

## **Tamil Nadu Civil Courts Act, 1873**

### **3 of 1873**

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## **SCHEDULE 1 :- SCHEDULE I**

### **Tamil Nadu Civil Courts Act, 1873**

#### **3 of 1873**

An Act to consolidate and amend the law relating to the Civil Courts of the 1[State of Tamil Nadu] subordinate to the High Court. Whereas it is expedient to consolidate and amend the law relating to the Civil Courts of the 1[State of Tamil Nadu] subordinate to the High Court; It is hereby enacted as follows:-- 1 Substituted for the words "Madras Presidency" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January, 1969.

#### CHAPTER 1

#### PRELIMINARY

#### **1. Short Title :-**

This Act may be called the 2[Tamil Nadu] Civil Courts Act, 1873.

Local extent.--

3[It extends to the whole of the State of Tamil Nadu;] and

Commencement.--

It shall come into force on the 1st day of March, 1873.

1 Substituted for the words "Madras Presidency" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January, 1969.

2 Substituted for the word Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January, 1969.

3 This paragraph was substituted for the original second paragraph by the Adaptation of Laws Order, 1970.

## **2. Repealed By The Repealing Act, 1873 (Central Act Xii Of 1873) :-**

[Repealed by the Repealing Act, 1873 (Central Act XII of 1873)]

### CHAPTER 2

#### ESTABLISHMENT AND CONSTITUTION OF CIVIL COURTS

### **3. Number Of District Courts :-**

The number of District (heretofore designated Zilla) Courts to be established or continued under this Act shall be fixed, and may, from time to time, be altered, by the 1[State Government.]

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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.

2 The words "Provided that no increase to the number of such Courts shall be made by such Government, without the previous sanction of the Governor-General in Council" were repealed by the Decentralization Act. 1914 (Central Act IV of 1914), Schedule, Part I.

### **3a. Appointment Of Additional District Judge :-**

1[When in the opinion of the High Court, the state of business pending before the Judge of any District Court (hereinafter called the District Judge) so requires, the 1(State Government) may appoint one or more Additional District Judges to that Court for such period as they may deem necessary.

The Additional District Judges so appointed shall discharge all or any of the functions of the District Judge under this Act or any other law for the time being in force which the District Judge may assign to them, and, in the discharge of those functions, they shall exercise the same powers as the District Judge.]

1 Section 3-A was inserted by section 2 of the Tamil Nadu Civil Courts (Amendment) Act, 1931 (Tamil Nadu Act II of 1931).

### **4. Number Of Subordinate Judges And District Munsifs :-**

The number of Subordinate Judges and District Munsifs to be appointed under this Act for each district, shall be fixed and may, from time to time, be altered, by the 1[State Government].

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3[The 1[State Government] may, after consultation with the High

Court, fix and, from time to time, vary by notification the number of Subordinate Judges to be appointed for a Subordinate Judges Court or the number of District Munsifs to be appointed for a District Munsifs Court.]

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.

2 The proviso "Provided that no addition to the number of such officers shall be made by such Government without the previous sanction of the Governor-General in Council" were repealed by the Decentralization Act, 1914 (Central Act IV of 1914), schedule, Part I.

3 This paragraph was added by section 2 of the Tamil Nadu Civil Courts (Amendment) Act, 1925 (Tamil Nadu Act III of 1925).

#### **4A. Section 4A :-**

1 When more than one Subordinate Judge appointed to a Subordinate Judges Court or more than one District Munsif to a District Munsifs Court, one of the Subordinate Judges or the District Munsifs shall be appointed the Principal Subordinate Judge or Principal District Munsif and the others Additional Subordinate Judges or Additional District Munsifs, as the case may be.

Each of the Judges appointed to a Subordinate Judges Court or a District Munsifs Court may exercise all or any of the powers conferred on the Court by this Act or any other law for the time being in force.

Subject to the general or special orders of the District Judge, the Principal Subordinate Judge, or the Principal District Munsif may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof.]

