

## **KARNATAKA HIGH COURT ACT, 1961**

**5 of 1962**

[ ]

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## **KARNATAKA HIGH COURT ACT, 1961**

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An Act to make provision for regulating the business and the exercise of powers of the High Court of the State of Karnataka in relation to the administration of justice and to provide for its jurisdiction. Whereas, it is expedient to make provision for regulating the business and the exercise of powers of the High Court of the State of Karnataka in relation to the administration of justice and to provide for its jurisdiction and other matters hereinafter appearing; Be it enacted by the Karnataka State Legislature in the Twelfth Year of the Republic of India as follows:

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

- (1) This Act may be called the Karnataka High Court Act, 1961.
- (2) It shall come into force at once.

## **2. Definitions :-**

In this Act:

- (a) "Chief Justice" means the Chief Justice of the High Court of the State of Karnataka;
- (b) "Criminal Appeal" means an appeal which, under any law for the time being in force, lies to the High Court from an order or sentence passed by a subordinate Criminal Court in the exercise of its original criminal jurisdiction;
- (c) "First Appeal" means an appeal which, under any law for the time being in force, lies to the High Court, from a judgment, decree or order, made by a subordinate Civil Court in the exercise of its original civil jurisdiction;
- (d) "Full Bench" means a Bench consisting of not less than three Judges of the High Court;
- (e) "High Court" means the High Court of the State of Karnataka;
- (f) "Second Appeal" means an appeal which, under any law for the time being in force, lies to the High Court from a judgment, decree or order passed by a subordinate Civil Court in the exercise of its appellate civil jurisdiction.

## **3. Registrar and Deputy Registrars :-**

<sup>1</sup>[(1)] The High Court shall have a Registrar and as many Deputy Registrars as may be determined by the Governor in consultation with the High Court.

<sup>2</sup> [(2) The High Court may also have as many Additional Registrars, Joint Registrars and Assistant Registrars as may be determined by the Governor in consultation with the High Court.]

1. Section 3 renumbered as sub-section (1) thereof by Act No. 20 of 1969, w.e.f. 19-9-1969.

2. Sub-section (2) inserted by Act No. 20 of 1969, w.e.f. 19-9-1969.

## **4. Appeals from decisions of a single Judge of the High Court :-**

An appeal from a judgment, decree, order or sentence passed by a single Judge in the exercise of the original jurisdiction of the High Court under this Act or under any law for the time being in force, shall lie to and be heard by a Bench consisting of two other Judges

of the High Court.

### **5. First Appeals :-**

Save as otherwise provided in this Act.

**1** (i) all First Appeals against a decree or order passed in a suit or other proceedings, the value of subject matter of which is rupees three lakhs or more shall be heard by a Bench consisting of not less than two Judges of the High Court and other First Appeals shall be heard by a Single Judge of the High Court.

(ii) All Criminal Appeals against Judgments in which sentence of death or imprisonment for life is passed and against Judgments of acquittal in cases in which offences are punishable with death or imprisonment for life shall be heard by a Bench consisting of not less than two Judges of the High Court and other Criminal Appeals shall be heard by a Single Judge of the High Court.]

1. Section 5 substituted by Act No. 6 of 1994, w.e.f. 8-3-1994.

### **6. Second Appeals :-**

All Second Appeals shall be heard and disposed of by a single Judge of the High Court:

Provided that, if such Judge is satisfied that a substantial question of law is involved in the case, or that in the interest of justice, the case is to be heard and disposed of by a Bench of Judges, he may refer the Second Appeal for hearing and disposal to such Bench.

### **7. Reference to Full Bench :-**

(1) Where in any proceeding pending before it, any question of law or usage having the force of law arises, a Bench consisting of not less than two Judges of the High Court may, if it thinks fit, and shall, if it differs from the view taken by a similar Bench of the High Court on the said question, refer to a Full Bench of the High Court the question of law or usage having the force of law.

(2) The decision of the majority of Judges comprising a Full Bench of the High Court shall be the decision of the High Court.

### **8. Powers of single Judge to dispose of revision cases himself or refer the same to a Bench :-**

(1) Any Judge of the High Court sitting alone, shall have power to hear and dispose of civil and criminal revision cases in exercise of the revisional jurisdiction vested in the High Court under any law

for the time being in force, except cases relating to quashing of orders of commitment:

Provided that in exercise of such revisional jurisdiction in respect of proceedings of any Criminal Court such Single Judge shall not impose a sentence of death or imprisonment for life or sentence of imprisonment exceeding seven years.

