

Chennai City Civil Court Act, 1892

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An Act to establish an additional Civil Court for the City of 1[Chennai]. WHEREAS it is expedient to establish an additional Civil Court for the City of 1[Chennai]. It is hereby enacted as follows:-- 1 Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.

1. Title :-

- (1) This Act may be called the 1[Chennai] City Civil Court Act, 1892. 1[*****]
- (2) 2[*****]

- 1 Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.
2 The word "and" and sub-section (2) were repealed by the Repealing and Amending Act, 1914 [Central Act XVII of 1914].

2. Definitions :-

In this Act, unless there is something repugnant in the subject or context, --

(1) "City Courts" means the Court established under the next following section;

(2) "City of 1[Chennai]" means the area within the local limits for the time being of the ordinary original civil jurisdiction of the High Court;

(3) "High Court" means the High Court of Judicature at 2[Chennai]; and

(4) "Small Causes Court" means the Court of Small Causes of 2[Chennai];

1 Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.

2 Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.

3. Constitution Of The City Court :-

The 2[State Government] may, by notification in the Official Gazette, establish a Court, to be called the 1[Chennai] City Civil Court, with jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature not exceeding two thousand five hundred rupees in value and arising within the City of 1[Chennai], except suits or proceedings which are cognizable--

(a) by the High Court as a Court of Admiralty or Vice-Admiralty or as a Colonial Court of Admiralty, or as a Court having testamentary, intestate or matrimonial jurisdiction, or

(b) by the Court for the relief of insolvent debtors, or

(c) by the Small Cause Court.

1 Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.

2 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

3A. Power Of State Government To Enhance The Jurisdiction Of The City Court :-

2Subject to the exceptions specified in section 3, the [State Government] may, by

notification in the Official Gazette, invest the City Court with jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature arising within the City of 1[Chennai] and of such value not exceeding of 3[ten lakhs of rupees] as may be specified in the notification.]

1 Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.

2 Section 3-A was inserted by section 2 of the Chennai City Civil Court (Amendment) Act, 1934 (Tamil Nadu Act I of 1935).

3 Substituted for "one lakh" by Tamil Nadu Act 28 of 1995 w.e.f. 1st December, 1995.

4. Powers Of Judges Of City Court :-

1[(1) The City Court shall consist of a Principal Judge and such number of Additional or Assistant Judges as the State Government may from time to time appoint.

2[(2) The jurisdiction of an Assistant Judge extends to all suits and proceedings of a civil nature not otherwise exempted from his cognizance, of which the amount or value of the subject matter does not exceed five lakh rupees. The jurisdiction of the Principal Judge and Additional Judge extends to all like suits and proceedings, of which the amount or value of the subject matter exceeds five lakh rupees but does not exceed ten lakh rupees.]

(3) The Principal Judge may, from time to time, make such arrangements as he may think fit for the distribution of the business of the Court among the various Judges thereof.]

1 Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.

2 Sub-section (2) was substituted by Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act, 2003 (Tamil Nadu Act 1 of 2004).

5. Judge Of Civil Court To Be Judge Of Small Cause Court :-

(1) Every person appointed a Judge of the City Court shall be, by virtue of his office, a Judge of the Small Cause Court with respect to cases cognizable by that Court.

(2) Every such Judge shall be liable to perform any duties of a Judge of the Small Cause Court which the Chief Justice of the High Court may require him to perform.

6. Omitted :-

1[* * * *]

1 This section was omitted by Chennai City Civil Court (Amendment) Act, 1955 (Tamil Nadu Act X of 1955).

7. Ministerial Officers :-

1(1) [There shall be appointed to the City Court as many clerks, bailiffs and other Ministerial Officers as the 2[State] Government may, from time to time, consider necessary.

(2) The clerks, bailiffs and other Ministerial officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as 3[***] the Principal Judge, may, from time to time, direct.]

