

BANGALORE CITY CIVIL COURT ACT, 1979

13 of 1980

[24th September, 1979]

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STATEMENT OF OBJECTS AND REASONS KARNATAKA ACT No. 13 OF 1980 Karnataka Gazette, Extraordinary, dated 24-9-1979 City Civil Courts are functioning in the Metropolitan Cities of Bombay, Madras, Calcutta, Hyderabad and Ahmedabad. The High Court is of the opinion that a City Civil Court on the pattern of the City Civil Courts functioning in the other cities above-named may be constituted for the City of Bangalore also. When such a City Civil Court is constituted, the Sessions Judge will deal exclusively with criminal work and the supervision of the work of the Magistrates' Courts. As there will be an appeal only to the High Court against the decision of the City Civil Court, this would not only minimise the delay in disposal of cases but also reduce the cost of litigation. 2. Government, therefore, considered it necessary to provide for the constitution of City Civil Court for the City of Bangalore. In order to take immediate necessary action in this behalf, the Bangalore City Civil Court Ordinance was promulgated. The Bill seeks to replace the Ordinance. 3. In view of the mounting arrears in the subordinate Civil Courts it was considered necessary to increase the number of working days of all such Courts. Accordingly, provision is made in the Bill for reduction of vacations to 30 days in all Civil Courts. The Bill contains, among others, the same provisions in this behalf.

CHAPTER 1

Preliminary

1. Short title and commencement :-

(1) This Act may be called the Bangalore City Civil Court Act, 1979.

(2) This Section shall be deemed to have come into force on the Thirtyfirst day of August, 1979 ¹ [clause (2-A) of Section 17 shall come into force at once] and the other provisions shall come into force on such date as the State Government may, by notification, appoint.

1. Inserted by Act No. 23 of 1980

2. Definitions :-

In this Act, unless the context otherwise requires.

(1) "Appointed date" means, the date notified under sub-section (2) of Section 1;

(2) "City of Bangalore" means the area for the time being included in the Metropolitan area comprising the Bangalore City declared under Section 8 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);]

(3) "City Civil Court" means the Court established under sub-section (1) of Section 3;

(4) "Court of small causes" means a Court of Small Causes established under the Karnataka Small Causes Courts Act, 1964 (Karnataka Act 11 of 1964) for the City of Bangalore;

(5) "High Court" means the High Court of Karnataka;

(6) "Judge" means the Principal City Civil Judge and a City Civil judge of the City Civil Court; and

(7) "Law" includes any enactment, ordinance, regulation, order, bye-law, rules, scheme, notification or every instrument having the force of law.

1. Clause(2) substituted by Act No. 23 of 1980

CHAPTER 2

Establishment of a City Civil Court for the City of Bangalore

3. Establishment of a City Civil Court :-

(1) As from the appointed date there shall be a City Civil Court for the City of Bangalore.

(2) The City Civil Court shall consist of a Principal City Civil Judge and such number of other City Civil Judges as the State Government may, in consultation with the High Court, determine.

(3) Notwithstanding anything contained in any law, the City Civil Court.

(a) shall be deemed to be the Principal Civil Court of original jurisdiction in the City of Bangalore;

(b) shall have jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature and arising within the City of

(4) The District Courts, the Courts of the Civil Judges and the Munsiff's Courts established under the Karnataka Civil Courts Act, 1964 (Karnataka Act 21 of 1964).

(a) exercising jurisdiction only within the local limits of the City of

Bangalore immediately before the appointed date, shall on and from the said date cease to function and are hereby abolished;

(b) exercising jurisdiction within the local limits of the City of Bangalore as well as outside such limits immediately before the appointed date, shall, on and from the said date, cease to have jurisdiction within the local limits of the City of Bangalore.

(5) Nothing in sub-section (4), shall prejudice or affect the continued operation of any notice served, injunction issued, direction given, proceedings taken, decree or order passed before the appointed date by any of the Courts referred to in that sub-section under the powers then conferred upon those Courts.

4. Subordination to and Superintendence by the High Court :-

The City Civil Court shall be deemed ¹ [to be a Court] subordinate to and subject to the control and superintendence of the High Court.

1. Substituted for the words "to a Court" by Act No. 23 of 1980

5. Powers of Judges :-

(1) Subject to the other provisions of this Act, each of the Judges may exercise all or any of the powers conferred on the City Civil Court by this Act or any other law for the time being in force.

