Reader admitted, or the Registrar returned or rejected the plaint, the Judge shall dismiss the application, unless the applicant satisfies him that there was sufficient cause for not making the application at that sitting.

19. Passing Of Decrees By Registrar On Admission :-

(1) If, before the date appointed for the hearing of a suit, the defendant or his agent duly authorised in that behalf appears before the Registrar and admits the plaintiffs claim, the Registrar may, if the Judge is absent, and an Additional Judge has not been appointed or, having been appointed, is also absent, pass against the defendant, upon the admission, a decree which shall have the same effect as a decree passed by the Judge.

(2) Where a decree has been passed by the Registrar under sub-section (1), the Judge may grant an application for review of judgment, and rehear the suit, on the same conditions, on the same grounds and in the manner, as if the decree had been passed by himself.

20. Execution Of Decrees By Registrar :-

(1) If the Judge is absent, and an Additional Judge has not been appointed or, having been appointed, is absent, the Registrar may, subject to any instructions which he may have received from the Judge or, with respect to decrees or orders made by an Additional Judge, from the Additional Judge, make any orders in respect of applications for the execution of decrees and orders made by the Court of which he is Registrar, or sent to that Court for execution, which the Judge might make under this Act.

(2) The Judge, in the case of any decree or order with respect to

the execution of which the Registrar has made an order under sub-section (1), or the Additional Judge, in the case of any such decree or order which has been made by himself, and with respect to which proceedings have not been taken by the Judge under this sub-section, may of his own motion, or on application made by a party within 15 days from the date of the order of the Registrar or of the execution of any process issued in pursuance of that order, reverse or modify the order.

(3) The period of fifteen days mentioned in sub-section (2) shall be computed in accordance with the provisions of the State Law of Limitation, as though the application of the party were an application for review of judgment.

21. Adjournment Of Cases By Chief Ministerial Officer :-

When the Judge of a Court of Small Causes is absent, and an Additional Judge has not been appointed or, having been appointed, is also absent, the Registrar or other chief ministerial officer of the Court may exercise from time to time the power which the Court possesses of adjourning the hearing of any suit or other proceeding, and fix a day for the further hearing thereof.

22. Return Of Complaint In Suit Involving Questions Of Title :-

(1) Notwithstanding anything in the foregoing portion of this Act, when the right of a plaintiff and the relief claimed by him in a Court of Small Causes depend upon the proof or disproof of a title to immovable property or other title which such a Court cannot finally determine, the Court may, at any stage of the proceedings, return the complaint to be presented to a Court having jurisdiction to determine the title.

(2) When a Court returns a complaint under sub-section (1) it shall comply with the provisions of the second paragraph of 1[section 57] of the Code of Civil, Procedure, and make such order with respect to costs as it deems just; and the Court shall, for the purposes of the State Law of Limitation, be deemed to have been made to entertain the suit by reason of a cause of a nature like to that of defect of jurisdiction.

1. Order VII Rule 10, Code of Civil Procedure, 1977.

23. Appeals From Certain Order Of Court Of Small Causes :-

Where an order specified in 1[clause (h) or clause (b) of sub-

section (1) of section 104 of the Code of Civil Procedure, 1977] is made by a Court of Small Causes, an appeal therefrom shall lie to the 2[District Court, on any ground on which an appeal from such order would lie under that section].

1. Substituted by Act IV of 1988, for "section 588 clause 29 of the Code of Civil Procedure".

2. Substituted *ibid* by Act IV of 1988 for "Chief Judge".

24. Revision Of Decrees And Orders Of Courts Of Small Causes :-

The High Court, for the purpose of satisfying itself that a decree or order made in any case decided by a Court of Small Causes was according to law, may call for the case and pass such order with respect thereto as it thinks fit.

25. Finality Of Decrees And Orders :-

Save as provided by this Act, a decree or order made under the foregoing provisions of this Act by a Court of Small Causes shall be final.

CHAPTER 5 SUPPLEMENTAL PROVISIONS

26. Subordination Of Court Of Small Causes :-

(1) A Court of Small Causes shall be subject to the administrative control of the District Court and to the superintendence of the High Court, and shall-

(a) keep such registers, books and accounts as the High Court from time to time prescribes; and

(b) comply with such requisitions as may be made by the District Court, the High Court, or the Government for records, returns and statements in such form and manner as the authority making the requisition directs.

