



The Ahmedabad City Courts Act, 1961

Act 19 of 1961

Keyword(s):

City of Ahmedabad, City Court, Criminal Procedure Code, High Court, Small Cause Court

Amendments appended: 32 of 1961, 51 of 1963, 21 of 1964, 33 of 1980

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. II]

MONDAY, MAY 15, 1961 / VAISAKHA 25, 1883

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

CONTENTS

	PAGES
GUJARAT ACT No. XIX OF 1961. — An Act to provide for the constitution of Civil and Criminal Courts for the City of Ahmedabad and for the other matters connected therewith ..	52-59

The following Act of the Gujarat Legislature having been assented to by the President on the 6th May 1961 is hereby published for general information.

AKBAR S. SARELA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT, XIX OF 1961

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 15th May 1961.)

An Act to provide for the constitution of Civil and Criminal Courts for the City of Ahmedabad and for other matters connected therewith.

It is hereby enacted in the Twelfth Year of the Republic of India, as follows :—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Ahmedabad City Courts Act, 1961.

(2) This section shall come into force at once and the remaining provisions of this Act shall come into force on such day as the State Government may by notification in the *Official Gazette* appoint.

Definitions.

2. In this Act, unless the context otherwise requires —

(1) "appointed day" means the day on which the remaining provisions of this Act come into force under sub-section (2) of section 1;

(2) "City of Ahmedabad" means the areas within the limits of the Municipal Corporation of the City of Ahmedabad under the Bombay Provincial Municipal Corporations Act, 1949, immediately before the appointed day;

(3) "City Court" means the Court established under section 3;

(4) "Criminal Procedure Code" means the Code of Criminal Procedure, 1898, as in force in the State of Gujarat;

(5) "High Court" means the High Court of Gujarat;

(6) "Small Cause Court" means the Court of Small Causes of Ahmedabad.

Bombay
LIX
of
1949.

V of
1898.

CHAPTER II

CONSTITUTION OF CITY CIVIL COURT FOR THE CITY OF AHMEDABAD

Constitution of City Court.

3. The State Government may, by notification in the *Official Gazette*, establish for the City of Ahmedabad a Court, to be called the Ahmedabad City Civil Court. Notwithstanding anything contained in any law, such Court shall have jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature and arising within the City of Ahmedabad, except suits or proceedings which are cognizable by the High Court and Small Cause Court.

Subordination to and superintendence by High Court.

4. The City Court shall be deemed to be a Court subordinate to and subject to the superintendence of the High Court within the meaning of the Code of Civil Procedure, 1908.

V of
1908

Appointment of Judges.

5. The State Government may, by notification in the *Official Gazette*, appoint as many persons as it thinks fit to be Judges of the City Court.

Powers of Judges when City Court consists of more than one Judge.

6. When the City Court consists of more than one Judge —

(a) each of the Judges may exercise all or any of the powers conferred on the Court by this Act or any other law for the time being in force;

(b) the State Government may appoint any one of the Judges to be the principal Judge;

(c) the principal Judge may from time to time make arrangements as he may think fit for the distribution of the business of the Court among the various Judges thereof.

7. (1) The State Government may appoint an officer to be the Registrar of the City Court. He shall be the chief ministerial officer of the Court; and shall exercise such powers, discharge such duties of a ministerial nature as the Judge of the City Court, or when the Court consists of more than one Judge, the principal Judge may, from time to time, by rules, direct.

(2) The State Government may, with the previous approval of the High Court, invest the Registrar with any powers of the Judge of the City Court other than powers of trying suits and proceedings.

8. Save as otherwise provided in this Act all questions which arise in suits or other proceedings under this Act in the City Court shall be dealt with and determined according to the law for the time being administered by a District Court.

Questions arising in suits, etc., under Act to be dealt with according to law administered by District Court.

9. (1) An appeal shall lie to the High Court from —

Appeals and limitations.

(a) every decree passed by any Judge of the City Court, and

V of 1908.

(b) such orders passed by such Judge as are specified in, and to the extent provided by, section 104 of the Code of Civil Procedure, 1908.

