

## **KARNATAKA CIVIL COURTS ACT, 1964**

**21 of 1964**

**[14th JUNE, 1962]**

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### **KARNATAKA CIVIL COURTS ACT, 1964**

**21 of 1964**

**[14th JUNE, 1962]**

An Act to provide for a uniform law relating to the constitution, powers and jurisdiction of the Civil Courts in the State of Karnataka subordinate to the High Court of Karnataka. Whereas, it is expedient to provide for a uniform law relating to the constitution, powers and jurisdiction of the Civil Courts in the State of Karnataka subordinate to the High Court of Karnataka; Be it enacted by the Karnataka State Legislature in the Fourteenth Year of the Republic of India as follows :

#### CHAPTER 1

##### Preliminary

#### **1. Short title, extent and commencement :-**

(1) This Act may be called the Karnataka Civil Courts Act, 1964.

(2) It extends to the <sup>1</sup>[whole of the State of Karnataka except the City of Bangalore.]

**2**

**3** [ It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different provisions of the Act.]

1. Substituted for the words "whole of the State of Karnataka" by Act No. 13 of 1980, w.e.f. 17-11-1980 by SO 2714, dated 10-11-

1980.

2. Sub-section (3) substituted by Act No. 8 of 1978 and shall be deemed to have come into force w.e.f. 15-12-1977.

3. Clause (aa) inserted by Act No. 13 of 1980.

## **2. Definitions :-**

In this Act, unless the context otherwise requires.

(a) "Appointed day" means the date notified under sub-section (3) of Section 1;

(aa)<sup>1</sup>

"City of Bangalore" shall have the meaning assigned to it in the Bangalore City Civil Court Act, 1979;

(b) "Civil Court" means a District Court,<sup>2</sup>[Court of a Civil Judge (Senior Division)] or a <sup>3</sup>[Court of a Civil Judge (Junior Division)]

;

(c) "District" means a revenue district or such local area as may be notified by the State Government to be a district for the purposes of this Act;

<sup>4</sup> [Explanation. For the purpose of this clause Bangalore Revenue District shall be exclusive of the City of Bangalore.]

(d) "High Court" means the High Court of the State of Karnataka;

(e) "Notification" means a notification published in the Official Gazette;

(f) "Prescribed" means prescribed by rules made under this Act.

1. Clause (aa) inserted by Act No. 13 of 1980.

2. Substituted for the words "Court of a Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.

3. Substituted for the words "Munsiffs Court" by Act No. 16 of 1996, w.e.f. 21-9-1996.

4. Explanation substituted by Act No. 13 of 1980.

## **CHAPTER 2**

Establishment and Constitution of Civil Courts

## **3. Class and designation of Civil Courts :-**

There shall be three classes of Civil Courts subordinate to the High Court, namely, (1) the District Court; (2) the <sup>1</sup>[Court of the Civil Judge (Senior Division)]; and (3) the <sup>2</sup> [Court of a Civil Judge (Junior Division)].

1. Substituted for the words "Munsiffs Courts" by Act No. 16 of 1996, w.e.f. 21-9-1996.
2. Substituted for the words "Munsiffs Court" by Act No. 16 of 1996, w.e.f. 21-9-1996.

#### **4. Establishment of a District Court for a District :-**

**<sup>1</sup>** x x x x x.

1. Substituted for the word "Munsiff by Act No. 16 of 1996, w.e.f. 21-9-1996.

#### **5. Appointment of Additional District Judges :-**

x x x x x]

#### **6. Establishment of 5[Courts of Civil Judges (Senior Division)]. :-**

(1) There shall be a **<sup>1</sup>**[Court of Civil Judge (Senior Division)] for each district:

Provided that the State Government may, in consultation with the High Court, establish such a Court for part of a district, or for more than one district, as the case may be.

(2) Each **<sup>2</sup>**[Court of a Civil Judge (Senior Division)] shall be presided over by a **<sup>3</sup>** [Civil Judge (Senior Division)].

1. Substituted for the word "Munsiffs" by Act No. 16 of 1996, w.e.f. 21-9-1996.
2. Substituted for the words "Court of a Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
3. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996.

#### **7. Establishment of Courts of Civil Judges (Junior Division) :-**

**<sup>1</sup>**(1) There shall be in each district such number of **<sup>2</sup>**[Courts of Civil Judges (Junior Divisions)] as may be fixed by the State Government, in consultation with the High Court.

(2) Each **<sup>3</sup>**[Court of a Civil Judge (Junior Division)] shall be presided over by a **<sup>4</sup>** [Civil Judge (Junior Division)].

1. Substituted for the words "Munsiffs Courts" by Act No. 16 of 1996, w.e.f. 21-9-1996.
2. Substituted for the words "Munsiffs Courts" by Act No. 16 of 1996, w.e.f. 21-9-1996.
3. Substituted for the words "Munsiffs Court" by Act No. 16 of

1996, w.e.f. 21-9-1996.