(2) The relation of the District Court to a Court of Small Causes, with respect to administrative control, shall be the same as that of the District Court to the Court of Sub-Judge.

27. Seal :-

A Court of Small Causes shall use a seal of such form and dimensions as are prescribed by the 1[High Court].

1 . Substituted for "Darbar" by Notification 3-L/85 published in

Government Gazette dated 8th Bhadon, 1985.

28. Abolition Of Courts Of Small Causes :-

1[The Government] may, 2[on the recommendation of the High Court] by order in writing, abolish a Court of Small Causes.

1. Substituted by Act X of 1996 for "His Highness the Maharaja Bahadur".

2. Inserted by Notification 3-L/85 published in Government Gazette dated 8th Bhadon, 1985.

29. Saving Of Power To Appoint Judge Of Court Of Small Causes To Other Office :-

(1) Nothing in this Act shall be construed to prevent the 1[High Court] from appointing a person who is a Judge or Additional Judge of a Court of Small Causes to be also a Judge of any other Civil Court or to be a Magistrate of any class or to hold any other public office.

(2) When a Judge or Additional Judge is so appointed, the ministerial officers of the Court shall, subject to any rules which the 1[High Court] may make in this behalf, be deemed to be ministerial officers appointed to aid him in the discharge of the duties of the other office.

1. Substituted for "Darbar" by Notification 3-L/85 published in Government Gazette dated 8th Bhadon, 1985.

29A. Power Of High Court :-

1[2[The High Court] will be authorised to invest under this Act a District Judge, a Sub-Judge or a Munsiff with powers of a Judge of Small Causes Court to hear suits triable by a Small Causes Court of the value which 2[the High Court] may deem proper and which will not be more than five hundred rupees and to exercise such powers within such local limits as 2[the High Court] may fix; 2[the High Court] may also withdraw powers so conferred,

1. Section 29-A added by Ailan No. 15 dated 17th Sawan, 1970 published in Government Gazette dated 27th Sawan, 1970.

2. Substituted for "His Highness the Maharaja Sahib Bahadur", or "His Highness" by Notification 3-L/85 published in Government Gazette dated 8th Bhadon, 1985.

30. Application Of Act And Courts Invested With Jurisdiction

Of Courts Of Small Causes :-

- (1) So much of Chapters III and IV as relates to-
- (a) the nature of the suits cognizable by Courts of Small Causes,
 - (b) the exclusion of the jurisdiction of other Courts in those suits,
 - (c) the practice and procedure of Courts of Small Causes,
 - (d) appeal from certain orders of those Courts and revision of cases decided by him, and
 - (e) the finality of their decrees and orders subject to such appeal and revision as are provided by this Act.

applies to Courts invested by or under any enactment for the time being in force with the jurisdiction of a Court of Small Causes so far as regards the exercise of that jurisdiction by those Courts.

- (2) Nothing in sub-section (1) with respect to Courts invested with the jurisdiction of a Court of Small Causes applies to suits instituted or proceedings commenced in those Courts before the date on which they were invested with that jurisdiction.

31. Application Of Act And Code To Court So Invested :-

A Court invested with the jurisdiction of a Court of Small Causes with respect to the exercise of that jurisdiction and the same Court with respect to the exercise of its jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, shall, for the purposes of this Act and the Code of Civil Procedure, be deemed to be different Courts.

32. Modification Of Code As So Applied :-

Notwithstanding anything in the last foregoing sections,-

- (a) when, in exercise of the jurisdiction of a Court of Small Causes, a Court invested with that jurisdiction sends a decree for execution to itself as Court having jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, or
- (b) when a Court, in the exercise of its jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, sends a decree for execution to itself as a Court invested with the jurisdiction of a Court of Small Causes, the documents mentioned in Order XXI Rule 6 of the Code of Civil Procedure shall not be sent with the decree unless in any case the Court, by order in writing, requires them to be sent.

33. Continuance Of Proceedings Of Abolished Courts :-

(1) Where a Court of Small Causes, or a Court invested with the jurisdiction of a Court of Small Causes, has from any cause ceased to have jurisdiction with respect to any case, any proceeding in relation to the case, whether before or after decree, which, if the Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court which, if the suit out of which the proceeding has arisen were about to be instituted, would have jurisdiction to try the suit.