IX of 1908.

(2) The period of limitation for an appeal from a decree or order of the City Court shall be thirty days from the date of such decree or order and the provisions of the Indian Limitation Act, 1908, shall apply as if the said period had been specified by an entry in the first schedule to that Act.

(3) Nothing in the foregoing provisions of this section shall apply to a decree or order passed by the City Court in an appeal or revision application under section 20.

10. The City Court shall use a seal of such form and dimensions as may be for the time being prescribed by the State Government.

Seal of City Court.

11. (1) The Judge of the City Court or when the Court consists of more than one Judge the principal Judge, shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for approval of the High Court.

Holidays and vacations.

(2) Such list, when it has received such approval, shall be published in the Official Gazette, and the said holidays and vacation shall be observed accordingly.

12. Except where the context otherwise requires, any reference to a principal Civil Court of original Jurisdiction, District Court or a District Judge in any law for the time being in force, relating to any matters specified in List II or List III of the Seventh Schedule to the Constitution shall, in the case of the operation of that law within the limits of the City of Ahmedabad, be construed as a reference to the Ahmedabad City Civil Court or the Judge of that Court, as the case may be, and such law shall have effect accordingly.

Construction of references to District Court and District Judge in laws operating in City of Ahmedabad.

CHAPTER III

CRIMINAL COURTS FOR THE CITY OF AHMEDABAD

Sessions Division for City of Ahmedabad. 13. With effect on and from the appointed day, the City of Ahmedabad shall be a sessions division and be deemed to be a district within the meaning of section 7 of the Criminal Procedure Code and the Criminal Procedure Code shall have effect accordingly.

Appointment of Magistrates in City of Ahmedabad. 14. (1) The State Government shall from time to time appoint a sufficient number of persons to be Magistrates for the City of Ahmedabad and shall appoint one of such persons to be the Chief Magistrate. No other Magistrate shall exercise any jurisdiction within the City of Ahmedabad.

(2) Appointments made under sub-section (1) shall be for such term as the State Government may, by general or special order, direct.

(3) The Chief Magistrate and any other Magistrate appointed under sub-section (1) shall have and exercise within the limits of the City of Ahmedabad all the powers and jurisdiction of the Chief Presidency Magistrate and a Presidency Magistrate respectively, under the Criminal Procedure Code and all other laws for the time being in force and the provisions of that Code and such laws shall apply to such Chief Magistrate and Magistrate as they apply to the Chief Presidency Magistrate and a Presidency Magistrate and shall be construed accordingly.

(4) The power to appoint Magistrates under this section shall be exercised in consultation with the High Court.

Construction of certain expressions in Criminal Procedure Code. 15. In the Criminal Procedure Code for the words " Presidency-town " and the words " Greater Bombay " wherever they occur, the words " City of Ahmedabad " shall be substituted unless the context otherwise requires.

Construction of laws. 16. Where any law other than the Criminal Procedure Code, for the time being in force relating to any matters specified in Lists II and III of the Seventh Schedule to the Constitution, provides for the exercise of any powers or discharge of any functions by a Magistrate of the first, second or third class or by any Executive Magistrate, such powers shall notwithstanding anything contained in that law be exercised and such functions shall be performed in the City of Ahmedabad by a Magistrate appointed under section 14 and such law shall have effect accordingly.

CHAPTER IV

THE COURT OF SMALL CAUSES FOR THE CITY OF AHMEDABAD

Act No. XV of 1882 to come into force in the City of Ahmedabad. 17. The Presidency Small Cause Courts Act, 1882, shall extend to and come into force in the City of Ahmedabad on and from the appointed day. XV of 1882.

Amendment of Act No. XV of 1882, and Bom. LVII of 1947. 18. The Presidency Small Cause Courts Act, 1882, and the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, shall in their application to the City of Ahmedabad stand amended in the manner and to the extent specified in the Schedule. XV of 1882. Bom. LVII of 1947.

