

**Code Of Civil Procedure (Kerala Amendment) Act, 1957****13 of 1957**

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**Code Of Civil Procedure (Kerala Amendment) Act, 1957****13 of 1957**

An Act to amend the Code of Civil Procedure, 1908, in its application to the State of Kerala WHEREAS it is expedient to amend the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in its application to the State of Kerala; BE it enacted in the Eighth Year of the Republic of India as follows:-

**1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Code of Civil Procedure (Kerala Amendment) Act, 1957.
- (2) It extends to the whole of the State of Kerala
- (3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

**2. Repeal :-**

- (1) The Code of Civil Procedure (Madras Amendment) Act, 1950 (XXXIV of 1950) as applied to the Malabar district, referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, (Central Act 37 of 1956), is hereby repealed and the words inserted by the said Act in clause (g) of the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908 (hereinafter referred to as the principal Act), shall be omitted.
- (3) The Code of Civil Procedure (Travancore-Cochin Amendment) Act, 1951 (XVII of 1951), is hereby repealed and clause (d) of sub-section (1) of section 100 of the principal Act, added by the said Act, shall be omitted.

### **3. Amendment Of Section 60 :-**

In clause (g) of the proviso to sub-section (1) of section 60 of the principal Act, after the words "stipends and gratuities allowed to pensioners of the Government", the words "or of a local authority" shall be inserted.

### **4. Amendment Of Section 100 :-**

In sub-section (1) of section 100 of the principal Act, after clause (c) , the following new clause shall be added, namely:-

"(d) the finding of the lower appellate Court on any question of fact material to the right decision of the case on the merits being in conflict with the finding of the Court of first instance on such question."