1 Section 4-A was inserted by section 3, *ibid*.

#### **5. Courts Locality :-**

The place at which any Court under this Act shall be held may be fixed, and may from time to time be altered, --

in the case of a District Court or a Subordinate Judges Court, by the 1 [State Government],

in the case of a District Munsifs Court, by the High Court.

2 [The places fixed for any Court under this section shall be deemed to be within the local jurisdiction of that Court.]

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.

2 This sentence was added by section 2 of the Tamil Nadu Civil

Courts Act, 1885 (Central Act XXI of 1885).

**6. Omitted :-**

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1 Sections 6 and 7 were omitted by the Adaptation Order of 1937.

**7. Omitted :-**

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1 Sections 6 and 7 were omitted by the Adaptation Order of 1937.

**8. District Courts, Subordinate Judges And District Munsifs :-**

The present Zilla Courts, Principal Sadr Amins, and District Munsifs, shall be respectively the first "District Courts", "Subordinate Judges", and "District Munsifs" under this Act.

**9. Seal Of Court :-**

Every Court under this Act shall use a seal of such form and dimensions as are, 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.

CHAPTER 3  
JURISDICTION

**10. Local Limits Of Jurisdiction Of District Court Or Subordinate Judges :-**

The 1[State Government] shall fix, and may from time to time vary, the local limits of the jurisdiction of any 2[District Court or Subordinate Judges Court] under this Act;

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The present local limits of the jurisdiction of every Civil Court (other than the High Court) shall be deemed to have been fixed under this Act.

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.

2 These words were substituted for the words "District Judge or Subordinate Judge" by section 4 (a) of the Tamil Nadu Civil Courts (Amendment) Act, 1925 (Tamil Nadu Act III of 1925).

3 The proviso to section 10 was omitted by section 4 (6), *ibid*.

### **11. Local Jurisdiction Of District Munsifs :-**

The High Court shall fix, and may from time to time modify, the local jurisdiction of District Munsifs.

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1 The second paragraph of section 11, which was added by section 3 of the Tamil Nadu Civil Courts Act, 1885 (Central Act XXI of 1885) was omitted by section 5 of Tamil Nadu Civil Courts (Amendment) Act, 1925 (Tamil Nadu Act III of 1925).

### **12. Jurisdiction Of District Judge Or Subordinate Judge In Original Suits :-**

1[The Jurisdiction of a District Judge extends, subject to the rules contained in the Code of Civil Procedure, to all original suits and proceedings of a civil nature, of which the amount or value of the subject matter exceeds five lakh rupees. The jurisdiction of a Subordinate Judge extends, subject to the rules contained in the Code of Civil Procedure, to all like original suits and proceedings, of which the amount or value of the subject matter exceeds one lakh rupees but does not exceed five lakh rupees.]

Jurisdiction of District Munsif.--

The jurisdiction of a District Munsif extends to all like suits and proceedings, not otherwise exempted from his cognizance, of which the amount or value of the subject-matter does not exceed 2[one lakh rupees].

1 First paragraph was substituted by the Tamil Nadu Civil Courts and the City Civil Court (Amendment) Act, 2003 (Tamil Nadu Act 1 of 2004).

2 Substituted for "rupees thirty thousand" by *ibid*.

### **13. Appeals From Decrees Of District Courts :-**

Regular or special appeals 1[\*\*\*\*\*] shall, when such appeals are allowed by law, lie from the decrees and orders of a District Court to the High Court.

2[Appeals from the decrees and orders of Subordinate Judges and

District Munsifs shall, when such appeals are allowed by law, lie to the District Court, if passed --

(i) before the date of the commencement of the Tamil Nadu Civil Courts and the 3[Chennai] City Civil Court (Amendment) Act, 1995 except when the amount or value of the subject matter of the suit exceeds rupees thirty thousand in which case the appeal shall lie to the High Court; and

4[(ii) 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 the appeal shall lie to the High Court.]