CHAPTER V

MISCELLANEOUS

Bom. XIV of 1869. 19. With effect on and from the appointed day the Bombay Civil Courts Act, 1869, and the Provincial Small Cause Courts Act, 1887, and all rules, notifications and orders made thereunder shall cease to apply to, or be in force in, the City of Ahmedabad, and the provisions of the Bombay General Clauses Act, 1904, shall, save as otherwise expressly provided in this Act, apply to such cesser as if it were a repeal of an enactment.

Enactments not to be in force in the City of Ahmedabad.

20. (1) All suits and proceedings cognizable by the City Court and pending immediately before the appointed day in the District Court or the Court of a Civil Judge shall stand transferred to the City Court.

Special provisions for transfer of pending proceedings.

(2) All suits and proceedings pending immediately before the appointed day in the Court of Small Causes, Ahmedabad, constituted under the Provincial Small Cause Courts Act, 1887, shall —

(i) if they are cognizable by the Court of Small Causes of Ahmedabad constituted under the Presidency Small Cause Courts Act, 1882, stand transferred to that Court and

XV of 1882.

(ii) if not so cognizable be transferred to the court competent to take cognizance of such suits or proceedings.

(3) All criminal proceedings cognizable by the Court of Session for the City of Ahmedabad and pending in the Court of Session at Ahmedabad as constituted immediately before the appointed day shall stand transferred to the Court of Session for the City of Ahmedabad.

(4) All criminal proceedings pending before any Magistrate and cognizable by a Magistrate appointed under section 14 shall stand transferred to the Chief Magistrate appointed under that section.

(5) An appeal or revision application against any judgment, decision, decree or order passed before the appointed day by a Court in the exercise of jurisdiction over the area within the limits of the City of Ahmedabad, —

(i) if it was pending immediately before the appointed day in a competent Court, shall stand transferred to the Court corresponding to the competent Court, and

(ii) if before the appointed day it has not been preferred within the period of limitation to a competent Court, shall lie within that period to the Court corresponding to the competent Court.

(6) A proceeding, appeal or revision application transferred to any Court under the foregoing provisions of this section shall be disposed of by such Court as if it were the Court from which such proceeding, appeal or revision application was so transferred.

(7) All applications for the execution or enforcement of a decree or order made before the appointed day by any court which has been superseded or has ceased to exist by virtue of the provisions of this Act, and all other applications arising out of the said decree or order shall be made to and disposed of by the City Court.

Explanation.—For the purpose of sub-section (5), “competent Court” means the District Court, the Court of Civil Judge or the Court of Session at Ahmedabad functioning before the appointed day and the City Court shall

be a Court corresponding to the said District Court or the Court of Civil Judge and the Court of Session for the City of Ahmedabad shall be a Court corresponding to the said Court of Session at Ahmedabad.

SCHEDULE

(See section 18)

AMENDMENTS TO THE PRESIDENCY SMALL CAUSE COURTS ACT, 1882, IN ITS APPLICATION TO THE CITY OF AHMEDABAD

1. After section 1, the following section shall be inserted, namely :—

" 1A. This Act shall extend to, and come into force in the City of Ahmedabad on the date on which the Ahmedabad City Courts Act, 1961, comes into force. "

Extent and commencement in the City of Ahmedabad.

Guj. XIX of 1961.

2. In section 4,

(1) after the words " as the case may be " the words " or in the City of Ahmedabad " shall be inserted, and

(2) the following shall be added at the end, namely :—

" and the expression " City of Ahmedabad " means the areas within the limits of the Municipal Corporation of the City of Ahmedabad under the Bombay Provincial Municipal Corporations Act, 1949, immediately before the coming into force of the Ahmedabad City Courts Act, 1961. "

Bom. LIX of 1949. Guj. XIX of 1961.