4. Substituted for the word "Munsiff by Act No. 16 of 1996, w.e.f. 21-9-1996.

**8. Number of Civil Judges (Senior Division) and Civil Judges (Junior Division) to the Court of a Civil Judge (Senior Division) or Civil Judge (Junior Division) :-**

**1234**The State Government may, in consultation with the High Court, fix and from time to time vary, by notification, the number of **5**[Civil Judges (Senior Division)] to be appointed for the **6**[Court of a Civil Judge (Senior Division)] and the number of **7**[Civil Judges (Junior Division)] to be appointed for a **8** [Court of Civil Judge (Junior Division)].

1. Substituted for the words "Civil Judges" by Act No. 16 of 1996, w.e.f. 21-9-1996.

2. Substituted for the word "Munsiffs" by Act No. 16 of 1996, w.e.f. 21-9-1996.

3. Substituted for the words "Court of a Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.

4. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996.

5. Substituted for the words "Civil Judges" by Act No. 16 of 1996, w.e.f. 21-9-1996.

6. Substituted for the words "Court of a Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.

7. Substituted for the word "Munsiffs" by Act No. 16 of 1996, w.e.f. 21-9-1996.

8. Substituted for the words "Munsiffs Court" by Act No. 16 of 1996, w.e.f. 21-9-1996.

**9. Distribution of work when more than one Judge is appointed to a Court :-**

(1) When more than one **1**[Civil Judge (Senior Division)] is appointed to the **2**[Court of a Civil Judge (Senior Division)], or more than one **3**[Civil Judge (Junior Division)] is appointed to a **4**[Court of Civil Judge (Junior Division)], one of the **5**[Civil Judges (Senior Division)] or one of the **6**[Civil Judges (Junior Division)], shall be appointed as the Principal **7**[Civil Judge (Senior Division)] or the Principal **8**[Civil Judge (Junior Division)] and the other Additional **9**[Civil Judges (Senior Division)] or Additional **10**[Civil Judges (Junior Division)], as the case may be.

(2) Each of the Judges appointed to the **11**[Court of a Civil Judge (Senior Division)] or a **12**[Court of Civil Judge (Junior Division)]

may exercise all or any of the powers conferred on such Court by this Act or any other law for the time being in force.

(3) Subject to the general or special orders of the District Judge, the Principal <sup>13</sup>[Civil Judge (Senior Division)] or the Principal <sup>14</sup>[Civil Judge (Junior Division)] may, from time to time, make such arrangements as he thinks fit, for the distribution of the business of the Court among the various <sup>15</sup>[Civil Judges (Senior Division)] or <sup>16</sup> [Civil Judges (Junior Division)] thereof.

1. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
2. Substituted for the words "Court of a Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
3. Substituted for the word "Munsiff by Act No. 16 of 1996, w.e.f. 21-9-1996.
4. Substituted for the words "Munsiffs Court" by Act No. 16 of 1996, w.e.f. 21-9-1996.
5. Substituted for the words "Civil Judges" by Act No. 16 of 1996, w.e.f. 21-9-1996.
6. Substituted for the word "Munsiffs" by Act No. 16 of 1996, w.e.f. 21-9-1996.
7. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
8. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996.
9. Substituted for the words "Civil Judges" by Act No. 16 of 1996, w.e.f. 21-9-1996.
10. Substituted for the word "Munsiffs" by Act No. 16 of 1996, w.e.f. 21-9-1996.
11. Substituted for the words "Court of a Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
12. Substituted for the words "Munsiffs Court" by Act No. 16 of 1996, w.e.f. 21-9-1996.
13. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
14. Substituted for the word "Munsiff by Act No. 16 of 1996, w.e.f. 21-9-1996.
15. Substituted for the words "Civil Judges" by Act No. 16 of 1996, w.e.f. 21-9-1996.
16. Substituted for the word "Munsiffs" by Act No. 16 of 1996, w.e.f. 21-9-1996.

## **10. Locality of Courts :-**

<sup>1</sup> [x x x x x]

1. Section 10 omitted by Act No. 8 of 1978 and shall be deemed to have come into force w.e.f. 15-12-1977

### **11. Seal of Courts :-**

Every Civil Court under this Act, shall use a seal which shall bear thereon the <sup>1</sup> [Karnataka State Emblem] and shall be in such form, of such dimensions and with the name of the Court in such language, as the State Government may, by order, determine:

Provided that the seals in use in every such Civil Court immediately prior to the appointed day may continue to be used until an order is made by the State Government under this section.

1. Substituted for the words "Mysore State Emblem" by ALO 1973.

### **12. Existing Courts to be deemed to be Courts established under this Act. :-**

(1) The District Courts existing immediately prior to the appointed day shall be deemed to be District Courts established under this Act, until they are reconstituted in accordance with this Act.

