

Goa, Daman And Diu Civil Courts Act, 1965

16 of 1965

[15 October 1965]

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Goa, Daman And Diu Civil Courts Act, 1965

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An Act to provide for the constitution and organisation of a District Court and subordinate Courts in the Union Territory of Goa, Daman and Diu. Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Sixteenth Year of the Republic of India as follows:-

PART 1 PART I

1. Short Title, Extent And Commencement :-

This Act may be called the Goa 2 [] Civil Courts Act, 1965.

(2) It extends to the whole of the 3 [State of Goa].

(3) It shall come into force on such date as the 4 [Government] may, by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires:

[(a) "Government" means the Government of Goa;]

[(b) "High Court" means the High Court of Bombay at Panaji;]

(c) "Official Gazette" means the Goa 7 [] Government Gazette;

[(d) "State" means the "State of Goa"

PART 2 District Court

3. District Court :-

There shall be a District Court for the 9 [each District of State of Goa], presided over by a Judge to be called the District Judge and appointed by the 10 [Government] but the 11 [Government] may from time to time by notification in the Official Gazette, alter the limits of the District or create new Districts for the purposes of this Act, in consultation with the High Court.

4. Situation Of District Court :-

The District Judge shall ordinarily hold the District Court 12 [at Panaji or Margao] but may, with the previous sanction of the High Court, hold it elsewhere within the 13 [State of Goa].

5. Original Jurisdiction Of District Court :-

The District Court shall be the principal Court of original civil jurisdiction in the district, within the meaning of the Code of Civil Procedure, 1908 or any other law for the time being in force.

6. Appellate Jurisdiction Of District Court :-

Save as otherwise expressly provided in this Act, the District Court shall be the Court of Appeal from all decrees and orders passed by the subordinate Courts from which an appeal lies under any law for the time being in force.

7. Control And Inspection Of Courts :-

(1) Subject to the provisions contained in the 14 [Part IV of the Goa, Daman and Diu Reorganisation Act, 1987 (Central Act 18 of 1987)] and the rules made thereunder, the District Judge shall have general control over all the Civil Courts subordinate to the District Court and their establishment and it shall be his duty to inspect, or to cause one of his assistants to inspect, the proceedings of all such Courts. Thereafter the District Judge or an Additional District Judge may give such direction with respect to matters not provided for by law as he may think necessary.

(2) The District Judge shall also refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

8. Writs And Orders :-

(1) The District Judge shall obey all writs, orders or processes issued to him by the High Court and shall make such returns or reports thereto under his signature and the seal of the Court as the exigencies of the case require.

(2) He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the 15 [Government].

9. Additional District Judges :-

The 16 [Government] may appoint one or more Additional Judges to the District Court who shall be invested with co-extensive powers

and a concurrent jurisdiction with the District Judge, except that an Additional District Judge shall not keep a file of civil suits or appeals and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to him by order of the High Court.

10. Section 10 :-

11. Section 11 :-

12. Section 12 :-

13. Section 13 :-

14. Section 14 :-

PART 3 Civil Judges

15. Number Of Subordinate Civil Courts :-

There shall be so many Civil Courts subordinate to the District court as the 18 [Government] may, from time to time direct.

16. Appointment Of Civil Judges :-

The Judges of such Subordinate Courts shall be appointed by the 19 [Government] and shall be called Civil Judges.

17. Local Limits Of Jurisdiction Of Civil Judges :-

The 20 [Government], may by notification in the Official Gazette, fix, and by a like notification, from time to time, alter the local limits of the ordinary jurisdiction of the Civil Judges.

18. Situation Of Subordinate Courts :-

(1) The Civil Judges shall hold their Courts at such place or places as the 21 [Government] may, from time to time appoint within the local limits of their respective jurisdictions: Provided that for special reasons it shall be lawful for the 22 [Government] to order that a Civil Judge shall hold his Court at a place outside the local limits of his jurisdiction.

(2) Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the Civil Judge shall hold his court at each of such places, and the Civil Judge shall cause such days to be duly notified throughout the local limits of his jurisdiction.

(3) The same person may be the Judge of more than one subordinate Court and may dispose of the Civil business of anyone

of his Courts at the headquarters of any other of his Courts, and in such cases the District Judge shall, subject to the control of the High Court prescribe rules for regulating the time during which the Civil Judge shall sit in each Court.

19. Additional Civil Judges :-

(1) For the purposes of assisting the Judge of any subordinate Court in the disposal of the Civil business on his file, the 23 [Government] may appoint to such Court one or more additional Civil Judges. An Additional Civil Judgeshall dispose of such civil business within the limits of his pecuniary Jurisdiction as may, subject to the control of the District Judge, be referred to him by the Civil Judge of such Court.

(2) For the purpose of this section the provisions of this Act applicable to Civil Judges shall be, applicable to additional Civil Judges.

20. Classes Of Civil Judges And Their Jurisdiction :-

(1) The Civil Judges shall be of two classes, namely Senior Civil Judges and Junior Civil Judges.

(2) The jurisdiction of a Senior Civil Judge extends to all original suits and proceedings of a Civil nature.