(2) Nothing in this section applies to cases for which special provision is made in the Code of Civil Procedure as extended to Courts of Small Causes or in any other enactment for the time being in force.

34. Publication Of Orders :-

All orders required by this Act to be made in writing 1[x x x] shall be published in the Jammu and Kashmir Government Gazette.

1. Words "by the Darbar" deleted by Notification 3-L/85 published in Government Gazette dated 8th Bhadon, 1985.

SCHEDULE 1

SCHEDULE I

List of Suburbs of the Town of Srinagar

MIRBEHRI VILLAGES VIZ:

1. Naupura
2. Karapura
3. Nandpura
4. Buchhwara
5. Gupkar
6. Zithiyar
7. Nishat
8. Shalamar
9. Hazratbal
10. Nasim Bagh
11. Telbel
12. Gupt Ganga
13. Bren
14. Thid
15. Vicharnag
16. BagatBarzala
17. Karalpura
18. Pand Chak
19. Pandrethan
20. Ram bagh.

SCHEDULE 2

SCHEDULE II

SUITS EXCEPTED FROM THE COGNIZANCE OF A COURT OF SMALL CAUSES

1. A suit concerning an act or order purporting to be done or made by the 1[Government], or by a Minister 2[X X X] or by a 3[Collector] in their official capacity or concerning an act purporting to be done by any person by order of the 1[Government], or a Minister, a 3[Collector] or a Head of the Department;
2. A suit concerning an act purporting to be done by any person in pursuance of a judgment or order of a Court or of a Judicial Officer acting in the execution of his office;
3. A suit concerning an act or order purporting to be done or made by any other officer of the State in his official capacity, or by a Court of Wards, or by an officer of a Court of Wards in the execution of his office;
4. A suit for the possession of immovable property or for the recovery of an interest in such property;
5. A suit for the partition of immovable property;
6. A suit by a mortgagee of immovable property for the foreclosure of the mortgage or for the sale of the property, or by a mortgagor of immovable property for the redemption of the mortgage;
7. A suit for the assessment, enhancement, abatement or apportionment of the rent of immovable property;
8. A suit for the recovery of rent, other than house rent unless the Judge of the Court of Small Causes has been expressly invested by the 4[High Court] with authority to exercise jurisdiction with respect thereto;
9. A suit concerning the liability of land to be assessed to land revenue;
10. A suit to restrain waste;
11. A suit for the determination or enforcement of any other right to or interest in immovable property;
12. A suit for the possession of an hereditary office or of an interest in such an office, including a suit to establish an exclusive or periodically recurring right to discharge the functions of an office;
13. A suit to enforce payment of the allowance or fee respectively called malikans and haq, or of cesses, or other dues when the cesses or dues are payable to a person by reason of his interest in immovable property, or in an hereditary office or in a shrine or other religious institution;
14. A suit to recover from a person to whom compensation has been paid under State Land Acquisition Act, the whole or any part of the compensation;
15. A suit for the specific performance or rescission of a contract;
16. A suit for the rectification or cancellation of an instrument;
17. A suit to obtain an injunction;
18. A suit relating to a trust, including a suit to make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust, and a suit by a co-trustee to enforce against the estate of a deceased trustee a claim for contribution;
19. A suit for a declaratory decree, not being a suit instituted under section 5[283] or section 6[332 of the Code of Civil Procedure;]
20. A suit instituted under section 5[283] or section 6[332 of the Code of Civil Procedure;]
21. A suit to set aside an attachment by a Court or a revenue authority, or a sale, mortgage, lease, or other transfer by a Court or revenue-authority or by a guardian;
22. A suit for property which the plaintiff has conveyed while insane;
23. A suit to alter or set aside a decision, decree or order of a Court, or of a person acting in a judicial capacity;