(2) The Principal City Civil Judge may, subject to the General or Special Orders of the High Court, from time to time, make such arrangement as he thinks fit for the distribution of the business of the City Civil Court among the Judges thereof.

6. Temporary Vacancy of the Office of Principal City Civil Judge of the City Civil Court :-

(1) In the event of the death of the Principal City Civil Judge or of his being incapacitated from performing his duties by sudden illness or otherwise or of his absence on leave or for any other reason, the next senior most Judge shall without relinquishing his ordinary duties assume the charge of the office of the Principal City Civil Judge and shall continue in charge thereof until the same is assumed by the Principal City Civil Judge duly appointed thereto.

(2) While incharge of the office of the Principal City Civil Judge under sub-section (1), the seniormost Judge shall, subject to the

general or special orders of the High Court, issued in this behalf, exercise all the powers and perform all the duties of the Principal City Civil Judge.

7. Registrars, etc :-

(1) The City Civil Court shall have a Registrar and as many Deputy Registrars and other staff as may be determined by the State Government in consultation with the High Court.

(2) The High Court may appoint an officer belonging to the Judicial Service of the State of Karnataka as the Registrar of the City Civil Court.

(3) The Registrar shall be the Chief Ministerial Officer of the City Civil Court.

(4) Subject to the ¹ [orders] made by the High Court in this behalf, the Registrar, the Deputy Registrars and other staff shall exercise such powers and discharge such duties as the Principal City Civil Judge may from time to time assign.

1. Substituted for the words "rules" by Act No. 23 of 1980

8. Questions arising in suits etc., under the Act to be dealt with according to law administered by a District Court :-

Save as otherwise provided in this Act and subject to such rules as the High Court may make for the City Civil Court under Article 227 of the Constitution or Section 122 of Code of Civil Procedure, 1908 (Central Act 5 of 1908) all questions which arise in suits or other proceedings under this Act in the City Civil Court shall be dealt with and determined according to the law for the time being administered by a District Court.

9. Appeals and Limitation :-

(1) Appeals from the decrees and orders passed by the City Civil Court in suits and other proceedings of civil nature shall, when such appeals are provided by law, lie to the High Court.

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

CHAPTER 3

Miscellaneous

10. Seal of the Court :-

The City Civil Court shall use a seal which shall bear thereon the emblem of the State of Karnataka and shall be in such form, of such dimension and with the name of the City Civil Court in such language, as the State Government may by order determine.

11. Holidays and vacation :-

(1) The City Civil Court shall be closed on such days as may be notified by the State Government as public holidays for the whole State or for the City of Bangalore.

(2) The City Civil Court shall have three vacations in each year, namely, Summer, Dasara and Winter and the total number of the said three vacations shall not exceed [sixty days] and the High Court shall fix the period of each vacation.

(3) Notwithstanding anything contained in this Act or in the Code of Civil Procedure 1908 (Central Act 5 of 1908) for the hearing of all matters, which require to be immediately for promptly dealt with during ¹ [any vacation], the High Court may by notification designate one or more Judges of the City Civil Court as vacation City Civil Judge or Judges, as the case may be and such Judge or Judges shall, during [such vacation or part thereof], exercise all powers conferred on the City Civil Court by this Act or any other law for the time being in force.

[(3-A) the High Court may also regulate by special or general order work to be discharged by the Vacation City Civil Judge or Judges.

(3-B) (a) The local limits of the jurisdiction of a Vacation City Civil Judge shall be the same as that of City Civil Court.

(b) the jurisdiction of a Vacation City Civil Judge shall extend to all suits and proceedings cognizable by the City Civil Court.

(3-C) The places at which the Court of Vacation City Civil Judge or Judges shall be held, shall be the same at which the City Civil Court may be held. The senior Vacation City Civil Judge shall have such administrative control over the staff of the City Civil Court as the Court may by general or special order, determine.]

(4) Notwithstanding the designation of the vacation City Civil Judge or Judges under sub-section (3), the City Civil Court shall, during the period of

1. Substituted for the words "of the powers" by Act No. 23 of 1980

12. Construction of references to District Court, the Court of the Civil Judge, Munsiffs Court, District Judge, Civil Judge and Munsiff in other laws :-

(1) Notwithstanding anything contained in any law but except where the context otherwise requires any reference in any law for the time being in force in the City of Bangalore, to District Court, Court of Civil Judge or Munsiff's Court or to District Judge, Civil Judge or Munsiff shall in the City of Bangalore be construed as a reference to the City Civil Court or a judge of the City Civil Court, as the case may be, and such law shall, have effect accordingly.

