

Uttar Pradesh Civil Laws (Amendment) Act, 1968

35 of 1968

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Uttar Pradesh Civil Laws (Amendment) Act, 1968

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Enacted by the President in the Nineteenth Year of the Republic of India. An Act further to amend the Code of Civil Procedure, 1908, the Bengal, Agra and Assam Civil Courts Act, 1886, and the Provincial Small Cause Courts Act, 1889, in their application to Uttar Pradesh. In exercise of the powers conferred by Section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1968, the President is pleased to enact as follows : 1. Published in Gazelle of India, Ext, Part II, Sec, 1, dated 2nd December, 1968

1. Short Title And Extent :-

(1) This Act may be called the Uttar Pradesh Civil Laws (Amendment) Act, 1968. (2) It extends to the whole of Uttar Pradesh.

2. Substitution Of New Section For Section 42 :-

For Section 42 of the Code of Civil Procedure, 1908, as amended in its application to Uttar Pradesh, the following section shall be substituted, namely : "42. Powers of Court in executing transferred decree.-- (1) The court executing a decree sent to it shall have the same powers in executing such decree as if it had been passed by itself. All persons disobeying or obstructing the execution of the decree, shall be punishable by such court in the same manner as if it had passed the decree, and its order in executing such decree shall be subject to the same rules in respect of appeal as if the decree had been passed by itself. (2) Without prejudice to the generality of the provisos of sub-section (1), the powers of the

court under that sub-section shall include the following powers of the court which passed the decree, namely :-- (a) power to send the decree for execution to another court under Section 39 ; (b) power to execute the decree against the legal representative of the deceased judgment-debtor under Section 50 ; (c) power to order attachment of a decree. (3) A court passing an order in exercise of the powers specified in sub-section (2) shall send a copy thereof to the court which passed the decree. (4) Nothing in this section shall be deemed to confer on the court to which a decree is sent for execution any of the following powers, namely-- (a) power to order execution at the instance of the transferee of a decree; (b) in the case of a decree passed against a firm, power to grant the leave to execute such decree against any person other than such a person as is referred to in clause (b) or clause (c) of sub-rule (1) of Rule 50 of Order XXI."

3. Amendment Of Section 21 :-

In Section 21 of the Bengal, Agra and Assam Civil Courts Act, 1887, as amended in its application to Uttar Pradesh (hereinafter referred to as the Bengal, Agra and Assam Civil Courts Act), for sub-section (1), the following subsections shall be substituted, namely,-- "(1) Save as aforesaid, an appeal from a decree or order of a Civil Judge shall lie-- (a) to the District Judge where the value of the original suit in which, or in any proceeding arising out of which, the decree or order was made, whether instituted or commenced before or after the commencement of the Uttar Pradesh Civil Laws (Amendment) Act, 1968, did not exceed twenty thousand rupees; and (b) to the High Court, in any other case. (1-A) An appeal from a decree or order of a Civil Judge where the value of the original suit in which or in any proceeding arising out of which, the decree or order was made exceeded ten thousand rupees but did not exceed twenty thousand rupees instituted in the High Court before commencement of the Uttar Pradesh Civil Laws (Amendment) Act, 1968, may be transferred by the High Court for disposal to any District Judge or Additional Judge subordinate to it."

4. Amendment Of Section 25 :-

In Section 25 of the Bengal, Agra and Assam Civil Courts Act, for the words "five hundred rupees" and "two hundred and fifty rupees" the words "one thousand rupees" and "five hundred rupees" shall respectively be substituted.

5. Amendment Of Section 15 :-

In Section 15 of the Provincial Small Cause Courts Act, 1887 (9 of 1887) : (a) in sub-section (2), for the words "five hundred rupees", the words "one thousand rupees" shall be substituted ; (b) in sub-section (3), for the words "one thousand rupees", the words "two thousand rupees" shall be substituted.