3. Section 5 shall be renumbered as sub-section (1) of that section and after sub-section (1) so renumbered, the following sub-section shall be inserted, namely :—

" (2) In the City of Ahmedabad there shall be a Court to be called the Court of Small Causes of Ahmedabad. "

4. Section 6 shall be renumbered as sub-section (1) of that section and after sub-section (1) so renumbered the following sub-section shall be inserted, namely :—

" (2) The Court of Small Causes of Ahmedabad shall be deemed to be a court subject to the superintendence of the High Court of Gujarat and to be a court subordinate to that High Court within the meaning of section 6 of the Legal Practitioners Act, 1879, and that High Court shall have in respect of the Small Cause Court of Ahmedabad the same powers as it has in respect of the courts subject to its appellate jurisdiction. "

5. In section 16 for the words " High Court " the words " Ahmedabad City Civil Court " shall be substituted.

6. Section 17 shall be renumbered as sub-section (1) of that section and in that section —

(i) in sub-section (1) so renumbered, for the words " The local limits " where they occur for the first time, the words, brackets and figure " Save as otherwise provided in sub-section (2), the local limits " shall be substituted ;

(ii) after sub-section (1), the following sub-section shall be inserted, namely :—

" (2) The local limits of the jurisdiction of the Court of Small Causes of Ahmedabad shall be the local limits of the City of Ahmedabad. "

7. In section 21,—

(a) the words "and all suits whereof the amount of the value of the subject matter exceeds one thousand rupees" shall be deleted, and

(b) for the words "High Court" the words "Ahmedabad City Civil Court" shall be substituted.

8. For section 22 the following shall be substituted, namely :—

"22. In any suit instituted in the Ahmedabad City Civil Court, other than a suit to which section 21 applies, if the Judge, who tries it is of the opinion that it ought to have been instituted in the Small Cause Court then —

(a) if the Plaintiff does not obtain a decree, the Defendant shall be entitled to his costs and may also be awarded such additional amount not exceeding one thousand rupees by way of compensation as the Judge may award; or

(b) if the Plaintiff obtains a decree for any matter of an amount or value less than two thousand rupees, no costs shall be allowed to the Plaintiff."

9. In section 31, in clause (a) after the words "or Bombay" the words "or the Ahmedabad City Civil Court" shall be inserted.

10. Sections 39 and 40 shall be deleted.

11. In section 47, for the words "the occupant binds himself" the words "the occupant, at the earliest opportunity, and in any event before filing any statement of defence, binds himself" and for the words "High Court" the words "Ahmedabad City Civil Court" shall be substituted.

12. In section 49, for the words "High Court" the words "Ahmedabad City Civil Court" shall be substituted.

13. In section 50, after the words "and Bombay" the words "and to every place within the City of Ahmedabad" shall be inserted.

14. In section 60,—

(1) the first sentence shall be numbered as sub-section (1) and in that sub-section so numbered for the words "five days" the words "fifteen days" shall be substituted and to that sub-section, the following proviso shall be added, namely :—

"Provided that where the Judge is satisfied that there is sufficient cause for extending the period within which an application may be made under this sub-section, he may extend the period to such extent as he may consider necessary."

(2) the second sentence shall be numbered as sub-section (2).

15. In section 61 for the words "High Court" at both the places where they occur, the words "Ahmedabad City Civil Court" shall be substituted.

16. In section 63 for the words "High Court" wherever they occur, the words "Ahmedabad City Civil Court" shall be substituted.

17. In section 64,—

(1) for the words "High Court" the words "Ahmedabad City Civil Court" shall be substituted;

(2) for the words "at the expiration of five days from the seizure of property under this chapter" the following words, brackets and figures shall be substituted, namely :—

"at the expiration of fifteen days from the seizure of property under this chapter or, as the case may be, of the extended period under the proviso to sub-section (1) of section 60".

18. Section 73 shall be renumbered as sub-section (1) of that section and in sub-section (1) so renumbered after the words "have been respectively paid" the following proviso and sub-section shall be inserted, namely :—

"Provided that no such fees shall be repaid if the amount of institution fee on the plaint or application does not exceed five rupees or the claim for repayment is not made within one year from the date on which the suit or proceeding was so settled.

(2) The State Government may, from time to time, by order, provide for repayment to the Plaintiffs or applicants of any part of the fees paid on claims or applications by them in suits or proceedings, as the case may be, disposed of under such circumstances and subject to such conditions as may be specified in the order."