(2) Where immediately prior to the appointed date, under any law in force in the City of Bangalore, [the jurisdiction and powers] of a Tribunal or any other authority.

(a) are exercised by the District Court or the Court of the Civil Judge or the Munsiff's Court, referred to in sub-section (4) of Section 3, on and from the appointed date ¹[the jurisdiction and powers] of such Tribunal or other authority shall, in the City of Bangalore, be exercised by the City Civil Court.

(b) are exercised by the District Judge or a Civil Judge or a Munsiff, presiding over any of the Courts, referred to in sub-section (4) of Section 3, on and from the appointed date ² [the jurisdiction and powers] of such Tribunal or other authority shall in the City of Bangalore be exercised by the Principal City Civil Judge or any other Judge nominated by him.

1. Substituted for the words "of the powers" by Act No. 23 of 1980

2. Substituted for the words "the powers" by Act No. 23 of 1980

13. Judges not to try Suits in which they are interested :-

(1) No Judge of a City Civil Court shall try any suit or proceeding to which he is a party or in which he is personally interested or shall adjudicate upon any proceeding connected with or arising out of such suit or proceeding.

(2) Where any such suit or proceeding comes before.

(a) the Principal City Civil Judge, he shall place it before any other Judge for disposal according to law;

(b) any other Judge, he shall report the circumstances to the Principal City Civil Judge who shall thereupon place it before any

other Judge for disposal according to law.

14. Power to make Rules :-

(1) The High Court may by notification and subject to the condition of previous publication make rules for carrying out the purposes of this Act.

(2) A rule made under sub-section (1) may provide for imposition of a penalty not exceeding one hundred rupees for breach of any such rule and the authority which shall impose such penalty. The penalty so imposed shall be recovered as if it were a fine imposed by a Magistrate in exercise of his ordinary jurisdiction.

15. Amendment of Karnataka Act 22 of 1961 :-

In the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961).

(a) for clause (d) of Section 3, the following clause shall be substituted, namely. "(d) 'Court' means

(i) in respect of the area comprised within the limits of the City of Bangalore [as defined in the Bangalore City Civil Court Act, 1979], the Court of Small Causes;

(ii) in such other areas as the State Government may, in consultation with the High Court, by notification specify, the Court of the Civil Judge having territorial jurisdiction over such area; and

(iii) in respect of areas other than those referred to in sub-clauses (i) and (ii), the Court of Munsiff having territorial jurisdiction over such area",

(b) in sub-section (1) of Section 50, for the words "the Court of Civil Judge" the words "the Court of Small Causes or the Court of Civil Judge" shall be substituted.

16. Amendment of Karnataka Act 5 of 1962 :-

In the Karnataka High Court Act, 1961 (Karnataka Act 5 of 1962).

(1) in Section 9

(a) for clause (viii), the following clause shall be substituted, namely. "(viii) exercise of powers conferred by Section 389, Section 439 and Section 440 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);"

(b) in clause (ix), for the words and figures "under Section 526 and

Section 526-A of the Code of Criminal Procedure 1898;" the words, brackets and figures "under Section 407 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974);" shall be substituted.

(c) clause (x) shall be omitted.

(d) after clause (xii), the following clause shall be inserted, namely. "(xiii) all appeals against the decrees or orders passed by the City Civil Court or deemed to have been passed by the City Civil Court in Suits and Proceedings the value of which is less than rupees twenty thousand".

(2) in Section 10. (a) for sub-clause (b) of Clause (i), the following shall be substituted, namely. "(b) under Section 395 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974)"; (c) clause (iii) shall be omitted.

17. Amendment of Karnataka Act 11 of 1964 :-

In the Karnataka Small Cause Courts Act, 1964 (Karnataka Act 11 of 1964).

(1) in Section 2. (a) clause (a) shall be relettered as clause (aa) and before the relettered clause (aa), the following clause shall be inserted, namely. " (a) "City of Bangalore" shall have the meaning assigned to it in the Bangalore City Civil Court Act 1979". (b) in clause (d), the following shall be added at the end, namely. "and in the City of Bangalore the Chief Judge of the Court of Small Causes".

(2) after Section 4, the following proviso shall be inserted, namely. "Provided that, in the City of Bangalore, the High Court may appoint a District Judge who shall be called the Chief Judge of the Court of Small Causes". ¹[(2-A) in the proviso to sub-section (2) of Section 8, for the words "three thousand rupees", the words "ten thousand rupees" shall be substituted.]