1 This section was substituted for the original section 7 by the Adaptation Order of 1937.

2 This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

3 The words "the Judge or, when the Court consist of more than one Judge", were omitted by section 5 of the Chennai City Civil Court (Amendment) Act, 1955 (Tamil Nadu Act X of 1955).

8. Questions Arising In Suits, Etc., Under This Act To Be Determined According To The Law Administered By The High Court :-

All questions which arise in suits or other proceedings under this Act in the City Court shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

9. Omitted :-

1[***]

1 Sections 9 and 13 were omitted by section 86 of the Tamil Nadu Court-fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955), which came into force on the 19th May 1955.

10. Process-Fees :-

Fees chargeable for serving or executing processes issued by the City Court, or served or executed under its direction or control, shall be such as the High Court may prescribe with the approval of the 1[State Government]. 2[***]

1 This expression was substituted for the expression "State Government of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

2 The words "and the sanction of the Governor-General in Council"

were omitted by the Decentralization Act, 1914 (Central Act IV of 1914).

11. Appointment Of Receivers :-

The powers conferred by Chapter XXXVI of the Code of Civil Procedure (Central Act XIV of 1882)* on High Courts and District Courts as to the appointment of Receivers, may be exercised by the City Court or any Judge thereof.

* See now the Code of Civil Procedure, 1908 (Central Act V of 1908).

12. Omitted :-

[Amendment of Central Act XV of 1882, section 31]. Repealed by the Repealing Act, 1938 (Central Act I of 1938).

13. Omitted :-

1[***]

1 Sections 9 and 13 were omitted by section 86 of the Tamil Nadu Court-fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955), which came into force on the 19th May 1955.

14. Allowance For Fees Paid In City Court In Cases Removed To High Court :-

When, under section 13 of the Letters Patent for the High Court, dated the twenty-eighth day of December 1865, or under section 25 of the Code of Civil Procedure (Central Act XIV of 1882)*, the High Court has removed for trial by itself any suit from the City Court, fees on the scale for the time being in force in the High Court as a Court of ordinary original civil jurisdiction shall be payable in that Court in respect of the suit and proceedings therein:

Provided that, in the levy of any such fees which, according to the practice of the Court, are credited to the Government, credit shall be given to the plaintiff in the suit for any fee which in the City Court he has already paid under the Court-fees Act, 1870* (Central Act VII of 1870), on the plaint.

* See now the Code of Civil Procedure, 1908 (Central Act V of 1908).

* Repealed in its application to the State of Tamil Nadu by Tamil Nadu Act XIV of 1955.

15. Appeals :-

1(1) An appeal shall lie to the High Court from any decree or order appealable under the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), in any suit or proceeding 2[***] where the decree or order appealed from was passed by the Principal Judge or an Additional Judge.

3[(2) An appeal shall lie to the Principal Judge from any decree or order appealable under the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908) passed in any suit or proceeding --

(a) where the amount or value of the subject matter does not exceed five thousand rupees --

(i) by a Judge other than the Principal Judge before the 1st July 1955; or

(ii) by an Assistant Judge on or after the 1st July 1955; or

(b) where such amount or value does not exceed ten thousand rupees, by an Assistant Judge, on or after the date of the commencement of the 4[Chennai] City Civil Court (Amendment) Act, 1971].

5[(2-A) An appeal shall lie to the Principal Judge from any decree or order appealable under the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), passed in any suit or proceeding by a Judge other than the Principal Judge or an Additional Judge --

(a) before the 1st day of December 1995, where the amount or value of the subject matter does not exceed one lakh of rupees;

(b) on or after the 1st day of December 1995, where the amount or value of the subject matter does not exceed three lakhs of rupees; and

(c) on or after the 1st day of December 1995, except when the amount or value of the subject matter of the suit exceeds rupees three lakhs in which case appeal shall lie to the High Court].

(2-B) All appeals pending in the High Court on the date of publication of the Chennai City Civil Court (Amendment) Act, 1997 in the Tamil Nadu Government Gazette of which the amount or value of the subject matter of such appeal exceeds one lakh of rupees but does not exceed three lakhs of rupees and which would be within the cognizance of the Chennai Civil Court under the provisions of the principal Act, as amended by this Act, shall stand transferred to the Chennai City Civil Court.]

