

---

## **Uttar Pradesh Civil Laws (Reforms And Amendment) Act, 1954**

**24 of 1954**

### CONTENTS

1. Short Title And Commencement
2. Amendment Of Enactments Specified In The Schedule
3. Savings

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

## **Uttar Pradesh Civil Laws (Reforms And Amendment) Act, 1954**

**24 of 1954**

An Act to provide for reforming the Civil Laws Whereas it is expedient to reform the Civil Laws and to that-end in view to amend certain Acts in their application to Uttar Pradesh ; It is hereby enacted as follows : 1. For statement of Objects and Reasons, see Uttar Pradesh Gazette, Extraordinary, dated December 12, 1953 After assent by the President on November 22, 1954, it was published in the U.P. Gazette, Extraordinary, dated November 30, 1954. 2. Inserted by Section 2 of the U.P. Act No. IX of 1963

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

(1) This Act may be called the Uttar Pradesh Civil Laws (Reforms and Amendment) Act, 1954. (2) It shall come into force at once.

### **2. Amendment Of Enactments Specified In The Schedule :-**

The enactment specified in column 2 of the Schedule shall, in their application to Uttar Pradesh, be and they hereby are amended to the extent mentioned in columns 3 and 4 thereof.

### **3. Savings :-**

(1) Any amendment made by this Act shall not effect the validity, invalidity, effect or consequence of anything already acquired, done or suffered for any right, title, obligation or liability already acquired, accrued or incurred for any release or discharge of or from any debt, decree, liability or any jurisdiction already

exercised, and any proceeding instituted or commenced in any Court prior to the commencement of this Act shall, notwithstanding any amendment herein made continue to be heard and decided by such court. 1[(1-A) Notwithstanding anything contained in sub-section (1), the High Court may transfer to any District Judge or Additional District Judge subordinate to it, any appeal from an original decree or order in a case the valuation whereof does not exceed ten thousand rupees. (2) Where by reason of any amendment herein made in the Indian Limitation Act, 1908, or any other enactment mentioned in column 2 of the Schedule, the period of limitation prescribed for any suit or appeal has been modified, or a different period of limitation will hereafter govern any such suit or appeal, then, notwithstanding any amendment so made or the fact that the suit or appeal would now lie in a different courts the period of limitation applicable to a suit or appeal, as aforesaid, in which time has begun to run before the Commencement of this Act, shall continue to be the period which but for the amendment so made would have been available : 1. Inserted by U.P. Act No. IX of 1963.

#### SCHEDULE 1

#### SCHEDULE I

Serial No.	Short title of the Act	Section or Schedule of the Act	Amendment
1	2	3	4
1. The Indian Evidence Act, 90 1872 (Act No. I of 1872).		1. The existing section shall be renumbered as Section 90 (1), and	
		(a) For the words "thirty years" the words "twenty years" shall be substituted, and	
		(b) The following shall be inserted thereafter as a new sub-section (2)	
		"(2) Where any such document as is referred to in sub-section (1) was registered in accordance with the law relating to registration of documents and a duly certified copy thereof is produced, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person, is in that persons handwriting, and in the case of a document executed or attested, that it was duly executed and attested by the person by whom it purports to have been executed or attested."	

			(2) After Section 90, add the following as a new Section 90-A :
			"90-A. (1) Where any registered document or a duly certified copy thereof or any certified copy of a document which is part of the record of a court of, justice, is produced from any custody which the court in the particular case considers proper, the court may presume that the original was executed by the persons by whom it purports to have been executed.
			(2) This presumption shall not be made in respect of any document which is the basis of a suit or of a defence or is relied upon in the plaint or written statement. The explanation to sub-section (1) of Section 90 will also apply to this section."
2.	The Transfer of Property Act, 1882 (Act No. IV of 1882)	106	(1) The words "expiring with the end of a year of the tenancy" and "expiring with end of a month of the tenancy", shall be omitted.
			(2) For the word "fifteen days notice" the words "thirty days notice" shall be substituted.
3.	The Provincial Small Cause Court Act, 1887 (Act No. IX of 1887).	The Second Schedule	(1) The Articles (8), (26), (34), sub-clause (ii) of Article (35) and Article (43-A) shall be omitted.
			(2) For the existing Article (38) the following shall be substituted :
			"(38) a suit relating to maintenance but not being a suit for recovery for arrears of maintenance based upon a decree or a written agreement."
			(3) (a) in sub-suction (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.
4.	The Bengal, Agra and Assam Civil Courts Act, 1887 (Act No. XII of 1887).	21.	For sub-section (1) the following rule and section shall be Substituted : <u>1</u> [" (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 the 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."
5. The Code of Civil Procedure, 1908 (Act V of 1908)			35-A	1. For the existing sub-section (1) the the following shall be substituted:
Powers of court in executing transferred decree.			42	(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 of 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 provisions of sub-section (1), the powers of the Court under that subsection 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 of 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 power, namely--
		(a) power to order execution at the instance of the transferee of a decree ;
	47	(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 (c) of sub-rule (1) of Rule 50 of Order XXI. 3. The existing explanation of Section 47 shall be renumbered "Explanation-I" and a second explanation as follows shall be added thereafter:
		Explanation--II. For the purposes of this section a purchaser at an auction sale in execution of the decree shall be deemed to be a party to the suit in respect of the property purchased by him."
	51	4. After clause (b), the following shall be added as a new clause (bb):
		"(bb) by transfer other than sale, by attachment or without attachment of any property."
	92	5. In sub-section (1) after clause (b) the following shall be added as a new clause (bb):
		"(bb) for delivery of possession of any trust property against a person who has ceased to be trustee or has been removed."
	102	6. For the words "five hundred rupees" occurring at the end of the section, the words "two thousand rupees" shall be substituted.