Appellate jurisdiction of Subordinate Judge.--

Provided that, whenever a Subordinate Judges Court is established in any district at a place remote from the station of the District Court, the High Court may, with the previous sanction of the 5[State Government], direct that appeals from the decrees or orders of District Munsifs within the local limits of the jurisdiction of such Subordinate Judge be preferred in the Court of the latter:

Disposal of appeal by District Judge.--

Provided also, that the District Judge may remove to his own Court, from time to time, appeals so preferred, and dispose of them himself, or may, subject to the orders of the High Court, refer any appeals from the decrees and orders of District Munsifs, preferred in the District Court, to any Subordinate Judge within the district.

6[Provided further when the District Court or the Subordinate Judges Court to which appeals lie is adjourned under 7[sub-section (1) of section 30], the High court shall have power to receive such appeals.

1 These words and figures "or appeals under Madras Regulation XI of 1832, section 9" were repealed by the Repealing and Amending Act, 1891 (Central Act XII of 1891).

2. Second paragraph was substituted by Tamil Nadu Civil Courts and the Chennai City Court (Amendment) Act, 1995 (Tamil Nadu Act 28 of 1995).

3 Substituted for the word "Madras" by the City of Madras (Alteration of Name Act, 1996 (Tamil Nadu Act 28 of 1996)

4 Substituted by Tamil Nadu Civil Courts (Amendment) Act, 1996 (Tamil Nadu Act 18 of 1996).

5 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.

6 This proviso was added by section 2 of the Tamil Nadu Civil

Courts (Amendment) Act, 1945 (Tamil Nadu Act XXII 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 of 1948).

7 These words, brackets and figures were substituted for the word and figures "section 30" by section 2 of the Tamil Nadu Civil Courts (Amendment) Act, 1959 (Tamil Nadu Act 17 of 1959).

### **13A. Appeals From Decrees Of Subordinate Courts :-**

1 Appeals from the decrees and orders of Subordinate Judges, if passed on or after the date of the commencement of the Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act, 2003, shall, when such appeals are allowed by the law, lie to the District Court.

Appeals from decrees of District Munsif.--

Appeals from the decrees and orders of District Munsifs, if passed on or after the date of the commencement of the Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act, 2003, shall, when such appeals are allowed by law, lie to the Subordinate Court.]

1 Section 13-A was inserted by the Tamil Nadu Civil Courts and the Chennai Civil Court (Amendment) Act, 2003 (Tamil Nadu Act I of 2004).

### **14. Repealed :-**

1 [\*\*\*\*\*]

1 This section was repealed by section 84 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.

### **15. Power To Require Witness For Party To Make Oath Or Affirmation :-**

Every court under this Act may require a witness or party to any suit or other proceeding pending in such court to make such oath or affirmation as is prescribed by the law for the time being in force.

### **16. Law Administered By Courts To Natives :-**

\*Where, in any suit or proceeding, it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage, or caste, or any religious usage or institution, --

(a) the Muhammadan law in cases where the parties are Muhammadans and the Hindu law in cases where the parties are Hindus, or,

(b) any custom (if such there be) having the force of law and governing the parties or property concerned, shall form the rule of

decision, unless such law or custom has, be legislative enactment, been altered or abolished,

(c) in cases where no specific rule exists, the Court shall act according to justice, equity and good conscience.

\* The provisions of this section in so far as they are inconsistent with the provisions of the Muslim Personal Law (Shariat) Application Act, 1937 (Central Act XXVI of 1937), have been repealed - See Section 8 of that Act.

### **17. Judges Not To Try Suits In Which They Are Interested; Not To Try Appeals From Decrees Passed By Them In Other Capacities :-**

1[No District Judge, Vacation Civil Judge, Subordinate Judge or District Munsif] shall try any suit to or in which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

2[No District Judge, Vacation Civil Judge or Subordinate Judge] shall try appeal against a decree or order passed by himself in another capacity.

Mode of disposing of such suits and appeals.--

When any such suit, proceeding or appeal comes before any such officer, he shall report the circumstances to the Court to which he is immediately subordinate.

The superior Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil Procedure, section 6.3

Nothing in the last proceeding clause of this section shall be deemed to affect the extraordinary original civil jurisdiction of the High Court.

1 These words were substituted for the words "No District Judge, Subordinate Judge or District Munsif" by section 3 of the Tamil Nadu Civil Courts (Amendment) Act. 1959 (Tamil Nadu Act 1.7 of 1959).

