

United Provinces Honorary Munsifs Act, 1896

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United Provinces Honorary Munsifs Act, 1896

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An Act to provide for the appointment of Honorary Munsifs and for the constitution of benches of Honorary Munsifs in the 2United Provinces Whereas it is expedient to provide for the appointment of Honorary Munsifs and for the constitution of Benches of Honorary Munsifs in the 2(United Provinces). it is hereby enacted as follows:

1. Received the assent of the Lieutenant Governor on the 30th August, 1896 and of the Governor-General on the 11th December, 1896, and published in Gazette 1897, Part IV, page 1, under Section 40 of the Indian Councils Act, 1861, on the 2nd January, 1897. 2. Substituted by Sec. 28 (2) of U.P. Act No. 1 of 1904.

1. Title, Extent And Commencement :-

(1) This Act may be called the 1(United Provinces) Honorary Munsifs Act, 1896. (2) It shall extend² to the whole of Uttar Pradesh.

Areas	Acts under which extended	notification under which enforced	Date from which enforced
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1	2	3	4
1. Rampur District	Rampur (Application of Laws) Act, 1950.	--	December 30, 1949.
2. Banaras District	Banaras (Ditto) Order, 1949.	Noti. No. 3262 (i) XVII, dated Nov. 30, 1949.	November 30, 1949.
3. Tehri-Garhwal District	Tehri-Garhwal (Ditto) Order, 1949.	Noti. No. 3262 (ii) XVII, dated Nov. 30, 1949.	Ditto

(3) It shall come into force at once. 1. Substituted by Sec. 28 (2) of U.P. Act No. 1 of 1904. 2. The Act extended to the areas as mentioned in column 1 of the following table under the Act or Order mentioned in column 2, enforced in such areas under notification, if any mentioned in column 3 with effect from the dates mentioned in column 4 against each such area.

2. Repeal :-

(1) Section 15 of the Oudh Civil Courts Act, 1879, is hereby repealed. (2) But all Honorary Assistant Commissioners, invested with powers under the provisions of that section shall be deemed to have been appointed Honorary Munsifs under this Act and in respect of proceedings mentioned in sub-section (1) of Section 11, shall continue to exercise such jurisdiction as they now possess as honorary Assistant Commissioner.

3. Definitions :-

In this Act, unless there is something repugnant in the subject or context-- (1) "Honorary Munsif" means a person invested with the power of an Honorary Munsif under this Act; (2) "Bench" means a Bench of Honorary Munsifs constituted under this Act; and (3) "District Judge" "Subordinate Judge" and "Munsif" mean respectively the District Judge, the Subordinate Judge¹ and the Munsif appointed under the Bengal, (Agra)² and Assam Civil Court Act, 1887³, or the Oudh Civil Courts Act, 1879⁴, within the local limits of whose jurisdiction an Honorary Munsif or Bench is empowered to try suits: 1. Now called the Civil Judge. 2. Substituted in Act XII of 1887 by Act No. XVI of 1911. 3. See Volume I of U.P. Local Acts. 4. Repealed by U.P. Act No. VI of 1925.

4. Power To Appoint Honorary Munsifs :-

The 1(State Government) may, by notification in the 2(Official Gazette) appoint any person to be an Honorary Munsif, and may, in like manner, cancel such appointment. 1. Substituted by the A.O. 1950. 2. Substituted by the A.O. 1937.

5. Benches Of Honorary Munsifs :-

(1) The 1(State Government) may, by notification in the 2(Official Gazette), appoint any two or more Honorary Munsifs by name to be members of a Bench, and make rules³ respecting the constitution of such Bench. (2) While such notification remains in force the powers of such Honorary Munsifs, shall, subject to the provisions of this Act, be exercised by the Bench so constituted, and not otherwise. 1. Substituted by the A.O. 1950. 2. Substituted by the A.O. 1937. 3. For Rules see S.R.O.

6. Status Of Honorary Munsifs And Benches :-

Every Honorary Munsif appointed under Section 4, and every Bench constituted under Section 5, shall be deemed to be a Munsif within the meaning of the Bengal, 1(Agra) and Assam Civil Courts Act 1887², or of the Oudh Civil Courts Act, 1879³, as the case may be and save as hereinafter excepted, all the provisions of those Acts applicable to Munsifs shall apply, as far as may be, to all Honorary Munsifs and Benches in 4(Agra) and the Oudh, respectively. 1. Substituted in Act No. XII of 1887 by Act No. XVI of 1911. 2. See Volume I of U.P. Local Acts. 3. Repealed by U.P. Act No. VI of 1925. 4. Substituted by Section 29 read with Section 28 (2) of U.P. Act No. 1 of 1904.

7. Jurisdiction :-

(1) Subject to the provisions of this Act, the jurisdiction of an Honorary Munsif or of a Bench shall be concurrent with that of the Munsif or where there is no Munsif, with that of the Subordinate Judge.¹ (2) An Honorary Munsif, or Bench shall not take cognizance of any suit specified in the Second Schedule of the Provincial Small Cause Courts Act, 1887, as excepted from the cognizance of a Court of Small Causes. (3) Subject to the exception specified in that schedule and to the provisions of this Act, the jurisdiction of any Honorary Munsif extends to all original suits of a civil nature, the value of the subject-matter of which does not exceed two hundred rupees. 2[(4) nothing in Section 16 of the Provincial Small Cause Courts Act of 1887 shall be deemed to affect the jurisdiction of Honorary Munsifs or Benches under this Act and no power exercised, or order issued, by an Honorary Munsif or Bench since the commencement of this Act shall be deemed to have been exercised or issued illegally and without jurisdiction merely by reason of the operation of the aforesaid section.] 1. Now called the Civil Judge. 2. Inserted by U.P. Act No. II of 1904.

