

**Madras City Civil Court And Presidency Small Cause Courts  
(Amendment) Act, 1916**

**05 of 1916**

**[23 January 1917]**

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PREAMBLE

An Act to amend the Presidency Small Cause Courts Act, 1882, and the Madras City Civil Court Act, 1892.

WHEREAS it is expedient to amend the Madras City Civil Court Act, 1892 (Central Act VII of 1892) and as to the Presidency of Madras the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), in certain particulars and whereas the previous sanction of the Governor-General required by section 79, sub-section (2), of the Government of India Act, 1915, has been obtained so to amend the said Acts; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons see Fort St. George Gazette, dated 30th May 1916, p. 929. For Proceedings in Council, see *ibid*, dated 12th September 1916, pp. 939-945, and *ibid*, dated 9th January 1917, p. 129.

**1. Short title :-**

This Act may be called the Madras City Civil Court and Presidency Small Cause Courts (Amendment) Act, 1916.

**2. Institution in the Madras City Civil Court of certain suits**

### **cognizable by the Madras Small Cause Court :-**

Notwithstanding anything contained in the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), and the Madras City Civil Court Act, 1892 (Central Act VII of 1892), all suits cognizable by the Court of Small Causes of Madras whereof the amount or value of the subject-matter exceeds one thousand rupees may at the election of the plaintiff be instituted in the Madras City Civil Court which shall have jurisdiction to try and dispose of such suits according to the provisions of the Madras City Civil Court Act, 1892 (Central Act VII of 1892).

### **3. Removal of suits instituted in the Madras Presidency Small Cause Court to the High Court or to the Madras City Civil Court :-**

(1) Notwithstanding anything contained in the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), and the Madras City Civil Court Act, 1892 (Central Act VII of 1892), where an application is made to the High Court of Judicature at Madras under section 39(1) of the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), in any suit referred to therein, the High Court may either remove the suit to its own file or transfer the same to the Madras City Civil Court.

(2) Where a suit is ordered to be transferred as aforesaid to the Madras City Civil Court, the provisions of sub-sections (2), (3) and (4) of section 39 and of section 40 of the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), shall, mutatis mutandis and subject to the pecuniary limits of the jurisdiction of the Madras City Civil Court, apply.