2 These words were substituted for the words "No District Judge or Subordinate Judge" by *ibid*.

3 See now the Code of Civil Procedure, 1908 (Central Act V of 1908), section 24.

#### CHAPTER 4

#### Part IV

### **18. Section 18 :-**

Section 18-21 - Omitted

1[18 to 21 \*\*\*]

1 The whole of Part IV which contained sections 18 to 21 was omitted by the Adaptation Order of 1937.

**19. Section 19 :-**

**20. Section 20 :-**

**21. Section 21 :-**

CHAPTER 5

MINISTERIAL OFFICERS

**22. Omitted :-**

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1 These sections were omitted by ibid.

**23. Omitted :-**

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1 These sections were omitted by ibid.

**24. Duties Of Ministerial Officers :-**

1The Ministerial Officers of a Court shall perform such duties as may, from time to time, be imposed upon them by the presiding officer of the Court.]

**24A. Appointment Of Subordinate Judge For Two Or More Districts :-**

1(1) Notwithstanding anything contained in this Act, a Subordinate Judge may, where the 2[State] Government so direct, be appointed for the area comprised within the local limits of the jurisdiction of two or more District Courts.

(2) A Subordinate Judge so appointed shall hold his Court at such place within the jurisdiction of each of the said District Courts and for such period as the High Court may, from time to time, fix.

(3) The local limits of the jurisdiction of the Subordinate Judges Court, when it is held at any such place, shall be the same as those of the District Court concerned, but the Subordinate Judges Court shall not entertain any original suit or proceeding and shall try or dispose of only such suits, appeals and other proceedings as may be transferred to it by the District Court under this Act or any other law.

(4) Appeals from the decrees and orders of the Subordinate Judge in suits or proceedings so transferred shall, where they lie to a District Court, lie to the District Court which transferred the suits or proceedings.]

1 This section was inserted by section 2 of the Tamil Nadu Civil Courts (Amendment) Act. 1948 (Tamil Nadu Act X of 1948).

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

## **25. Temporary Discharge Of Duties Of District Judge :-**

In the event of the death of the District Judge, or of his being incapacitated by illness or otherwise, for the performance of his duties, or of his absence from the station in which his court is held, 1[the senior Additional District Judge or the Additional District Judge, as the case may be, or if there is no Additional District Judge], the senior Subordinate Judge of the District shall, without interruption to his ordinary duties, assume charge of the District Judges office, and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of processes and the like, and shall continue in charge of the office until the same is resumed or assumed by an officer duly appointed thereto.

1 These words were inserted by section 6 of the Tamil Nadu Civil Courts (Amendment) Act, 1931 (Tamil Nadu Act II of 1931).

## **26. Omitted :-**

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1 Section 26 was omitted by the Adaptation Order of 1937.

## **27. District Judge To Control Civil Courts Of District :-**

Subject to the other provisions of this Act and to the rules for the time being in force and prescribed by the High Court in this behalf, the general control over all the Civil Courts under this Act in any district is vested in the District Judge.

## **28. Investiture Of District Or Subordinate Judge With Small Cause Jurisdiction :-**

1The 2[High Court] may, by notification in the official Gazette, invest within such local limits as it shall, from time to time, appoint, any 3[District or] Subordinate Judge with the jurisdiction of a Judge of a Court of Small Causes for the trial of suits cognizable by such Courts upto the amount of 4[twenty thousand rupees], Investiture of District Munsif with similar jurisdiction.--

and any District Munsif with the same jurisdiction upto the amount of 5[.....] 6[five thousand rupees], and may, by like notification, whenever it thinks fit, withdraw such jurisdiction from the 7[District or] Subordinate Judge or Munsif or invested.

1 See section 2 (2) of the Tamil Nadu Civil and Village Courts (Amendment) Act, 1951 (Tamil Nadu Act XVI of 1951), which came into force on the 19th May, 1955.

2 These words were substituted for the words "Local Government" by the Decentralisation Act, 1914 [Central Act IV of 1914].