19. In section 92, for the words "State Government" the words "High Court" shall be substituted.

20. In section 93, for the words "and West Bengal," the words "West Bengal and Gujarat" shall be substituted.

21. In the third Schedule, for the words "four annas per day" the words "such fee not exceeding seventy five *naye Paise* per day as may be fixed by the Registrar of the Small Cause Court" shall be substituted.

AMENDMENTS TO THE BOMBAY RENTS, HOTEL AND LODGING HOUSE RATES CONTROL ACT, 1947, IN ITS APPLICATION TO THE CITY OF AHMEDABAD

1. In section 28, in sub-section (1) before clause (a2) the following clause shall be inserted, namely :—

"(a) in the City of Ahmedabad, the Court of Small Causes of Ahmedabad,".

2. In section 29, —

(1) in sub-section (1), —

(a) before clause (b), the following clause shall be inserted namely :—

"(a) in the City of Ahmedabad, from a decree or order made by the Court of Small Causes, Ahmedabad, exercising jurisdiction under section 28, to a bench of two judges of the said Court which shall not include the judge who made such decree or order,";

(b) in clause (b) for the words "from a decree" the words "elsewhere from a decree" shall be substituted;

(c) in the proviso in clause II,

A. before sub-clause (ii), insert the following sub-clause namely —

"(i) where such suit or proceeding is instituted in the City of Ahmedabad, two thousand rupees,"; and

B. in sub-clause (ii), for the words "the amount upto" the words "where such suit or proceeding is instituted elsewhere the amount upto" shall be substituted.

(2) in sub-section (3), after the words "in any suit or proceeding" the words "in the City of Ahmedabad the bench of two judges specified in clause (a) of sub-section (1) and elsewhere" shall be inserted.



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

WEDNESDAY, NOVEMBER 1, 1961 / KARTIKA 10, 1883

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

CONTENTS

	PAGES
GUJARAT ACT No. XXXII OF 1961.—An Act to amend the Ahmedabad City Courts Act, 1961.	197-198

The following Act of the Gujarat Legislature, having been assented to by the President on the 30th October, 1961, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. XXXII OF 1961.

(First published, after having received the assent of the President in the Gujarat Government Gazette on the 1st November 1961).

An Act to amend the Ahmedabad City Courts Act, 1961.

It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

1. This Act may be called the Ahmedabad City Courts (Amendment) Act, 1961. Short title.

2. In section 8 of the Ahmedabad City Courts Act, 1961 (hereinafter referred to as "the principal Act") for the words "provided in this Act" of section 8 of Guj. Act, 1961. Amendment of section 8 of Guj. Act, 1961.

the words and figures "provided in this Act and subject to such rules as the High Court may make for the City Court under article 227 of the Constitution or section 122 of the Code of Civil Procedure, 1908" shall be substituted.

V of
1908.

Insertion of section 21 in Guj. XIX of 1961.

Amendment of certain Acts in their application to the City of Ahmedabad.

Amendment of Schedule to Guj. XIX of 1961.

3. In the principal Act, after section 20, the following section shall be inserted, namely :—

"21. The Bombay Pleaders Act, 1920, the Code of Criminal Procedure, 1898, and the Code of Civil Procedure, 1908, shall in their application to the City of Ahmedabad stand amended in the manner and to the extent specified in the Schedule".

Bom.
XVII
of
1920.
V of
1898.
V of
1908.

4. In the Schedule to the principal Act,—

(1) in the heading, for the words and figures "See section 18" the words and figures "See sections 18 and 21" shall be substituted ;

(2) after the amendments relating to the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, the following shall be inserted, namely :—

"Amendments to the Bombay Pleaders Act, 1920, in its application to the City of Ahmedabad.

(i) In section 18, after sub-section (1) the following shall be inserted namely :—

"(2) Nothing contained in sub-section (1) of this section or in section 20 shall apply to fees payable to pleaders in the Court of Small Causes of Ahmedabad."

(ii) In section 23, for the words "subordinate to the High Court" the words "other than the Court of Small Causes of Ahmedabad subordinate to the High Court" shall be substituted.