	144	7. For sub-section (1), the following shall be substituted;
		"(1) Where and in so far as a decree or an order is varied or reversed in appeal, revision or otherwise, the court of first instance shall, on the application of any party entitled to any benefit by way of restitution or otherwise, cause such restitution to be made, as will, so far as may be, place the parties in the position which they would have occupied but for such decree or order of such part thereof as has been varied or reversed ; and, for this purpose, the Court may make any orders, including order for the refund of costs and for the payment of interest, damages, compensation and mesne profits, which are properly consequential on such variation or reversal.
	145	8. For the existing Section 145, the following shall be substituted :
		"145. Where any person has become liable as suerty or given any property as security--
		(a) for the performance of any decree of any part thereof, or
		(b) for the restitution of any property taken in execution of a decree, or
		(c) for the payment of any money, or for the fulfilment of any condition imposed on any person, under decree or order of the Court in any suit or in any proceeding consequent thereon, the decree or order may be executed in the manner herein, provided for the execution of decrees,
		(i) If he has rendered himself personally liable, against him to that extent, and
		(ii) If he has given any property as security by sale of such property to the extent of the security ;
		and such person shall, for the purposes of appeal, be deemed to be a party within the meaning of Section

		47 :
		Provided that such notice as the Court in each case thinks sufficient has been given to the surety.
		Explanation.-- For the purposes of this section a person entrusted by a Court with custody of any property attached in execution of any decree or order shall be deemed to have become liable as surety for the restitution of such property within the meaning of Cl.(b)."
6. The Indian Limitation Act, 1908 (Act IX of 1908)	The First Schedule	1. In Art. 11 for the entry "one year" under the heading "Period of Limitation" the words "six months" shall be substituted.
		2. In Art. 182, for the words "three years" in the entry under the heading "period of Limitation" the words "six years" shall be substituted.
7. The Indian Lunacy Act, 1912 (Act No. IV of 1912)		In sub-section (3) of this section for the colon occurring at the end shall be substituted a comma and thereafter the following shall be added--
		"and includes any other civil court not being the court of a Munsif declared in that behalf and for such areas as may be specified by the State Government by notification in the Gazette, or"
8. The Oudh Laws Act, 1876 (Act XVIII of 1876).	19	For the last paragraph of this section the following shall be substituted : "The note as above required may be written and signed by the Judge with his own hand or typed to his dictation in open court and signed by him with his own hand, and such note shall form part of the record."
9. The Provincial Insolvency Act, 1920 (Act No. V of 1920).	20	1. For the existing section, the following shall be substituted : "20. The Court when making an order admitting the petition may, and where the debtor is a petitioner, shall, appoint an interim receiver of the property of the debtor and may direct such receiver to take immediate possession thereof, and the interim receiver shall thereupon have such of the powers conferable

		on a receiver appointed under the Code of Civil Procedure, 1908, as the court may direct.
		Where in any case an interim receiver is not appointed at the time of admitting the petition, the court may make such appointment at any subsequent time before adjudication and the provisions of the section shall apply accordingly.
		Explanation.-- The order appointing an interim receiver may in cases where the debtor is not the petitioner be in respect of either the whole or a part only of the debtors property".
	59-A	2. After sub-section (3) the following shall be added as new subsections (4) to (7):
		"(4) If on his examination any such person admits that he is indebted to the insolvent the Court or such officer may, on the application of receiver, order him to pay to the receiver at such time and in such mannar as to the court or to such officer seems expedient, the amount in which he is indebted, or any part thereof, either in full discharge of the whole amount or not, as the court or the Officer, as the case may be, thinks fit with or without costs of the examination.
		(5) If on his examination any such person admits that he has in his possession any property belonging to the insolvent, the court or such officer may, on the application of the receiver, order him to deliver to the receiver that property or any part thereof, at such time, in such manner and on such terms as to the court or, to the officer, as the case may be, may seem just.
		(6) Orders made under sub-sections (4) and (5) shall be executed in the same manner as decrees for the payment of money, or for the delivery of property, under the Code of Civil Procedure, 1908, respectively.
		(7) Any person making any payment



		or delivery in pursuance of an order made under sub-section (4) or subsection (5) shall by such payment or delivery be discharged from all liability whatsoever in respect of such debt or property."
	74	3. For the words "five hundred rupees" the words "one thousand rupees" shall be substituted.

1. Substituted by U.P. Civil Laws (Amendment) Act, 1968