8. Institution Of Suits :-

(1) No suit or proceeding other than an application of the kind specified in sub-section (1) of Section 11 shall be instituted in the court of any Honorary Munsif or Bench, but an Honorary Munsif or Bench shall try the suits transferred to the court of such Honorary Munsif or Bench as provided in sub-section (2). 1((2) The District Judge shall, from time to time having regard to the number of cases pending in the respective courts, transfer for trial from the court of the Subordinate Judge² or of the Munsif or of the Small Cause Court Judge to an Honorary Munsif or Bench number of cases cognizable by such Honorary Munsif or Bench as he deems advisable: Provided that the last paragraph of Section 25 of the Code of Civil Procedure shall not be deemed applicable to cases so transferred from Courts of Small Causes, and that, except with the written consent of all the parties, no case in which the issues have already been framed shall be so transferred). (3) The ³(State Government) may, by notification in the ⁴(Official Gazette) direct that the provisions of sub-sections (1) and (2) shall not apply to any specified Honorary Munsif or Bench.⁵ (4) When a notification has been issued under sub-section (3), the District Judge shall assign to the Honorary Munsif or Bench specified therein such civil business cognizable by such Honorary Munsif or Bench, as, subject to any general or special orders of the High Court, he thinks fit. 1. Substituted by U.P. Act No. II of 1904. 2. Now called the Civil Judge. 3. Substituted by the A.O. 1950. 4. Substituted by the A.O. 1937. 5. For notes see S.O.R.

9. Procedure In Suits :-

The courts of Honorary Munsifs and Benches in ¹(Agra) and in Oudh shall be deemed to be Civil Courts, under the Bengal, ⁶(Agra) and Assam Civil Courts Act, 1887,² and the Oudh Civil Court Act, 1879,³ respectively, and save as herein excepted, all the provisions of the Code of Civil Procedure shall apply to suits tried by Honorary Munsifs and Benches. 1. Substituted by Sec. 29 read with Sec. 28 (2) of U.P. Act No. 1 of 1904. 2. Substituted In Act XII of 1887 by Act No. XVI of 1911, See Vol I. 3. repealed by U.P. Act No. IV of 1925.

10. Judgments And Orders Of Benches :-

(1) The opinion of the majority of the members of the Bench shall prevail and be deemed to be the decision of the Benches. (2) Subject to the provisions of sub-section (1), the ¹(State Government) may, after consultation with High Court, make rules² respecting the mode of settling differences of opinion which may

arise between the members of a Bench. (3) In making rules under sub-section (2) the 1(State Government) may direct-- (a) that the Bench shall forward the record of the case in which such difference of opinion has arisen to the District Judge for orders; (b) that the District Judge shall transfer the case for decision of the question in respect of which such difference of opinion has arisen to any court subordinate to him having jurisdiction and that the Bench shall dispose of the case in conformity with such decision; or (c) that the District Judge shall withdraw the case from the Bench and try it himself or transfer it for trial to any court subordinate to him having jurisdiction. (4) When any subordinate court has decided any question under clause (b) of sub-section (3), such subordinate court shall not try any appeal from any decree or order passed by the Bench in any case in which such question has been so decided. 1. Substituted by the A.O. 1950. 2. For Rules, See Notification No. 107/VII---847-B-5, dated January 27, 1911.

11. Procedure In Suits After Decree :-

(1) When an Honorary Munsif or a Bench has passed a decree in any suit such Honorary Munsif or Bench shall, except for the purpose of applications under Sections 99, 103, 108, 157, 206, 271 and 623 of the Code of Civil Procedure cease to exercise any further jurisdiction in respect of such suit. (2) For the purposes of execution and proceedings after decree, other than those specified in sub-section (1), the judgments, decrees and order passed by an Honorary Munsif or Bench shall be deemed respectively to be judgments, decrees and orders of the Munsifs Court, or, where there is no Munsif, of the Subordinate¹ Judges Court. (3) Where there are more Munsifs than one having concurrent local jurisdiction, the District Judge shall determine which one of them shall be deemed to be the Munsif for the purposes of sub-section (2): Provided that the (State Government)¹ may, by notification in the (official Gazette)², direct that the provisions of this section shall not apply to any specified Honorary Munsif or Bench. 1. Now known as Civil Judge. 2. Substituted by the A.O. 1950.

12. Appointment And Removal Of Ministerial Officers :-

The ministerial officers of the Court of an Honorary Munsif or Bench shall be deemed to be ministerial officers of the Court of the District Judge.

13. Exception Of Certain Section Of Acts Xii Of 1887 And Xiii Of 1879 :-

Nothing in the following sections of the Bengal, Agra¹ and Assam Civil Courts Act, 1887, and the Oudh Civil Courts Act, 1879, shall apply to Honorary Munsifs and Benches, viz.-- 1. Substituted by the A.O. 1937. Act XII of 1887 Section 7.-- Vacancies among Munsifs. Section 12.-- Temporary charge of office of Munsif. Section 19.-- Extent of jurisdiction of Munsif. Section 23.-- Exercise by Munsif of jurisdiction of District Court in certain proceedings. Section 24.-- Disposal of proceedings referred to in Section 23. Section 25.-- Power to invest Munsifs with Small Cause Court jurisdiction. Section 31.-- Appointment and removal of ministerial officers of other Courts. Act XIII of 1879 Section 17.-- Extent of jurisdiction of Munsif. Section 24.-- Power to invest with Small Cause Court jurisdiction. Section 34.-- Removal etc., of ministerial officers of Munsifs Courts.