Amendment to the Code of Criminal Procedure, 1898, in its application to the City of Ahmedabad.

(i) In section 554, for sub-section (1A) the following shall be substituted :—

"(1A) With the previous sanction of the State Government, the High Court of Gujarat, may also make rules for regulating the practice and proceedings of the Court of Session for the City of Ahmedabad".

Amendments to the Code of Civil Procedure, 1908, in its application to the City of Ahmedabad.

(i) In section 8, after the words "Calcutta, Madras and Bombay," the words "and in the City of Ahmedabad" shall be inserted."



The Gujarat Government Gazette
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. IV]

FRIDAY, NOVEMBER 15, 1963/KARTIKA 24, 1885

Separate paging is given to this part in order that it may be
filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the
President on the 13th November 1963, is hereby published for general informa-
tion.

AKBAR S. SARELA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. LI OF 1963.

[First published, after having received the assent of the President in the
Gujarat Government Gazette on the 15th November 1963.]

An Act further to amend the Ahmedabad City Courts Act, 1961 for certain
purposes.

It is hereby enacted in the Fourteenth Year of the Republic of India as
follows :—

1. This Act may be called the Ahmedabad City Courts (Amendment) Act, Short title,
1963.

Guj.
XIX
of
1961

2. In section 14 of the Ahmedabad City Courts Act, 1961, after sub-section (3),
the following sub-section shall be inserted, namely :—

Amendment
of section 14
of Guj. XIX
of 1961.

“(3A) A Magistrate other than the Chief Magistrate appointed under this
section, if specially empowered by the State Government shall, for the purposes
of the Criminal Procedure Code, be an Executive Magistrate for the City of
Ahmedabad and shall exercise the powers of an Executive Magistrate with
which he may be invested by the State Government under the Criminal
Procedure Code.”.



The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. V]

TUESDAY, JUNE 9, 1964/JYAISTHA 19, 1886

Separate paging is given to this Part in order that it may be
used as a separate compilation

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the
President on the 22nd June 1964 is hereby published for general information.

SUMANI M. VIDYARTHI,
Secretary to Government,
Legal Department.

GUJARAT ACT NO. 21 OF 1964

(First published, after having received the assent of the President in the
"Gujarat Government Gazette" on the 9th June 1964).

An Act to amend the Ahmedabad City Courts Act, 1961.

It is hereby enacted in the Fifteenth Year of the Republic of India as
follows. —

1. This Act may be called the Ahmedabad City Courts (Amendment) Act, Short title,
1964.
2. In section 12 of the Ahmedabad City Courts Act, 1961, for the words "or Amendment
the Judge of that Court as the case may be" the words "or the Judge of that of section 12
Court, or when that Court consists of more than one Judge the Principal Judge of Guj. XI
of that Court, as the case may be," shall be and shall be deemed always to have
been substituted.



The Gujarat Government Gazette
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XXI] THURSDAY, NOVEMBER 27, 1980/A. RAJYANA 6, 1902

Separate paging is given to this Part in order that it may be filed as a separate Compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

(First published, after having received the assent of the President in the President on the 21st November, 1980 is hereby published for general information.

N. B. PATEL,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 33 OF 1980.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 27th November, 1980.)

An Act further to amend the Ahmedabad City Courts Act, 1961.

It is hereby enacted in the Thirty-first Year of the Republic of India as follows :—

Short title
and
commence-
ment

1. (1) This Act may be called the Ahmedabad City Courts (Amendment) Act, 1980.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

amendment
of section 2
of Guj.
Act IX of
1961.

2. In the Ahmedabad City Courts Act, 1961 (hereinafter referred to as "the principal Act"), in section 2,—

Guj.
XIX
of
1961.

(a) before clause (1), the following clause shall be inserted, namely:—

“(1A) “Amending Act” means the Ahmedabad City Courts (Amendment) Act, 1980;”;

Guj. 33
of
1980.

