

Bombay Civil Courts (Amendment) Act, 2011**44 of 2011****[30 December 2011]**

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Bombay Civil Courts (Amendment) Act, 2011**44 of 2011****[30 December 2011]**

PREAMBLE An Act further to amend theBombay Civil Courts Act, 1869. WHEREAS it is expedient further toamend the Bombay Civil Courts Act, 1869 (Act. No. XIV of 1869), forthe purposes hereinafter appearing; it is hereby enacted in the Sixty-second Year of the Republic of India as follows.-

1. Short Title And Commencement :-

- (1) This Act may be called the Bombay Civil Courts (Amendment) Act, 2011.
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment Of Section 16 Of Act Xiv Of 1869 :-

In section 16 of the Bombay Civil Courts Act, 1869 (Act No. XIV of 1869) (hereinafter referred to as "the principal Act"), for the words "two lakh rupees" the words "ten lakh rupees" shall be substituted.

3. Amendment Of Section 24 Of Act Xiv Of 1869 :-

In section 24 of the principal Act,-

(a) for the words "one lakh rupees" the words "five lakh rupees" shall be substituted;

(b) in the proviso, for the words "one lakh rupees to one lakh fifty thousand rupees" the words "five lakh rupees to seven lakh fifty thousand rupees" shall be substituted.

4. Amendment Of Section 26 Of Act Xiv Of 1869 :-

In section 26 of the principal Act, for the words " two lakh rupees" the words "ten lakh rupees" shall be substituted

5. Amendment Of Section 28A Of Act Xiv Of 1869 :-

In section 28A of the principal Act, in subsection (2), for the words "two lakh rupees" the words "ten lakh rupees" shall be substituted.

6. Insertion Of Section 28B Of Act Xiv Of 1869 :-

After section 28A of the principal Act, the following section shall be inserted, namely.-

"28B. Transfer of pending suits and appeals.-

On the commencement of the Bombay Civil Courts (Amendment) Act, 2011 (Mah. XLIV of 2011),-

(1) all suits in which the amount or value of the subject matter does not exceed rupees five lakhs and which are pending before the Court of Civil Judge (Senior Division), immediately, before such commencement, shall stand transferred to the concerned Court of Civil Judge (Junior Division) and such court may deal with such suit from the stage which was reached before such transfer or from any earlier stage or de-novo as such court may deem fit;

(2) all appeals in which the amount or value of the subject matter does not exceed rupees ten lakhs and pending before the High Court immediately before such commencement, shall stand transferred to the concerned District Court and such District Court may deal with such appeal from the stage which was reached before such transfer or from any earlier stage or de-novo as such court may deem fit:

Provided that, this section shall not apply to any suits and appeals which are pending before the Court of Civil Judge (Senior Division) or, as the case may be, before the High Court, which are statutorily provided under the relevant enactment before such Court."