(2) The following Courts existing in the State immediately prior to the appointed day, namely.

(a) the Courts of Civil Judges (Senior Division) in the Bombay Area;

(b) the Courts of Civil Judges in the Mysore Area, and

(c) the Courts of Subordinate Judges', shall be deemed to be Courts of Civil Judges established under this Act.

(3) The following Courts existing immediately prior to the appointed day, namely.

(a) the Courts of Civil Judges (Junior Division), in the Bombay Area;

(b) the Courts of Munsiffs, in the Mysore Area, the Hyderabad Area and the Coorg District; and

(c) The Courts of District Munsiffs, in the Madras Area, shall be deemed to be Munsiffs established under this Act.

### **CHAPTER 3**

#### **Jurisdiction**

### **13. Local limits of jurisdiction :-**

(1) The State Government shall, in consultation with the High Court, and subject to the provisions of Section 4 and Section 6 of this Act, fix and may from time to time vary, by notification, the

local limits of the jurisdiction of any District Court or <sup>1</sup>[Court of Civil Judge (Senior Division)] under this Act.

(2) The State Government shall, in consultation with the High Court, fix and may from time to time vary by notification the local limits of jurisdiction of any <sup>2</sup>[Court of Civil Judge (Junior Division)] under this Act.

(3) Until notifications are issued under sub-section (1) or sub-section (2), the existing local limit of jurisdiction of every Civil Court shall be deemed to have been fixed under this Act.

<sup>3</sup>(4) Where the local limits of the jurisdiction of any District Court, <sup>4</sup>Court of Civil Judge (Senior Division) or <sup>5</sup> Court of Civil Judge (Junior Division) is varied by a notification issued under sub-section (1) or sub-section (2), the High Court may make such orders as at it may consider necessary for the transfer of suits, applications appeals and other proceedings pending in any such Court.

1. Substituted for the words "Court of Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.

2. Substituted for the words "Munsiffs Court" by Act No. 16 of 1996, w.e.f. 21-9-1996.

3. Sub-section (4) inserted by Act No. 13 of 1980.

4. Substituted for the words "Court of Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.

5. Substituted for the words "MunsifFs Court" by Act No. 16 of 1996, w.e.f. 21-9-1996.

#### **14. Jurisdiction of District Court :-**

(1) The District Court shall be deemed to be the Principal Civil Court of original jurisdiction within the local limits of its jurisdiction.

(2) Subject to the provisions of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), the jurisdiction of a District Court shall extend to all original suits and proceedings of a civil nature.

#### **15. Control of subordinate Courts by District Court :-**

The District Court shall, subject to the general control of the High Court, have control over all other Civil Courts within the local limits of its jurisdiction.

#### **16. Jurisdiction of Civil Judge (Senior Division) :-**

<sup>1</sup>The jurisdiction of the <sup>2</sup> [Court of a Civil Judge (Senior Division)] shall extend to all original suits and proceedings of a civil nature.



1. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
2. Substituted for the words "Court of a Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.

### **17. Jurisdiction of Civil Judge (Junior Division) :-**

<sup>1</sup>The jurisdiction of a <sup>2</sup>[Court of Civil Judge (Junior Division)] shall extend to all original suits and proceedings of a civil nature, not otherwise excluded from the <sup>3</sup>[Civil Judge's (Junior Division)] jurisdiction, of which the amount or value of the subject-matter does not exceed <sup>4</sup> [fifty thousand rupees.]

1. Substituted for the word "Munsif" by Act No. 16 of 1996, w.e.f. 21-9-1996.
2. Substituted for the words "Munsiff's Court" by Act No. 16 of 1996, w.e.f. 21-9-1996.
3. Substituted for the word "Munsiffs" by Act No. 16 of 1996, w.e.f. 21-9-1996.
4. Substituted for the words "ten thousand rupees" by Act No. 13 of 1989, w.e.f. 17-4-1989.

### **18. Appeals from District Courts :-**

Appeals from the decrees and orders passed by a District Court in original suits and proceedings of a civil nature shall, when such appeals are allowed by law, lie to the High Court.

### **19. Appeals from Civil Judge (Senior Division) :-**

<sup>1</sup>Appeals from the decrees and orders passed by a <sup>2</sup>[Civil Judge (Junior Division)] in original suits and proceedings of a civil nature, shall when such appeals are allowed by law lie.-

(1) to the District Court when the amount or value of the subject-matter of the original suit or proceeding is less than <sup>3</sup> [one lakh rupees]

(2) to the High Court in order cases

1. Section 20 substituted by Act No. 81 of 1976.
2. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996.
3. Substituted for the word "Munsiff" by Act No. 16 of 1996. w.e.f. 21-9-1996.