(b) for clause (2), the following clause shall be substituted, namely:—

“(2) “City of Ahmedabad” means the areas within the limits of the City of Ahmedabad as constituted under the Corporations Act, immediately before the specified date :

Provided that as and when the limits of the City of Ahmedabad as constituted under the Corporations Act, are altered under sub-section (2) of section 3 of that Act, by the inclusion therein, or exclusion therefrom, of any area, the State Government may, by a notification in the *Official Gazette*, alter the limits of the City of Ahmedabad as defined in this clause by including therein, or excluding therefrom, with effect on and from such date as may be specified in such notification, any such area as is so included in, or excluded from, the limits of the City of Ahmedabad as constituted under the Corporations Act.”;

(c) for clause (4), the following clause shall be substituted, namely:—

“(4) “Corporations Act” means the Bombay Provincial Municipal Corporations Act, 1949;”;

Bom.
LIX
of
1949.

(d) after clause (6), the following clause shall be added, namely:—

“(7) “specified date” means the date of the coming into force of the Amending Act.”.

3. In the principal Act, Chapter III shall be deleted.

deletion
of
Chapter
III of
Guj. XIX
of 1961.

4. In the principal Act, to section 17, the following provisos shall be added, namely:—

“Provided that—

(a) with effect on and from the specified date, it shall also extend to and come into force in those areas of the City of Ahmedabad as constituted under the Corporations Act, which were included in the said City under the said Act, after the appointed day, but before the specified date.

amendment
of section 17
of Guj.
Act IX of
1961.

(b) with effect on and from the date of inclusion in, or exclusion from, the City of Ahmedabad as defined in clause (2) of section 2, of any area, by a notification issued under the proviso to that clause, it shall also extend to and come into force in the area so included in the said City, or, as the case may be, cease to extend to and be in force in the area so excluded from the said City, by such notification :

Provided further that the provisions of the Bombay General Clauses Act, 1904 shall, save as otherwise expressly provided in this Act, apply to such cesser in any area as aforesaid as if it were a repeal of an enactment.”.

5. In the principal Act, to section 19, the following provisos shall be added, namely:—

Amendment of section 19 of Guj. XIX of 1961.

“Provided that the said Bombay Civil Courts Act, 1869 and the Provincial Small Cause Courts Act, 1887 and all rules, notifications and orders made thereunder shall—

Act XIV of 1869, Act IX of 1887.

(a) with effect on and from the specified date cease to apply to or be in force in those areas of the City of Ahmedabad as constituted under the Corporations Act which were included therein under the said Act, after the appointed day, but before the specified date;

(b) with effect on and from the date of inclusion in, or exclusion from, the City of Ahmedabad as defined in clause (2) of section 2 of any area by notification issued under the proviso to that clause, cease to apply to or be in force in the areas so included in the said City, or apply to or be in force in the areas so excluded from the said City, by such notification :

Provided further that the provisions of the Bombay General Clauses Act, 1904, shall save as otherwise expressly provided in this Act, apply to such cesser in any area as aforesaid as if it were a repeal of an enactment.”.

Bom. I of 1904.

6. In the principal Act, in section 21, the words and figures “ the Code of Criminal Procedure, 1898” shall be deleted.

Amendment of section 21 of Guj. XIX of 1961.

7. In the principal Act, after section 21, the following sections shall be inserted, namely:—

Insertion of new sections 22 and 23 in Guj. XIX of 1961.

“22. Except where the context otherwise requires, any reference to the City of Ahmedabad in any law for the time being in force other than the Corporations Act shall, in so far as such law relates to the jurisdiction, powers and procedure of civil courts within the limits of the City of Ahmedabad, be deemed to be a reference to the City of Ahmedabad as defined in clause (2) of section 2.

Construction of reference to City of Ahmedabad in Acts.

23. (1) All suits and proceedings (other than appeals or revision applications) cognizable by the City Court which may be pending immediately before the specified date or as the case may be, the date of inclusion in the City of Ahmedabad, of any area by a notification under the proviso to clause (2) of section 2 (hereinafter in this section referred to as "the date of inclusion") in a District Court or the court of a Civil Judge shall stand transferred to the City Court.