(2) The decision or order of a single Judge in cases under sub-section (1) shall be final:

Provided that such Judge may, if he thinks fit, instead of disposing of any case as aforesaid refer such case to a Bench of two Judges for hearing and disposal.

### **9. Other powers of a single Judge :-**

The powers of the High Court in relation to the following matters shall be exercised by a single Judge, provided that the Judge before whom the matter is posted for hearing may adjourn it for being heard and determined by a Bench of two Judges.

(i) determining in which of several courts having jurisdiction a suit shall be heard;

(ii) admission of an appeal in forma pauperis;

(iii) exercise of original jurisdiction under any law for the time being in force;

(iv) appeals under Rule 1 of Order XLIII of the First Schedule to the Code of Civil Procedure, 1908;

(v) appeals in which the subject matter is as to costs only;

(vi) any matter of an interlocutory character in appeals and other proceedings;

(vii) admission of an appeal presented after the expiry of the period allowed by the law of limitation;

<sup>1</sup>[(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);]

(ix) exercise of powers under Section 24 of the Code of Civil Procedure, 1908, or <sup>2</sup>[under Section 407 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);]

**3**[(x) x x x x x;]

(xi) appeals from interlocutory orders, where such appeals are allowed by law.

**4**[(xii) exercise of powers under.

(a) Clause (1) of Article 226 of the Constitution of India except where such power relates to the issue of a writ in the nature of habeas corpus; and

(b) Articles 227 and 228 of the Constitution of India;]

**5** [(xiii) x x x x x.]

1. Clause (viii) substituted by Act No. 13 of 1980.

2. Substituted for the words and figures "under Section 526 and Section 526-A of the Code of Criminal Procedure, 1898" by Act No. 13 of 1980.

3. Clause (x) omitted by Act No. 13 of 1980.

4. Clause (xii) inserted by Act No. 12 of 1973.

5. Clause (xiii) omitted by Act No. 6 of 1994, w.e.f. 8-3-1994.

#### **10. Other powers of a Bench of two Judges :-**

The powers of the High Court in relation to the following matters shall be exercised by a Bench of two Judges.

(i) a reference.

(a) under Section 113 of the Code of Civil Procedure, 1908,

**1**[(b) under Section 395 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974);]

(ii) an application under Rule 2 of Order XLV of the First Schedule to the Code of Civil Procedure, 1908;

**2**[(iii) x x x x x]

**3** [(iv) exercise of powers under Clause (1) of Article 226 of the Constitution of India where such power relates to the issue of a writ in the nature of habeas corpus;

(iv-a) an appeal from any original judgment, order or decree passed by a single Judge in exercise of the powers under Clause (1) of Article 226, Article 227 and Article 228 of the Constitution of India;]

(v) all other matters not expressly provided for in this Act, or any

other law for the time being in force.

1. Sub-clause (b) substituted by Act No. 13 of 1980.
2. Clause (iii) omitted by Act No. 13 of 1950.
3. Clause (iv) and (iv-a) substituted for clause (iv) by Act No. 12 of 1973.

**11. High Court to keep registers :-**

The High Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court and shall forward to the State Government such copies of, or extracts from, the said registers, books and accounts, as well as such statement of the work done in the High Court and in the Courts subordinate thereto, as may be required by the State Government.

**12. Vacation Judge :-**

(1) For the hearing of all matters, which require to be immediately or promptly dealt with during a vacation or adjournment of the High Court, the Chief Justice shall nominate a Judge of the High Court as vacation Judge and such Judge shall during the vacation, exercise all the jurisdiction vested in the High Court, except in cases in which such jurisdiction must be exercised, under the provision of any law for the time being in force, by more than one Judge. Different Single Judge may be appointed for different periods of a vacation or adjournment.

(2) It shall be competent for the Chief Justice during any vacation or adjournment of the High Court to constitute a Bench of Judges or a Full Bench for the hearing of any case.

**13. Act to apply to pending proceedings :-**

Notwithstanding anything contained in any law, all appeals, applications and other proceedings pending in the High Court on the date of commencement of this Act, shall be disposed of in accordance with the provisions of this Act.

**14. Repeal :-**

Sections 11, 12, 13, 14, 15, 16, 16-A, 16-B, 20 and 22 of the Karnataka High Court Act, 1884 (Karnataka Act I of 1884) are hereby repealed.