### **20. Appeals from Civil Judge (Junior Division)] :-**

<sup>1</sup>Appeals from the decrees and orders passed by a <sup>2</sup>[Civil Judge (Junior Division)] in original suits and proceedings of a civil nature, shall, when such appeals are allowed by law, lie

(i) to the <sup>3</sup>[Court of the Civil Judge (Senior Division)], when the amount or value of the subject matter of the original suit or proceedings is not more than five thousand rupees;

(ii) to the District Court, in other cases.

(2) Notwithstanding anything contained in sub-section (1), but subject to the general or special orders of the High Court, the District Court may, at any stage, withdraw any appeal pending before a <sup>4</sup> [Court of the Civil Judge (Senior Division)] subordinate to it and dispose of the same, and in respect of such appeal, the District Court shall, for the purpose of this Act, be deemed to be the Competent Appellate Court.]

1. Section 20 substituted by Act No. 81 of 1976.

2. Substituted for the word "Munsiff" by Act No. 16 of 1996. w.e.f. 21-9-1996.

3. Substituted for the words "Court of the Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.

4. Substituted for the words "Court of the Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996

## **21. Appellate jurisdiction of the Judge of Court of Small Causes :-**

The High Court may, by notification, invest any Judge of the Court of Small Causes established under the Karnataka Small Causes Courts Act, 1964, with powers to hear appeals from such decrees and orders of <sup>1</sup> [Court of a Civil Judge (Junior Division)] as may be referred to him by the District Judge.

1. Substituted for the word "Munsiff s Court" by Act No. 16 of 1996, w.e.f. 21-9-1996

## **22. Power to invest the Court of the Civil Judge (Senior Division)] and the Court of Civil Judge (Junior Division) with Small Cause powers :-**

<sup>1</sup>(1)<sup>2</sup>The High Court may, by notification, invest within such limits, as it shall, from time to time, determine, any <sup>3</sup>[Court of a Civil Judge (Senior Division)] or a <sup>4</sup>[Court of Civil Judge (Junior Division)] with jurisdiction for the trial of suits cognizable by a Court of Small Causes up to such amount as it may deem proper not exceeding in the case of a <sup>5</sup>[Court of a Civil Judge (Senior Division)] <sup>6</sup>[<sup>7</sup>[twenty-five thousand] rupees], and in the case of <sup>8</sup>[Court of Civil Judge (Junior Division)], <sup>9</sup>[three thousand] rupees.

(2) The High Court may, by notification, withdraw or alter, whenever it thinks fit, such jurisdiction of any <sup>10</sup>[Court of the Civil Judge (Senior Division)] or <sup>11</sup> [Court of Civil Judge (Junior Division)] so invested.

1. Substituted for the words "Court of the Civil Judge" by Act No. 16 of 1996, w.e.f.21-9-1996
2. Substituted for the words "Munsiff s Court" by Act No. 16 of 1996, w.e.f. 21-9-1996
3. Substituted for the words "Court of the Civil Judge" by Act No. 16 of 1996, w.e.f.21-9-1996
4. Substituted for the words "Munsiff s Court" by Act No. 16 of 1996, w.e.f. 21-9-1996
5. Substituted for the words "Court of aCivil Judge" by Act No. 16of 1996, w.e.f. 21-9-1996
6. Substituted for the words "two thousand rupees" by Act No. 81 of 1976, w.e.f. 1-10-1978
7. Substituted for the words "three thousand" by Act No. 3 of 1994 and shall be deemed to have come into force w.e.f. 29-4-1993
8. Substituted for the words "Munsiff s Court" by Act No. 16 of 1996, w.e.f. 21-9-1996
9. Substituted for the words "five hundred" by Act No. 3 of 1994 and shall be deemed to have come into force w.e.f. 29-4-1993
10. Substituted for the words "Court of the Civil Judge" by Act No. 16 of 1996, w.e.f.21-9-1996
11. Substituted for the words "Munsiff s Court" by Act No. 16 of 1996, w.e.f. 21-9-1996

**23. Power to invest Civil Judge (Senior Division) with jurisdiction under certain Acts :-**

(<sup>11</sup>) The High Court may, by notification, invest any <sup>2</sup>[Civil Judge (Senior Division)] within such local limits and subject to such pecuniary limitation as may be specified in such notification, with all or any of the powers of a District Judge or a District Court, as the case may be, under the following Acts, namely.

- (i) The Indian Divorce Act, 1869 (Central Act 4 of 1869);
- (ii) The Guardians and Wards Act, 1890 (Central Act 8 of 1890);
- (iii) The Indian Lunacy Act, 1912 (Central Act 4 of 1912);
- (iv) <sup>3</sup>[x x x x x]
- (v) The Special Marriage Act, 1954 (Central Act 43 of 1954)

.

(2) Every order made by a <sup>4</sup>[Civil Judge (Senior Division)] by virtue

of the powers conferred upon him under sub-section (1) shall be subject to appeal.

(i) To the District Court, when the amount or value of the subject matter is less than twenty thousand rupees;

(ii) To the High Court, in other cases.