(3) for Section 17, the following section shall be substituted, namely. "17. Appeals from certain orders of Court of Small Causes. An appeal shall lie from every order under Section 35-A and Section 95 of the Code as specified in and to the extent provided by Section 104 of the Code.

(a) to the High Court where the order is of the Court of Small Causes in the City of Bangalore;

² [in other cases]".

(4) in Section 20, after sub-section (2), the following sub-section shall be inserted, namely. "(3) Notwithstanding anything contained in sub-sections (1) and (2) the Court of Small Causes in the City of Bangalore shall be subordinate to and subject to the administrative control and superintendence of the High Court".

(5) in Section 21, for the words "sixty days" the words "thirty days" shall be substituted.

1. Clause (2-A) inserted by Act No. 23 of 1980

2. Substituted for the words "in our cases" by Act No. 23 of 1980

18. Amendment of Karnataka Act 21 of 1964 :-

In the Karnataka Civil Courts Act; 1964 (Karnataka Act 21 of 1964).

(1) in sub-section (2) of Section 1, for the words "whole of the State of Karnataka" the words "whole of the State of Karnataka except the City of Bangalore" shall be substituted.

(2) in Section 2 (i) after clause (a) the following clause shall be inserted, namely. "(aa) 'City of Bangalore' shall have the meaning assigned to it in the Bangalore City Civil Court Act, 1979"; (ii) in clause (c), for the Explanation the following Explanation shall be substituted, namely: "Explanation. For the purpose of this clause Bangalore Revenue District shall be exclusive of the City of Bangalore".

(3) in Section 13, after sub-section (3), the following sub-section shall be inserted namely.

"

(4) Where the local limits of the jurisdiction of any District Court, Court of Civil Judge or Munsiff's Court is varied by a notification issued

(4) in sub-section (2) of Section 28, for the words "sixty days" the words "thirty days" shall be substituted.

19. Special provisions for transfer of pending suits, etc :-

(1) All suits, petitions, applications and other proceedings, other than appeals and proceedings connected therewith, pending before the District Court, the Court of the Civil Judge and the Munsiff's Court referred to in sub-section (4) of Section 3, which under this Act have to be instituted, filed or commenced in the City Civil Court

shall, on the appointed date, stand transferred to the City Civil Court and shall be continued and disposed of by the City Civil Court as if such suits, petitions, applications or other proceedings had been instituted, filed or commenced in the City Civil Court.

(2) All appeals and proceedings connected therewith pending before the said District Courts or the Courts of the Civil Judge referred to in sub-section (4) of Section 3 shall on the appointed date stand ¹[transferred to the City Civil Court and shall be disposed of by the City Civil Court which is empowered to hear such appeals and proceedings as if they had been instituted, filed or commenced in such Court.]

(3) Appeals against decrees and orders passed before the appointed date by the District Court, the Court of the Civil Judge and the Munsiffs Court referred to in sub-section (4) of Section 3, when such appeals are provided by law, and which have not been filed before the appointed date, may on and from the appointed date be filed before the High Court and all such appeals shall be disposed of by the High Court as if they had been filed against the decrees and orders passed by the City Civil Court under this Act.

(4) Applications for review and for execution of a decree or order passed by the District Court, the Court of the Civil Judge or the Munsiff's Court referred to in sub-section (4) of Section (3), which have not been filed before the appointed date may on and from the appointed date be filed in the City Civil Court.

(5) An appeal or review under sub-section (3) or sub-section (4) shall be filed before the expiry of the period prescribed for filing an appeal or review as the case may be against the decrees and orders passed prior to the appointed date.

(6)²[(a) All applications under the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961) and proceedings connected therewith and all suits, applications and other proceedings, pending in the Courts of Civil Judges and Munsiffs exercising jurisdiction within the limits of the City of Bangalore, which by virtue of this Act or any amendment made by this Act

(b) In relation to the execution of decrees and orders passed before the appointed date the Court which passed the decree shall be deemed to be.

(a) where such decrees or orders have been passed in the exercise

of any jurisdiction under the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961) or the Karnataka Small Causes Courts Act, 1964 (Karnataka Act 11 of 1964), the Court of Small Causes Bangalore; and

(b) in other cases, the City Civil Court.

