

BENGAL AGRA AND ASSAM CIVIL COURTS (EXTENSION TO OUDH) ACT, 1956

2 of 1956

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An Act to provide for extension of certain of the provisions of the Bengal, Agra and Assam Civil Courts Act, 1887, to Oudh. Whereas it is expedient to provide for extension of certain of the provisions of Bengal, Agra and Assam Civil Courts Act, 1887, to the territories to which the Oudh Courts Act, 1925 is applicable. It is hereby enacted in the sixth year of the Republic of India as follows :
OBJECT— Before this enactment the Oudh Courts were governed by the Oudh Courts Act, 1925, and the Courts of Agra were governed by this Act. This Act seeks to extend the provisions of Bengal, Agra and Assam Civil Courts Act to Oudh. For detailed Statement of Object please refer to U.P. Gazette. Extra, dated August 30, 1955. ENFORCEMENT—The Act was passed in Hindi, by the U.P. Legislative Council on Sept. 19, 1955, received the assent of the President on January 4, 1956, and published in the U.P. Gazette Extra, dated January 11, 1956. 1. Received the Assent of the President on January 4, 1956, and was published in the Uttar Pradesh Gazette, Extraordinary, dated January 11, 1956.

1. Short title, extent and commencement :-

- (i) This Act may be called the Bengal, Agra and Assam Civil Courts (Extension to Oudh) Act, 1955. (ii) It shall come into force at once.

2. Application of Act XII of 1887 to Oudh :-

With effect from the date of the commencement of this Act provisions of (a) Sections 3, 4, 6, 8, 9 to 11, 13 to 25, 38 and 39 ; and (b) Section 40 [with the modification that in sub-section (1) the figures 32 and 37 shall be deleted] of the Bengal, Agra and Assam Civil Courts Act, 1887, (as amended from time to time in their application to Uttar Pradesh) shall apply to the territories to which the Oudh Courts Act, 1925, is applicable and the corresponding provisions of the Oudh Courts Act, 1925 shall thereupon stand repealed accordingly.

3. Courts, etc. established under U.P. Act IV of 1925 :-

All courts established or constituted and appointments, nominations, rules and orders made, jurisdiction and powers conferred and lists published under the Oudh Courts Act, 1925, shall be deemed to have been respectively established, constituted, made, conferred and published under the provisions of the Bengal, Agra and Assam Civil Courts Act, 1887, as herein applied to Oudh.

4. Pending suits or proceedings :-

All suits and proceedings instituted or commenced before the commencement of this Act in any court constituted or established under the Oudh Courts Act, 1925, shall be continued in the court where they were instituted or commenced or to which they may have been transferred notwithstanding the repeal of the provisions of the said Act, as if they had been instituted or commenced in a court constituted and established under the Bengal, Agra and Assam Civil Courts Act, 1887.

5. Pending appeals and Transitory provisions :-

Where by reason of the application of the provision of Section 21 of the Bengal, Agra and Assam Civil Courts Act, 1887 to Oudh an appeal shall now lie to the District Judge, and not to the High Court : (a) any appeal already instituted or commenced in the High Court prior to the commencement of this Act shall, notwithstanding the application of the said provisions, continue to be heard and decided by the High Court ; and (b) any appeal not so instituted or commenced but in respect of which the period of limitation has begun to run before the commencement of this Act, shall notwithstanding that it shall now lie to the District Judge, continue to be governed by the period of limitation which would have been available if the appeal had laid to the High Court.

6. Section 6 :-

All decrees passed and orders made before the commencement of

this Act by a court constituted or established under the Oudh Courts Act, 1925, shall be deemed for purposes of execution to have have been passed or made by the corresponding court constituted and established or deemed to be constituted and established under the Bengal, Agra and Assam Civil Courts Act, 1887, as extended to Oudh.