(3) Every order of the District Judge passed on appeal under sub-section (2) from the order of a <sup>5</sup> [Civil Judge (Senior Division)] 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 words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996

2. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996

3. The brackets, figures and words "(iv) The Indian Succession Act, 1925 (Central Act 39 of 1925)" omitted by Act No. 81 of 1976 and 28 of 1978, w.e.f. 1-10-1978

4. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996

5. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996

**23A. Investiture of subordinate Courts with jurisdiction of District Court under the Indian Succession Act, 1925 :-**

<sup>1</sup>(1) The High Court may, by notification, invest any <sup>2</sup>[Civil Judge (Senior Division)] or <sup>3</sup>[Civil Judge (Junior Division)], within such local limits and subject to such pecuniary and other limitations as may be specified in such notification, with all or any of the powers of a District Judge under the Indian Succession Act, 1925 (Central Act 39 of 1925)

.

(2) Any <sup>4</sup>[Civil Judge (Senior Division)] of <sup>5</sup>[Civil Judge (Junior Division)] invested with powers under sub-section (1) shall have concurrent jurisdiction with the District Judge in the exercise of the powers conferred by the said Act upon the District Judge, and the provisions of the said Act relating to the District Judge shall apply to such <sup>6</sup>[Civil Judge (Senior Division)] or <sup>7</sup>[Civil Judge (Junior Division)], as the case may be, as if he were the District Judge:

Provided that every order made by the <sup>8</sup>[Civil Judge (Senior

Division)) or the <sup>9</sup> [Civil Judge (Junior Division)] by virtue of the powers conferred upon him under sub-section (1) shall be subject to appeal.

(i) To the District Court, when the amount or value of the subject matter is less than twenty thousand rupees;

(ii) To the High Court, in other cases.

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

1. Section 23-A inserted by Act Nos. 81 of 1976 and 28 of 1978, w.e.f. 1-10-1978 and 1-2-1979 respectively.

2. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.

3. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996.

4. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.

5. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996

6. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996

7. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996

8. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996

9. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996

**24. Judges not to try suits in which they are interested; nor to try appeals from decrees passed by them in other capacities :-**

(1) No District Judge, <sup>1</sup>[Civil Judge (Senior Division)] or <sup>2</sup>[Civil Judge (Junior Division)] shall try any suit to or in which he is a party or personally interested, or shall adjudicate upon any proceedings connected with or arising out of such suit.

(2) No District Judge, <sup>3</sup>[Civil Judge (Senior Division)] or Judge of the Court of Small Causes shall try any appeal against any decree or order passed by himself in any other capacity.

(3) When any such suit, proceeding or appeal comes before any such Judge or <sup>4</sup> [Civil Judge Junior Division)], he shall report the

circumstances to the Court to which he is immediately subordinate.

(4) The superior Court shall thereupon dispose of the case in the manner prescribed by Section 24 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

1. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996

2. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996

3. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996

4. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996

#### CHAPTER 4

#### Miscellaneous

### **25. Temporary charge of office of District Judge :-**

<sup>1</sup>(1) In the event of the death, suspension, resignation or removal of the District Judge, or of his being incapacitated from performing his duties by illness or otherwise or of his absence on leave or for any other reason from the place in which his Court is held, the Senior Additional District Judge, or the Additional District Judge, as the case may be, or if there be no Additional District Judge, the <sup>2</sup>[Civil Judge (Senior Division)] of the Court at the place if there be only one, and if there be more than one, the Principal <sup>3</sup>[Civil Judge (Senior Division)] and if such Principal <sup>4</sup>[Civil Judge (Senior Division)] is absent, the Additional <sup>5</sup>[Civil Judge (Senior Division)] present thereof, shall, without relinquishing his ordinary duties, assume charge of the District Court and shall continue in charge thereof until the same is assumed by the District Judge or by a Judge duly appointed thereto.

(2) While in charge of the District Court, under sub-section (1), the Senior Additional District Judge, the Additional District Judge, the Principal <sup>6</sup>[Civil Judge (Senior Division)], the Additional <sup>7</sup>[Civil Judge (Senior Division)] or the <sup>8</sup>[Civil Judge (Senior Division)], as the case may be, 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 District Judge.

1. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996

2. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996.

3. Substituted for the words "Court of Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
4. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996.
5. Substituted for the words "Court of a Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
6. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996
7. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
8. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996.

**26. Transfer of proceedings on vacation of office by Civil Judge (Senior Division) or Civil Judge (Junior Division) :-**  
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(1) In the event of the death, suspension, resignation or removal of a <sup>3</sup>[Civil Judge (Senior Division)] or <sup>4</sup>[Civil Judge (Junior Division)] or of his being incapacitated by illness or otherwise from performing his duties or of his absence on leave or for any other reason from the place at which the Court is held, the District Judge may, subject to the general or special orders of the High Court, withdraw any of the proceedings in the Court of such <sup>5</sup>[Civil Judge (Senior Division)] or <sup>6</sup>[Civil Judge (Junior Division)] to his own Court or transfer them to any other Court under his administrative control, competent to dispose them.

