

Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005

14 of 2006

[28 March 2006]

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An Act to provide for an appeal from a judgment or order passed by one Judge of the High Court in exercise of the original jurisdiction, to a Division Bench of the same High Court. Be it enacted by the Madhya Pradesh Legislature in the Fifty-sixth Year of the Republic of India as follows :- 1 Received the assent of the President on the 28th March, 2006; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 5th April, 2006.

1. Short Title And Commencement :-

- (1) This Act may be called the Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005.
- (2) It shall be deemed to have come into force on the 1st day of July, 1981.

2. Appeal To The Division Bench Of The High Court From A Judgment Or Order Of One Judge Of The High Court Made In Exercise Of Original Jurisdiction :-

(1) An appeal shall lie from a Judgment or order passed by one Judge of the High Court in exercise of original jurisdiction under Article 226 of the Constitution of India, to a Division Bench comprising of two judges of the same High Court :

Provided that no such appeal shall lie against an interlocutory order or against an order passed in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

(2) An appeal under sub-section (1) shall be filed within 45 days from the date of order passed by a single Judge :

Provided that any appeal may be admitted after the prescribed period of 45 days, if the petitioner satisfies the Division Bench that he had sufficient cause for not preferring the appeal within such period.

Explanation.- The fact that the petitioner was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this sub-section.

(3) An appeal under sub-section (1) shall be filed, heard and decided in accordance with the procedure as may be prescribed by the High Court.

3. Power To Make Rules :-

(1) The High Court may, from time to time, make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the procedure of filing, hearing and disposal of appeal under sub-section (3) of Section 2.

4. Repeal :-

(1) The Madhya Pradesh Uchcha Nyayalaya (Letters Patent Appeals Samapti) Adhiniyam, 1981 (No. 29 of 1981) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under or in pursuance of the said Act and which has attained finality shall not be reopened in any Court of law.