(2) All suits and proceedings cognizable by the Small Cause Court which may be pending immediately before the specified date or, as the case may be, the date of inclusion, in the Court of a Civil Judge shall stand transferred to the Small Cause Court.

(3) An appeal or revision application against any judgment, decision, decree or order passed before the specified date or as the case may be, the date of inclusion by a Civil Court in the exercise of jurisdiction over any area within the limits of the City of Ahmedabad as defined in clause (2) of section 2 as amended by the Amending Act shall--

(i) if it was pending immediately before the specified date or, as the case may be, the date of inclusion in any District Court or Court of any Civil Judge other than City Court, stand transferred to the City Court, and

(ii) if before the specified date or, as the case may be, the date of inclusion it has not been preferred within the period of limitation to a competent Court, lie within that period to the City Court.

(4) A proceeding, appeal or revision application transferred to any court under the foregoing provisions of this section shall be disposed of by such Court, as if it were the Court from which such proceeding, appeal or revision application was so transferred.

24. (1) All suits and proceedings of a civil nature which may be pending in the City Court or the Small Cause Court immediately before the date of exclusion of any area from the City of Ahmedabad as defined in clause (2) of section 2 by a notification under the proviso to that clause (hereinafter in this section referred to as "the date of exclusion") but which would, after such date of exclusion, become cognizable by a District Court, a Court of Civil Judge or the Small Cause Court as a result of the exclusion of such area from the City of Ahmedabad as so defined shall stand transferred to such District Court or, such Court of the Civil Judge, or as the case may be, Small Cause Court.

(2) A proceeding, appeal or revision application transferred to any Court under the foregoing provisions of this section shall be disposed of by such Court, as if it were the court from which such proceeding, or appeal or revision application was so transferred.

25. For the removal of doubts it is hereby declared that the Court established for the City of Ahmedabad under section 3 shall be deemed to be a Court established for the City of Ahmedabad as defined in clause (2) of section 2 as amended by the Amending Act and that the Judges of the said Court,

appointed as such Judges and holding office as such immediately before the specified date shall be deemed to have been appointed for the City of Ahmedabad so defined."

8. In the Schedule to the principal Act—

Amendment of Schedule to Guj. XIX of 1961.

(1) in the entries relating to the amendments to the Presidency Small Cause Courts Act, 1882 in its application to the City of Ahmedabad—

Act XV of 1882.

(a) for entry 1, the following shall be substituted, namely:—

"1. After section 1, the following section shall be inserted, namely:—

"1A. This Act shall extend to, and come into force in the City of Ahmedabad on the date on which the Ahmedabad City Courts Act, 1961 comes into force :

Extent and commencement in the City of Ahmedabad.

Provided that—

Guj. XIX of 1961.

(a) with effect on and from the date of the commencement of the Ahmedabad City Courts (Amendment) Act, 1930 it shall also extend to and come into force in those areas of the City of Ahmedabad as constituted under the Bombay Provincial Municipal Corporations Act, 1949 which were included in the said City under the latter Act after the appointed day, but before the date of the commencement of the former Act,

Guj. 33 of 1980.

Bom. LIX of 1949.

(b) with effect on and from the date of inclusion of or exclusion from, the City of Ahmedabad as defined in clause (2) of section 2 of the Ahmedabad City Courts Act, 1961 of any area by a notification issued under that clause, it shall also extend to and come into force in the area included in the said City, or as the case may be, cease to extend to and be in force in the area excluded from the said City by such notification:

Guj. XIX of 1961.

Provided further that the provisions of the Bombay General Clauses Act, 1904 shall, save as otherwise expressly provided in the Ahmedabad City Courts Act, 1961, apply to such cesser in any area as aforesaid as if it were repeal of an enactment.";

Bom. I of 1904. Guj. XIX of 1961.

(b) in entry 2 relating to section 4, clause (2) shall be deleted;

(2) the heading "Amendment to the Code of Criminal Procedure, 1898 in its application to the City of Ahmedabad", and the entry thereunder shall be deleted.