(2) Proceedings withdrawn or transferred under sub-section (1) shall be disposed of as if they had been instituted in the Court to which they had been so withdrawn or transferred.

(3) The District Judge may re-transfer to the <sup>7</sup>[Court of Civil Judge (Senior Division)] or <sup>8</sup>[Civil Judge (Junior Division)] any proceedings withdrawn or transferred under sub-section (1) to his own or any other Court.

(4) For the purpose of proceedings which are not pending in the <sup>9</sup>[Court of a Civil Judge (Senior Division)] or <sup>10</sup> [Civil Judge Junior Division]] on the occurrence of an event referred to in sub-section (1), and with respect to which that Court has exclusive jurisdiction, the District Judge may exercise all or any of the powers and jurisdiction of that Court.]

1. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.

2. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996.
3. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
4. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996.
5. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996
6. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996.
7. Substituted for the words "Court of Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
8. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996.
9. Substituted for the words "Court of a Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
10. Substituted for the word "Munsiff" by Act No. 16 of 1996, w.e.f. 21-9-1996

## **27. Power of High Court to make rules :-**

(1) The High Court may, after previous publication, by notification, make rules consistent with this Act and any other law for the time being in force.

(a) prescribing the manner in which the proceedings of each Civil Court shall be kept and recorded;

(b) regulating the grant of copies of papers in Civil Courts;

(c) regulating the duties and functions of the ministerial officers of Civil Courts;

(d) declaring what persons shall be permitted to act as petition-writers in the Civil Courts and regulating the issue of licences to such persons, the conduct of business by them, and the scale of fees to be charged by them;

(e) providing a penalty of such amount not exceeding fifty rupees for breach of any of the rules made under clause (d);

(f) determining the authority by which such breaches of the rules shall be investigated and the penalties imposed.

(2) Every penalty imposed under a rule made under sub-section (1) shall be recovered as if it were a fine imposed by a Magistrate in the exercise of his ordinary jurisdiction.

## **28. Vacation :-**



(1) The Civil Courts in the State or in any area of the State shall be closed on such days as may be notified by the State Government as public holidays for the whole State or for such area in the State.

(2) The Civil Courts shall have three vacations in each year, namely, Summer, Dasara and Winter, and the total number of the said three vacations shall not exceed <sup>1</sup>[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),

(a) the High Court may, where there are more than one District Judge in any District Court, designate by notification any one of those District Judges as the Vacation District Judge for the duration of the adjournment of any District Court in ;

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(b) where there is only one District Judge in any district, the High Court may, by notification, designate such District Judge or appoint a <sup>3</sup>[Civil Judge (Senior Division)] in the district as the Vacation District Judge or the Vacation <sup>4</sup>[Civil Judge (Senior Division)], as the case may be, of the District Court thereof for the duration of the adjournment of such District Court in <sup>5</sup>[any vacation or of any part thereof]. The High Court may regulate, by special or general order, work to be discharged by the Vacation <sup>6</sup>[Civil Judge (Senior Division)] or the Vacation District Judge.]

(4)

(a) The local limits of the jurisdiction of the Vacation District Judge or Vacation <sup>7</sup>[Civil Judge (Senior Division)] shall be the same as those of the District Court concerned.

(b) The jurisdiction of the Vacation <sup>8</sup>[Civil Judge (Senior Division)] shall extend to all suits, appeals and other proceedings pending in, or cognizable by any Civil Court (whether a District Court, a <sup>9</sup>[Court of Civil Judge (Senior Division)] or a <sup>10</sup>[Court of a Civil Judge (Junior Division)]) in the District concerned when such Court is adjourned for <sup>11</sup>[any] vacation.

(5) The place at which the Court of the Vacation District Judge or the Vacation <sup>12</sup>[Civil Judge (Senior Division)] shall be held, shall be the same as the place at which the District Court concerned may be

held. The Vacation District Judge or the Vacation <sup>13</sup>[Civil Judge (Senior Division)] shall have such administrative control over the staff of the several Civil Courts in the District, as the High Court may, by general or special order, determine.

(6) Notwithstanding the appointment of the Vacation District Judge or the Vacation <sup>14</sup>[Civil Judge (Senior Division)], every Civil Court in the District shall, during the period it is adjourned for <sup>15</sup>[any] vacation, be deemed to be closed for the purposes of Section 4 of the Limitation Act, 1963 (Central Act 36 of 1963).

