
Uttar Pradesh Civil Laws (Amendment) Act, 1973

019 of 1973

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Enacted by the President of India in the Twenty-fourth year of the Republic of India An Act further to amend the Code of Civil Procedure, 1908, and the Bengal, Agra and Assam Civil Courts Act, 1887 in their application to Uttar Pradesh, and the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973, the President is pleased to enact as follows: REASONS FOR THE ENACTMENT The Uttar Pradesh Civil Laws (Amendment) Act, 1972, which came into force on September 20, 1972, amended inter alia section 115 of the Code of Civil Procedure, 1908, so as to provide that in cases of suits valued below Rs. 20,000, the District Courts, alone (and not the High Court) shall be competent to entertain the

revisions. A Full Bench has been constituted by the High Court to consider the question whether the aforesaid amended section 115 would apply also in respect of cases instituted in the trial courts before September 20, 1972. The amendment proposed in clause 2 of the Bill is intended to clarify the legal position in this regard. 2. Similarly, the amendment proposed in clause 5 of the Bill is intended to prevent the abuse of the exempting provision contained in clause (c) of section 2 (1) of the Uttar Pradesh Urban Building (Regulation of Letting, Rent and Eviction) Act, 1972 which excludes any building used or intended to be used as a factory from the operation of the said Act. It has been represented that landlords have claimed unintended benefit by invoking the exemption provision in cases where any plant is installed by a tenant in a building leased out by the landlord. It, is therefore, proposed that the exemption under clause (c) of section 2 (1) of the Act should be applicable only where the building is leased by the landlord along with the plant installed therein and not otherwise. Clause (c) of section 2(1) after it is amended in the manner proposed would be in conformity with the existing provision in clause (d) of the said section 2(1). 3. Opportunity is also being taken to carry out some other amendments of consequential or clarificatory nature in Order L of the First Schedule to the Code of Civil Procedure, 1908, and section 25 of the Bengal, Agra and Assam Civil Courts Act, 1887 in their application to the State of Uttar Pradesh and sections 8 and 43 of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972. 4. The Committee constituted under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973 (33 of 1973) has been consulted before the enactment of this measure as a President's Act. 1. Receive the assent by the President, vide Notification No. 3339 (2)/ XVII--V-I/84-73, dated. Lucknow, October 19, 1973.

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Uttar Pradesh Civil Laws (Amendment) Act, 1973
- (2) It extend to the whole of Uttar Pradesh.
- (3) This section shall come into force at once, sections 5 and 6 shall be deemed to have come into force on the 15th day of July, 1972 and the remaining section shall be deemed to have come into force

on the 20th day of September, 1972.

CHAPTER2 AMENDMENT TO THE CODE OF CIVIL PROCEDURE, 1908

2. Substitution Of New Section For Section 115 :-

For section 115 of the Code of Civil Procedure, 1908 (5 of 1908), as amended in its application to Uttar Pradesh (hereinafter in this Chapter referred to as the said Code), the following section shall be substituted, namely:

"115. Revision--The High Court in cases arising out of original suits of the value of rupees twenty thousand and above including such suits instituted before the 20th day of September, 1972, and the District Court in any other case, including a case arising out of an original suit instituted before the 20th day of September, 1972, may call for the record of any case which has been decided by any court subordinate to such High Court or District Court, as the case may be, and in which no appeal lies thereto, and if such subordinate court appears--

- (a) to have exercised a jurisdiction not vested in it by law, or
- (b) to have failed to exercise a jurisdiction so vested, or
- (c) to have acted in the exercise of its jurisdiction illegally or with material irregularity.

the High Court or the District Court, as the case may be, may make such order in the case as it thinks fit:

Provided that in respect of cases decided before the 20th day of September, 1972 and also all cases arising out of original suits of any valuation decided by the District Court, the High Court alone shall be competent to make an order under this section."

3. Amendment Of The First Schedule :-

In the First Schedule to the said Code, in Order L, in rule 1, in clause (b) for the words and figures "Order XV, except so much of rule 4 as provides for the pronouncement at once of judgment", the words and figures "Order XV, except so much of rule 4 as provides for the pronouncement at once of judgment and rule 5" shall be substituted.

CHAPTER3 AMENDMENTS TO THE BENGAL AGRA AND ASSAM CIVIL COURTS ACT, 1887

4. Amendment Of Section 25 :-

In Section 25 of the Bengal, Agra and Assam Civil Courts Act, 1887 (12 of 1887), as amended in its application to Uttar Pradesh, after sub-section (3), the following sub-section shall be inserted, namely:--

"(4) Where the jurisdiction of a Judge of a Court of Small Causes is conferred upon any District Judge or Additional District Judge by notification under this section, then, notwithstanding anything contained in section 15 of the Provincial Small Cause Courts Act, 1887, all suits referred to in sub-section (2) shall be cognizable by Court of Small Causes."

CHAPTER 4 AMENDMENTS OF THE UTTAR PRADESH URBAN BUILDINGS (REGULATION OF LETTING, RENT AND EVICTION) ACT, 1972

5. Amendment Of Section 2 :-

In section 2 of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (U.P. Act 13 of 1972) hereinafter in this Chapter referred to as the principal Act) in sub-section (1), in clause (c), after the words and figures "a factory within the meaning of the Factories Act, 1948", the words "where the plant of such factory is leased out along with the building" shall be inserted.