6[(2-C) An appeal shall lie to the Principal Judge from any decree

or order, appealable under the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), if passed in any suit or proceeding by an Assistant Judge on or after the date of the commencement of the Tamil Nadu Civil Courts and Chennai City Civil Court (Amendment) Act, 2003.

(3) A second appeal shall lie to the High Court from any decree passed by the Principal or an Additional Judge in the exercise of his appellate jurisdiction on all or any of the grounds mentioned in section 100 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

(4) Subject in other respects to the provisions of the Indian Limitation Act, 1908* (Central Act IX of 1908), the period of limitation for an appeal from a decree or order in any of the cases specified in sub-sections (1) and (3) shall be ninety days and in any of the cases specified in sub-section (2) shall be thirty days.

(5) The Principal Judge may, from time to time, transfer for disposal appeals preferred under sub-section (2) to any Additional Judge and may at any time withdraw such transferred appeals and dispose of them himself.]

1 This section was substituted for the original section by section 6 of the Chennai City Civil Court (Amendment) Act, 1955 (Tamil Nadu Act X of 1955).

2 The words "where the amount or value of the subject matter exceeds three lakh of rupees or" were omitted by the Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act, 2003 (Tamil Nadu Act 1 of 2004).

3 This sub-section was substituted for the original sub-section by the Chennai City Civil Court (Amendment) Act, 1971 (Tamil Nadu Act 18 of 1971).

4 Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.

5 Sections (2-A) and (2-B) were substituted for sub-section (2-A) by the Chennai Civil Court (Amendment) Act, 1997 (Tamil Nadu Act 21 of 1997).

6. Inserted by the Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act, 2003 (Tamil Nadu Act 1 of 2004.)

* See now the Limitation Act, 1963 (Central Act 36 of 1963).

16. Saving Of Original Civil Jurisdiction Of High Court :-

Nothing in this Act contained shall affect the original civil jurisdiction of the High Court:

Provided that --

(1) if any suit or other proceeding is instituted in the High Court which, in the opinion of the Judge who tries the same (whose opinion shall be final), ought to have been instituted in the City Court, no costs shall be allowed to a successful plaintiff and a successful defendant shall be allowed the costs 1[at the maximum admissible under the Madras High Court Fees Rules for suits set down for final disposal];

(2) in any suit or other proceeding pending at any time in the High Court, any Judge of such Court may, at any stage thereof, make an order transferring the same to the City Court if in his opinion such suit or proceeding is within the jurisdiction of that Court and should be tried therein;

(3) in any suit or other proceeding so transferred, the Court-fees Act, 1870, (Central Act VII of 1870)*, shall apply, credit being given for any fees levied in the High Court.

1 These words were substituted for the words "as between attorney and client", by section 2 of the Chennai City Civil Court and Presidency Small Cause Courts (Amendment) Act, 1945 (Tamil Nadu Act I of 1945). This was permanently re-enacted by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No.1) Act, 1948 (Tamil Nadu Act VII 1948).

* Repealed in its application to the State of Tamil Nadu by section 87 of the Tamil Nadu Court-fees and Suits Vacation Act, 1955 (Tamil Nadu Act XIV of 1955).

17. Seal To Be Used :-

The City Court shall use a seal of such form and dimensions as may be for the time being prescribed by the 1[State Government].

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

18. Holidays And Vacations :-

(1) The 1[***] Principal Judge, shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for the approval of the [State Government].

(2) Such list, when it has received such approval, shall be published in the Official Gazette, and the said holidays and vacations shall be observed accordingly.

1 The words "Judge of the City Court, or, when the Court consists of more than one Judge, the" were omitted by section 7 of the Chennai City Civil Court (Amendment) Act, 1955 (Tamil Nadu Act X of 1955).