24. A suit to contest and award;
 25. A suit upon a foreign judgment as defined in the Code of Civil Procedure, or upon a judgment obtained in the Courts of the State;
 26. A suit to compel a refund of assets improperly distributed under 7[section 295 of the Code of Civil Procedure;]
 27. A suit under the Indian Succession Act, 1865, Section 320 or section 321, or under the 8[Probate and Administration Act, 1881], section 139, section 140, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets;
- Note: - To be adopted as far as applicable.
28. A suit for a legacy or for the whole or a share of a residue bequeathed by a testator, or for the Whole or a share of the property of an intestate;
 29. A suit-
 - (a) for a dissolution of partnership or for the winding-up of the business of a partnership after its dissolution;
 - (b) for an account of partnerships; or
 - (c) for a balance of partnership-account, unless the balance has been struck by the parties or their agents;
 30. A suit for an account of property and for its due administration under decree;
 31. Any other suit for an account, including a suit by a mortgagor, after a mortgage has been satisfied, to recover surplus collections received by the mortgagee, and a suit for the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant;
 32. A suit for general average loss or for salvage;
 33. A suit for compensation in respect of collision between boats;
 34. A suit on a policy of insurance or for the recovery of any premium paid under such policy;
 35. A suit for compensation,-
 - (a) for loss occasioned by the death of a person caused by actionable wrong;
 - (b) for wrongful arrest, restraint or confinement;
 - (c) for malicious prosecution;
 - (d) for libel;
 - (e) for slander;
 - (f) for adultery or seduction;
 - (g) for breach of contract of betrothal or promise of marriage;
 - (h) for inducing a person to break a contract made with the plaintiff;
 - (i) for obstruction of an easement or diversion of a water-course;
 - 9[(ii) for an act which is, or, save for the provisions of Chapter IV of the Ranbir Penal Code, would be, an offence punishable under Chapter XVII of the said Code;]
 - 10[(j) for illegal, improper or excessive distress, attachment for search, or for trespass committed in or damage caused by, the illegal or improper execution of any distress, search or illegal process;
 - (k) for improper arrest under 11[Chapter XXXIV, of the Code of Civil Procedure] or in respect of the issue of an injunction wrongfully obtained under 12[Chapter XXXV of that Code]; or
 - (l) for injury to the person in any case not specified in the foregoing sub-clauses of this clause;
 36. A suit by a Muhammadan for eligible (muajjal) or deferred (muwajjal) dower;
 37. A suit for the restitution of conjugal rights, for the recovery of a wife, for the custody of a minor or for a divorce;
 38. A suit relating to maintenance;
 39. A suit for arrears of land revenue, village expenses or other sums payable to

the representative of a village-community or to his heir or other successor in title;
40. A suit for profits payable by the representative of a village-community or by his heir or other successor in title after payment of land revenue, village expenses and other sums;

41. A suit for contribution by sharer in joint property in respect of a payment by him of money due from a co-sharer, or by a manager of joint property, or a member of an undivided family in respect of a payment made by him on account of the property of family;

42. A suit by one of several joint mortgagors of immovable property for contribution in respect of money paid by him for the redemption of the mortgaged property;

43. A suit against the State to recover money paid under protest in satisfaction of a claim made by a revenue-authority on account of an arrear of land revenue or of a demand recoverable as an arrear of land revenue;

13[43-A. A suit to recover property obtained by an act which is, or, save for the provisions of Chapter IV of the Ranbir Penal Code would be, an offence punishable under Chapter XVII of the said Code];

44. A suit the cognizance whereof by a Court of Small Causes is barred by any enactment for the time being in force.

1. Substituted by Act X of 1996 for "Darbar". See also Notification No.II-L/85 published in Government Gazette dated 9th Magher, 1984.

2. Words "of the Darbar" deleted by Act X of 1996.

3. Substituted by Act III of 2008 for "Governor".

4. Substituted by Act 1 of 2001 for "Government" (For earlier amendment see Act X of 1996).

5. Order 21 Rule 63 Civil Procedure Code, 1977.

6. Order 21 Rules 100, 101, 103 Civil Procedure Code, 1977.

7. Section 73 of Civil Procedure Code, 1977.

8. Probate and Administration Act XXIX of 1977.

9. Clause (ii) added by Act IV of 1977. Schedule 1 published in Government Gazette dated 16th Chet, 1977.

10. Clause (j) substituted by Act IV of 1977. Schedule 1 published in Government Gazette dated 16th Chet, 1977.

11. Order XXXVIII of the Code of Civil Procedure, 1977.

12. Order XXXIX of the Code of Civil Procedure, 1977.

13. Art. 43-A Instead by Act I of 1977 Sch. I.