(7) On the reopening of the District Court, a <sup>16</sup>[Court of a Civil Judge (Senior Division)] or a <sup>17</sup>[Court of Civil Judge (Junior Division)] after <sup>18</sup>[any] vacation, all suits, appeals and other proceedings pending in the Court of Vacation District Judge or Vacation <sup>19</sup>[Civil Judge (Senior Division)] which, but for this section, would have been instituted or pending in such District Court, <sup>20</sup>[Court of Civil Judges (Senior Division)] or <sup>21</sup>[Court of a Civil Judge (Junior Division)], as the case may be, shall stand transferred to such District Court, <sup>22</sup>[Court of Civil Judge (Senior Division)] or <sup>23</sup>[Court of a Civil Judge (Junior Division)], and any decree, order or proceeding passed by the Vacation District Judge or the Vacation <sup>24</sup>[Civil Judge (Senior Division)] shall, after such transfer, be deemed to be a decree, order or proceeding passed by the Court concerned.

(8) Notwithstanding the provisions of sub-section (7), any appeal from the decree or order of the Court of the Vacation District Judge or the Vacation <sup>25</sup> [Civil Judge (Senior Division)] shall, when such appeal is allowed by law, lie to the High Court.

1. Substituted for the words "thirty days" by Act No. 11 of 1981, w.e.f. 4-4-1981.
2. Clause (b) and the paragraph substituted by Act No. 81 of 1976, w.e.f. 1-10-1978.
3. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
4. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9- 1996.
5. Substituted for the word "summer" by Act No. 26 of 1985 and shall be deemed to have come into force w.e.f. 29-4- 1985.
6. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
7. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.

8. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
9. Substituted for the words "Civil Judge's Court" by Act No. 16 of 1996, w.e.f. 21-9-1996
10. Substituted for the words "Munsiff s Court" by Act No. 16 of 1996, w.e.f. 21-9-1996.
11. Substituted for the word "summer" by Act No. 26 of 1985 and shall be deemed to have come into force w.e.f. 29-4-1985.
12. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
13. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
14. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
15. Substituted for the word "summer" by Act No. 26 of 1985 and shall be deemed to have come into force w.e.f. 29-4- 1985.
16. Substituted for the words "Court of a Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
17. Substituted for the words "Munsiff s Court" by Act No. 16 of 1996, w.e.f. 21-9-1996.
18. Substituted for the word "the summer" by Act No. 26 of 1985 and shall be deemed to have come into force w.e.f. 29-4-1985.
19. Substituted for the words "Civil Judge" by Aet No. 16 of 1996, w.e.f. 21-9-1996.
20. Substituted for the words "Court of Civil Judges" by Act No. 16 of 1996, w.e.f. 21-9-1996.
21. Substituted for the words "Munsiff s Court" by Act No. 16 of 1996, w.e.f. 21-9-1996.
22. Substituted for the words "Court of Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
23. Substituted for the words "Munsiff s Court" by Act No. 16 of 1996, w.e.f. 21-9-1996.
24. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996.
25. Substituted for the words "Civil Judge" by Act No. 16 of 1996, w.e.f. 21-9-1996

## **29. Repeal and Savings :-**

(1) On and from the appointed day the enactments specified in the Schedule to this Act shall stand repealed:

Provided that such repeal shall not affect the previous operation of the enactments so repealed and anything done or any action taken (including the districts formed, limits defined, Courts established or constituted, appointments, rules or orders made, functions assigned, powers granted, seals or forms prescribed, jurisdictions defined or vested and notifications or notices issued by or under the provisions thereof) shall, insofar as it is not inconsistent with

the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force unless and until superseded by anything done or any action taken under this Act.

<sup>1</sup>[(1A) Notwithstanding anything in sub-section (1) or in any other law, any reference in any law or instrument to a Civil Court shall be deemed to be a reference to the corresponding Civil Court deemed to be established under this Act as specified in Section 12 or to such Civil Court established under this Act, as the case may be.]

(2) Notwithstanding anything in sub-section (1) or any other provision of this Act or in any enactment repealed by sub-section (1) or in any other law or provision having the force of law.

(a) All suits and proceedings (other than appeals and proceedings connected therewith) pending before any Court which under this Act, have to be instituted or commenced in another Court, shall, on the appointed day, stand transferred to such other Court, and shall be continued and disposed of by such other Court in accordance with law as if such suits and proceedings had been instituted or commenced in such other Court;

(b) In respect of suits and proceedings referred to in clause (a).