3 These words were inserted by section 3 of the Tamil Nadu Civil Courts Act, 1885 (Central Act XXI of 1885).

4 These words were substituted for the words "rupees two thousand" by the Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act, 1995 (Tamil Nadu Act 28 of 1995).

5 The words "rupees fifty or on the recommendation of the High Court upto any amount not exceeding" were repealed by the Decentralisation Act, 1914 (Central Act IV of 1914).

6 These words were substituted for the words "rupees five hundred" by the Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act, 1995 (Tamil Nadu Act 28 of 1995).

7 These words were inserted by section 3 of the Tamil Nadu Civil Courts Act, 1885 (Central Act XXI of 1885).

### **29. Exercise By Subordinate Judge Of Jurisdiction Of District Judge In Certain Proceedings :-**

1(1) The High Court may, by general or special order, authorize any Subordinate Judge to take cognizance of, or any District Judge to transfer to any Subordinate Judge under his control, any proceedings under the Indian Succession Act, 1925 (Central Act XXXIX of 1925) which cannot be disposed of by District Delegates.

(2) The District Judge may withdraw any such proceedings taken cognizance of by, or transferred to, a Subordinate Judge, and may either himself dispose of them or transfer them to a Court, under his control competent to dispose of them.

(3) Notwithstanding anything contained in section 13, proceedings taken cognizance of by, or transferred to a Subordinate Judge under the provisions of this section shall be disposed of by him subject to the law applicable to like proceedings when disposed of by the District Judge.]

1 Section 27 was inserted by section 2 of the Tamil Nadu Civil Courts (Amendment) Act, 1926 (Central Act XIV of 1926).

### **30. Vacation :-**

1[(1)] The High Court may permit the Civil Courts under its control to adjourn, from time to time, for periods not exceeding in the

aggregate two months in each year.

2[(2) Notwithstanding anything contained in this Act or in the Code of Civil Procedure, 1908 (Central Act V of 1908), the State Government may, in consultation with the High Court, for the duration of the adjournment of any District Court in summer, appoint for such District Court, a Subordinate Judge to be designated the Vacation Civil Judge.

(3) (a) The local limits of the jurisdiction of the Vacation Civil Judge shall be the same as those of the District Court concerned.

(b) The jurisdiction of the Vacation Civil Judge shall extend to all suits appeals and other proceedings pending in, or cognizable by, any Civil Court (whether a District Court, a Subordinate Judges Court or a District Munsifs Court) in the district concerned when such Court is adjourned for summer vacation.

(4) The place, at which the Court of the vacation Civil Judge shall be held, shall be the same as the place at which the District Court concerned may be held. The Vacation Civil Judge shall have such administrative control over the staff of the several Civil Courts in the district, as the High Court may, by general or special order, determine.

(5) Notwithstanding the appointment of the Vacation Civil Judge, every Civil Court in the district shall, during the period it is adjourned for summer vacation, be deemed to be closed for the purpose of section 4 of the 3Indian Limitation Act, 1908. (Central Act IX of 1908.)

(6) On the reopening of the District Court, a Subordinate Judges Court or a District Munsifs Court after the summer vacation, all suits, appeals and other proceedings pending in the "Court of the Vacation Civil Judge which, but for this section, would have been instituted or pending in such District Court, Subordinate Judges Court or District Munsifs Court, as the case may be, shall stand transferred to such District Court, Subordinate Judges Court or District Munsifs Court and any decree, order or proceeding passed by the Vacation Civil Judge shall, after such transfer, be deemed to be a decree, order or proceeding passed by the Court concerned.

(7) Notwithstanding the provision of sub-section (6), any appeal from the decree or order of the Court of the Vacation Civil Judge shall, when such appeal is allowed by law, lie to the High Court.]

1 The original section 30 was renumbered as sub-section (1) of that section by section 4 of the Tamil Nadu Civil Courts (Amendment) Act, 1959 (Tamil Nadu Act 17 of 1959).

2 Sub-sections (2) to (7) were added by *ibid*.

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

SCHEDULE 1

SCHEDULE I

[Repealed by the Repealing Act, 1873 (Central Act XII of 1873).]