(c) Applications for review and for execution of a decree or order passed by the Court of Civil Judge referred to in sub-section (4) of Section 3 under the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961) which have not been filed before the appointed date may on and from the appointed date be filed in the Court of Small Causes;

(d) A review petition or an application for execution under clause (c) shall be filed before the expiry of the period prescribed for filing review or application for execution, as the case may be, against the decrees and orders passed prior to the appointed date.

3(7) All suits, petitions, applications, appeals and other proceedings which under this section stand transferred to the Principal City Civil Judge or to the City Civil Court or to the Court of Small Causes, shall, stand posted to and be called before the Principal City Civil Judge or in the City Civil Court or in the Court of Small Causes, as the case may be, on the respective dates to which the said suits, petitions, applications, appeals and other proceedings stood adjourned or posted by the Courts referred to in sub-section (4) of Section 3 or Tribunals or authorities referred to in sub-section (2) of Section 12 as if the orders of adjournment or posting in that behalf had been made by the Principal City Civil Judge, the City Civil Court or the Court of Small Causes, as the case may be, and the party or the parties thereto shall not be entitled to notice of such transfer.]

(8) ⁴[Save as otherwise provided in sub-section (6), all applications, appeals], petitions and other proceedings pending before the District Court, the Court of the Civil Judge, the Munsiffs Court, the District Judge, the Civil Judge or the Munsiff exercising powers of a Tribunal or any other authority referred to in sub-section (2) of Section 12, shall, on the appointed date stand transferred to and be continued and disposed of by the City Civil Court or the Principal City Civil Judge, ⁵[or any other Judge nominated by him] as the case may be.

(9) The High Court may be notified, for the purpose of removing any difficulty,

(a) in relation to the transfer of suits, petitions, applications and other proceedings pending before the District Court, the Court of the Civil Judge and the Munsiff's Court referred to in sub-section (4) of Section 3 to the City Civil Court on the appointed date;

(b) in relation to the transfer of applications and proceedings under the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961) pending in the Court of the Civil Judge to the Court of Small Causes on the appointed date;

(c) in relation to the posting and calling of transferred suits, petitions, applications and other proceedings before the City Civil Court; and

(d) in relation to the bringing into effect of the provisions of this Act into effective operation; make such provisos or orders not inconsistent with the purposes of this Act as may appear to it to be necessary or expedient.

6 [(9-A) If there be any doubt or difficulty in regard to the question as to which Judge or Court, any suit, appeal or proceeding shall stand transferred to under this section, the Judge or Court designated by the High Court shall be the Judge or Court to which the said suit, appeal or proceeding shall stand transferred under this section and the decision of the High Court shall be final]

(10) For removal of doubts it is hereby declared that the provisions of the Karnataka Civil Rules of Practice, 1967 and other rules regulating the practice and procedure of the Civil Courts, applicable to the Civil Courts in the State of Karnataka on the appointed date shall, until they are amended or altered, *mutatis mutandis* apply to the City Civil Court.

(11) The local limits of the jurisdiction of the Court of Small Causes established under Section 3 of the Karnataka Small Causes Courts Act, 1964 (Karnataka Act 11 of 1964) for the City of Bangalore as defined in the City of Bangalore Municipal Corporation Act, 1949 (Karnataka Act LXIX of 1949), shall, as from the appointed date be the limits of the City of Bangalore as defined in this Act.

1. Substituted for the words "transferred to the High Court and shall be disposed of by the High Court as if such appeals or proceedings had been preferred under this Act" by Act No. 23 of

1980

2. Clauses (a) and (b) substituted by Act No. 23 of 1980.

3. Sub-section (7) substituted by Act No. 23 of 1980.

4. Substituted for the words "All application, appeals" by Act No. 23 of 1980.

5. Inserted by Act No. 23 of 1980

6. Sub-section (9-A) instated by act No.23 of 1980.

20. Repeal of Karnataka Ordinance No. 8 of 1979 :-

(1) The Bangalore City Civil Court Ordinance, 1979 (Karnataka Ordinance No. 8 of 1979) is hereby repealed.

(2) Notwithstanding such repeal any action taken, or any appointment, notification, order, scheme, rules, form or bye-law made or issued under the said Ordinance shall be deemed to have been taken, made or issued under this Act and any reference therein to the said ordinance shall be deemed to be a reference to this Act and shall continue in force accordingly unless and until superseded by any action taken or any appointment notification, order, scheme, rule, form or bye-law made or issued under this Act.