(3) The jurisdiction of a Junior Civil Judge extends to all original suits and proceedings of a civil nature wherein the subject matter does not exceed in amount or value 25 [twenty Lakhs rupees].

20A. Transfer Of Pending Appeals Before The High Court :- All appeals which are valued upto Rupees Twenty lakhs or below and pending before the High Court immediately before the commencement of the Goa Civil Courts (Amendment) Act, 2009, shall, on such commencement stand transferred to the concerned District Court and such District Court may proceed to deal with such appeals from the stage which was reached before such transfer or from any earlier stage or de-novo as such District Court may deem fit:

Provided that this section will not apply to any appeals which are pending before the High Court and which are statutorily provided under the relevant Act before the High Court."

21. Local Limits Of Jurisdiction :-

(1) The local limits of the jurisdiction of every Civil Judge Senior or Junior, shall be such as may from time to time be fixed by the 27 [Government] in consultation with the High Court by notification in the Official Gazette.

(2) A Senior Civil Judge in addition to his ordinary jurisdiction, shall have and exercise jurisdiction in respect of such suits and proceedings of a civil nature as may arise within the local jurisdiction of such Courts presided over by a Junior Civil Judge as may be specified by the 17 [Government] in consultation with the High Court by notification in the Official Gazette, and wherein the subject matter exceeds the pecuniary jurisdiction of the Junior Civil Judge as defined in the preceding section.

22. Appeals From His Decision :-

In all suits decided by a Civil Judge of which the amount or value of the subject matter exceeds 28 [twenty Lakhs] the appeal from his decision shall be direct to the High Court.

23. Appellate Jurisdiction Of Civil Judge :-

(1) The 29 [Government] may invest any Senior Civil Judge with power to hear appeals from such decrees and orders of a Junior Civil Judge as may be referred to him by the District Judge.

(2) Decrees and orders so passed in appeal by Senior Civil Judge, shall have the same force as if passed by a District Judge. (3) A Senior Civil Judge, on whom the power of hearing appeals has once been conferred under this section shall continue to have this power so long and so often as he may fill the office of Senior Civil Judge, without reference to the place in which he may be employed: Provided that the 19 [Government] may by notification in the Official Gazette at any time withdraw such power.

24. Section 24 :-

25. Power To Invest Civil Judges With Jurisdiction Under Special Law :-

(1) The 31 [Government] may by general or special order invest any Civil Judge within such local limits and subject to such pecuniary limitation as may be prescribed in such order, with all or any of the powers of a District Judge or a District Court as the case may be under any special law. Every order made by a Civil Judge by virtue of the powers conferred upon him under sub-section (1)

shall be subject to appeal to the High Court or the District Court according as the amount or value of the subject matter exceeds or does not exceed ten thousand rupees.

(3) Every order of the District Judge passed on appeal under subsection (2) from the order of a Civil Judge shall be subject to an appeal to the High Court under the rules contained in the Code of Civil Procedure applicable to appeals from appellate decrees.

PART 4 Miscellaneous

26. Suits In Which The Government Is A Party :-

(1) No Court other than the 32 ["District Court"] shall receive or register any suit in which the Central Government or the 33 [Government of the Government of Goa] or any officer of Government in his official capacity, is a party: Provided that the 34 [Government] may by general or special order notified in the Official Gazette, direct that the provisions of this section shall not apply to any suit or class or category of suits of the nature referred to therein.

(2) Nothing in this section shall be deemed to apply to a suit against the administration of a Government Railway.

26A. Transfer Of Pending Suits And Bar On The Jurisdiction :- All suits received or registered under section 26 and pending before a n y Court of a Senior Civil Judge immediately before the commencement of the Goa Civil Courts (Amendment) Act, 2004, shall, on such commencement, stand transferred to the District Court of the concerned district and such District Court may proceed to deal with such suit from the stage which was reached before such transfer or from any earlier stage or de novo, as such District Court may deem fit and no Court of any Senior Civil Judge shall entertain, try, dispose off or proceed to hear any matter where the Central Government or the Government of Goa or any officer of the Government in his official capacity, is a party to the proceedings.

26B. Appeals :- Notwithstanding anything contained in section 6,-
(a) an appeal shall lie to the High Court having jurisdiction over the State of Goa, from all decrees made by any Court of a Senior Civil Judge before the commencement of the Goa Civil Courts (Amendment) Act, 2004 (Act 5 of 2004), in any suit where the Central Government or the Government of Goa or any officer of the

Government in his official capacity, is a party to the proceedings;
(b) all appeals from any decree made by any Court of a Senior Civil Judge in any suit where the Central Government or the Government of Goa or any officer of the Government in his official capacity, is a party to the proceedings, pending before any District Court as on the date of commencement of the Goa Civil Courts (Amendment) Act, 2004 (Act 5 of 2004), shall stand transferred to the High Court having jurisdiction over the State of Goa.].

27. Seal :-

(1) The District Judge shall use a circular seal, in 050.8 metres in diameter, which bear thereon the Ashoka Capital Motif with the following inscription in Hindi and English - 37 ["District Court of"]

(2) Every additional District Judge 38 [...] shall use the seal of the District Judge.