(i) of which the amount or value of the subject matter does not exceed ten thousand rupees, no appeal shall lie to the District Court but shall lie to the Civil Judge;

(ii) of which the amount or value of the subject matter exceeds ten thousand rupees but is less than twenty thousand rupees, no appeal shall lie to the High Court but shall lie to the District Court;

(c) appeals and proceedings connected therewith, pending before the High Court which under this Act have to be preferred to a Court of Civil Judge or District Court, shall, save in the cases specified in clause (d), on the appointed day, stand transferred to the Court of the Civil Judge or the District Court, as the case may be, and shall be disposed of by such Court in accordance with law as if such appeals or proceedings had been preferred to such Court of the Civil Judge or the District Court;

(d) appeals and proceedings connected therewith pending before the High Court from the decrees and orders passed by a Subordinate Judge or a Civil Judge in the Karnataka Area, or a

Subordinate Judge in the Hyderabad Area and Madras Area, in original suits and proceedings of a civil nature of which the amount or value of the subject matter is less than twenty thousand rupees, shall stand transferred to the District Court and shall be disposed of by such Court in accordance with law as if such appeals or proceedings had been preferred to such Court;

(e) appeals and proceedings connected therewith pending before a District Court from the decrees or orders passed by a Munsiff in the Hyderabad Area and the Coorg District or a District Munsiff in the Madras Area shall, on the appointed day, stand transferred to the Court of the Civil Judge and shall be disposed of by such Court in accordance with law as if such appeals or proceedings had been preferred to such Court; <sup>2</sup> [(ee) appeals and proceedings connected therewith pending before a District Court from the decrees and orders passed by a Civil Judge (Junior Division), other than a Joint Civil Judge (Junior Division) appointed or deputed to assist in the Court of a Civil Judge (Senior Division) under Section 23 of the Bombay Civil Courts Act, 1869, shall, on the date of commencement of the Karnataka Civil Courts (Amendment) Act, 1965, stand transferred to the Court of the Civil Judge, and shall be disposed of by such Court in accordance with law as if such appeals or proceedings had been preferred to such Court;]

(f) in respect of all suits or proceedings disposed of before the appointed day by.

(i) a Munsiff in the Karnataka Area, Hyderabad Area and Coorg District,

(ii) a District Munsiff in the Madras Area; and

(iii) a Civil Judge (Junior Division) in the Bombay Area, no appeal shall lie to the District Court but an appeal shall lie to the Court of the Civil Judge under this Act;

(g) in respect of all suits or proceedings disposed of before the appointed day, by a Subordinate Judge in the Karnataka Area, no appeal shall lie to the District Court but an appeal shall lie to the Court of the Civil Judge;

(h) in respect of all suits or proceedings disposed of before the appointed day of which the amount or value of the subject matter does not exceed ten thousand rupees by a Subordinate Judge in the Hyderabad Area or the Madras Area, no appeal shall lie to the

Court of the Civil Judge but an appeal shall lie to the District Court;

(i) in respect of all suits and proceedings disposed of before the appointed day of which the amount or value exceeds ten thousand rupees but is less than twenty thousand rupees:

(i) by any Court other than a District Court, no appeal shall lie to the High Court, but an appeal shall lie to the District Court; and

(ii) by a District Court, an appeal shall lie to the High Court;

(j) if in respect of any suit or proceeding disposed of before the appointed day, an appeal lies to the District Court instead of an appeal to the High Court, the period of limitation for preferring the appeal to the District Court shall be the same as for preferring the appeal to the High Court.

(3) If there be any doubt as to which Court any suit, appeal or proceeding shall stand transferred or as to which Court any appeal shall be preferred in accordance with the provisions of sub-section (2), the Court designated by the High Court shall be the Court to which such suit, appeal or proceeding shall be transferred or such appeal shall be preferred, and the decision of the High Court shall be final.

1. Sub-section (1-A) inserted by Act No. 11 of 1965, w.e.f. 1-6-1965.

2. Clause (ee) inserted by Act No. 11 of 1965, w.e.f. 1-6-1965.

**30. Substitution of the expression "Civil Judge" and "Munsiff" for other expressions in certain laws in force :-**

In any law or rule, notification or order in force, for the expressions in column (1) below, the expressions in the corresponding entry in column (2) shall be substituted

**30A. . :-**

Substitution <sup>1</sup> of the expression "Civil Judge (Senior Division)", "Civil Judge (Junior Division)" "Court of Civil Judge (Senior Division)" "Court of Civil Judge (Junior Division)" for the expressions in certain laws in force Unless the context otherwise requires, in any law in force or rule, notification or order made thereunder, for the expressions in column (1) below, the expressions in the corresponding entry in column (2) shall be substituted, namely

1. Clause (ee) inserted by Act No. 11 of 1965, w.e.f. 1-6-1965.

**30B. . :-**

Construction of references to Civil Judge, Court of the Civil Judge, Munsiff and Munsiffs Court in any judgment and decree, etc. Unless the context otherwise requires, any reference made to "Civil Judge", "Court of the Civil Judge", "Munsiff" or "Munsiff's Court" in any judgment, decree, order or other instrument, prior to the date of commencement of the Karnataka Civil Courts (Amendment) Act, 1996, shall respectively be construed as reference to "Civil Judge (Senior Division)", "Court of the Civil Judge (Senior Division)", "Civil Judge (Junior Division)" and "Court of the Civil Judge (Junior Division).]