

High Courts (Establishment) Order (Punjab Amendment) Ordinance, 1981

1 of 1981

[01 January 1981]

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An Ordinance further to amend the High Courts (Establishment), Order, 1970 Preamble.- WHEREAS it is expedient further to amend the High Courts (Establishment) Order, 1970 (President's Order 8 of 1970) in its application to the Province of the Punjab, in the manner hereinafter appearing; NOW, THEREFORE, in pursuance of the Proclamation of fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), the Governor of the Punjab is pleased to make and promulgate the following Ordinance:-

1. Short Title And Commencement :-

- (1) This Ordinance may be called the High Courts (Establishment) Order (Punjab Amendment) Ordinance, 1981.
- (2) It shall come into force at once.

2. Amendment Of Article 2 Of P.O. 8 Of 1970 :-

In the High Courts (Establishment) Order, 1970 (Presidents Order 8 of 1970) (hereinafter referred to as the Order), in Article 2, for clause (1), the following clauses shall be substituted:-

"(1) "Bench" means any Bench established under clause (3-A) of Article 3;

(1-A) "Circuit Court" means any one or more Judges, nominated by the Chief Justice of the Lahore High Court, sitting or holding court at any place in the Province of the Punjab other than Lahore and the seats of its Benches;

(1-B) "Judge" means a Judge of the Lahore High Court and includes an Acting or Additional Judge of that Court;"

3. Amendment Of Article 3 Of P.O. 8 Of 1970 :-

In the Order, in Article 3, for clause (3), the following clauses shall be substituted:-

"(3) The Lahore High Court and the Judges and Divisional Courts thereof shall sit at its principal seat and the seats of its Benches but may hold, at any place in the Province of the Punjab, Circuit Court consisting of such of the Judges as the Chief Justice of the Lahore High Court may, from time to time, nominate.

(3-A) There is hereby established with immediate effect, a Bench each at Bahawalpur, Multan and Rawalpindi consisting of such of the Judges as may, from time to time, be nominated by the Chief Justice of the Lahore High Court.

(3-B) All proceedings relating to the Civil Divisions of Bahawalpur, Multan and Rawalpindi pending in the Lahore High Court immediately before the commencement of this Ordinance, shall stand transferred to the Benches at Bahawalpur, Multan and Rawalpindi respectively.

(3-C) The Chief Justice of the Lahore High Court shall have power to make provision for all or any of the following matters, that is to say-

(a) assigning the area in relation to which each Bench shall exercise jurisdiction vested in the Lahore High Court;

(b) transferring proceedings pending in-

(i) the Lahore High Court;

(ii) the Benches; and

(iii) the Circuit Court, if any;

to a Bench or to a Circuit Court or to the Lahore High Court, as the case may be; and

(c) determining cases or classes of cases which shall be disposed of by the Judges nominated to the Benches or the Circuit Courts;

and for all matters incidental, supplemental and consequential thereto."

4. Insertion Of New Article 7-A In P.O. 8 Of 1970 :-

In the Order, after Article, 7, the following new Article shall be added:-

"7-A. Delegation of powers- The Chief Justice of the Lahore High Court may, from time to time, by order, delegate all or any of his powers and functions to any Judge and may in like manner withdraw all or any of such powers and functions."