(3) Each Civil Judge shall use a circular seal one inch and a half in diameter, bearing the Ashoka Capital Motif with the following inscription in English and in Hindi - "Civil Judge of"

28. Temporary Vacancy Of Judges :-

(1) In the event of the District Judge being prevented from performing his duties by illness or other casualty, or of his absence from his district on leave, or of death, the Senior most Additional District Judge if any or in his absence 39 [...], the Senior most Civil Judge shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like and shall be designated Additional District Judge 40 [...] or Civil Judge as the case may be, in charge of the district and shall continue in such charge until the office of District Judge may be resumed or assumed by an officer duly appointed thereto.

(2) In the event of the death, suspension or temporary absence of any Civil Judge, the District Judge may empower the Judge of any other subordinate Court to perform the duties of the Judge of the vacated subordinate Court, either at the place of such Court or of his own Court; but in every such case the registers and records of the two Courts shall be kept distinct.

29. Delegation Of Powers Of District Judge :-

Any District Judge leaving the station and proceeding on duty to any place within his district may delegate to an Additional District Judge, if any, 41 [or in absence of Additional District Judge to a Senior Civil Judge] to a Civil Judge at the station, the power of performing such of the duties enumerated in the preceding section as may be emergent; and such officer shall be designated Additional District Judge, 42 [...] or Civil Judge, as the case may be, in charge of the station.

30. Ministerial Officers :-

(1) The duties and designations of the ministerial officers of the Civil Courts shall be regulated by such rules as the High Court may from time to time prescribe.

(2) There may be appointed to any Civil Court under this Act a clerk of the Court, who in addition to such duties as may from time to time be prescribed by the High Court may receive and register plaints, and shall refer such as he may consider should be refused for the orders of the Judge of the Court, and may sign all processes, and authenticate copies of papers.

31. Rules For Keeping Proceedings :-

The proceedings of each Civil Court shall be kept and recorded according to such rules as the High Court may from time to time prescribe. The High Court shall also lay down rules under which copies of papers may be granted.

32. Petition Writers :-

(1) The High Court may, from time to time make rules consistent with this Act and any other enactment for the time being in force: -

(a) declaring what persons shall be permitted to act as petition-writers in the Courts subordinate to it;

(b) regulating the issue of licences to such persons, the conduct of business by them, and the scale of fees to be charged by them; and

(c) providing a penalty of fine not exceeding fifty rupees for the breach of any of the rules so made and determining the authority by which such breaches of the rules shall be investigated, the penalties imposed, and the procedure to be followed by such authority.

(2) Every fine imposed under clause (c) of sub-section (1) shall be

recoverable as if it were a fine imposed by a Magistrate in the exercise of his ordinary jurisdiction.

33. Sittings Of Courts :-

The District and Subordinate Courts shall sit from day to day except on closed holidays notified by the High Court.

34. Repeal And Savings :-

(1) As from the commencement of this Act, any law in force in the Union Territory making provisions for the constitution and organisation of Civil Courts, or any part of such law, shall stand repealed.

(2) Notwithstanding anything contained in the foregoing provisions:-

(a) the constitution and organisation of Courts under this Act shall not prejudicially affect the continued operation of any notice served, injunction issued, direction made or proceedings taken before the commencement of this Act by any court under the powers conferred upon it by any law for the time being in force;

(b) every proceedings pending before a Court of Comarca immediately before the commencement of this Act shall, on such commencement, stand transferred to the corresponding court of Senior Civil Judge;

(c) every proceeding pending before any Court, of Julgado immediately before the commencement of this Act shall, on such commencement, stand transferred to the corresponding court of Junior Civil Judge; and

(d) every decree or order made or sentence passed by a Court of Comarca or a Court of Julgado shall be deemed for the purpose of execution to have been made or passed by the corresponding court of Senior Civil Judge or Junior Civil Judge, as the case may be.

Explanation:- In this section the expression "corresponding courts" means the court specified as such by order of the Administrator published in the Official Gazette.

35. Rule Of Construction :-

Any reference in any law in force in the 44 [State of Goa] to the Court of Comarca or to the Court of Julgado or to the Judge thereof, shall be construed as a reference respectively to the Court of Senior Civil Judge and the Court of Junior Civil Judge, or to the Judge thereto.

36. Removal Of Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the 45 [Government] in consultation with the High Court may, by order, published in the Official Gazette, make such provisions or give such directions (not inconsistent with the provisions of this Act) as may appear 46 [to the Government] to be necessary for the removal of the difficulty. In exercise of the powers conferred by sub-section (3) of section 1 of the Goa, Daman and Diu Civil Courts Act, 1965, the Administrator of Goa, Daman and Diu is hereby pleased to appoint the 15th day of June, 1966 as the date on which the said Act shall come into force in the Union Territory of Goa, Daman and Diu. By order and in the name of the Administrator of Goa, Daman and Diu. Kant Desai, Under Secretary. Panjim, 30th May, 1966.