



The Himachal Pradesh Courts Act, 1976

Act 23 of 1976

Keyword(s):

Civil District or District, District Judge, High Court, Official Gazette, Small Cause

Amendments appended: 10 of 1980, 16 of 1984, 1 of 1995, 16 of 2001, 10 of 2015

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 HIMACHAL PRADESH COURTS ACT, 1976(ACT No. 23 OF 1976)¹

ARRANGEMENT OF SECTIONS

Sections :

PART-I

PRELIMINARY

1. Short-title, extent and commencement.
2. Definitions.

PART II

CHAPTER I

SUBORDINATE CIVIL COURTS

3. Classes of Courts.
4. Civil Districts.
5. District Judges.
6. Additional District Judge.
7. Assignment of functions of District Judge to Additional District Judge.
8. Subordinate Judge.
9. District Court to be principal Civil Court of original jurisdiction.
10. Original jurisdiction of Civil Courts.
11. Original limits of Subordinate Judges.
12. Local limits of jurisdiction.
13. Power to invest Subordinate Judge with Small Cause Court jurisdiction.
14. Exercise by Subordinate Judges of jurisdiction of District Court in certain proceedings.
15. Place of sitting of Court.
16. Control of Courts.
17. Power to distribute business.
18. Ministerial officers of Courts.
19. Delegation of District Judge's power.

CHAPTER II

APPELLATE AND REVISIONAL JURISDICTION IN CIVIL CASES

20. Appeals from District Judges or Additional District Judges.
21. Appeals from Subordinate Judges.
- 21-A. Power of the Chief Justice to transfer pending appeals and proceedings to District Courts.
22. Power to transfer to a Subordinate Judge appeals from other Subordinate Judges.

1. For Statement of Objects and Reasons, see R.H.P. Extra., dated the 26th March, 1975, p. 379, and for its authoritative Hindi text see R.H.P. Extra dated 12-12-87 p. 2391.

CHAPTER III

SUPPLEMENTARY PROVISIONS

23. Mode of conferring powers.
24. Continuance of powers of officers.
25. Provisions regarding petition writers.
26. Control of list of holidays.
27. Seal.
- 27-A. Certain provisions to override other laws.
28. Temporary vacancies of office of District Judge.
29. Power to make rules.
30. Repeal and savings.

(Received the assent of the Governor on the 26th May, 1976, and was published in R.H.P. Extra., dated the 4th June, 1976 at p. 1275-1282)

Amended, repealed or otherwise affected by:—

- (i) H. P. Ordinance 1 of 1980¹ replaced by H. P. Act No. 10 of 1980² assented to by the Governor on 24-11-1980 and published in R.H.P. Extra Dated 27-11-1980, P. 1386.
- (ii) H.P. Act No. 16 of 1984³ assented to by the President on 11-7-1984 and published in R.H.P. Extra dated 25-7-1984 P. 1147.
- (iii) H.P. Act No. 1 of 1995⁴ assented to by the Governor on 23rd Feb., 1995 and published in R.H.P. Extra., dated 4-2-95 P. 521—524.

An Act to enact a law relating to Courts in Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-seventh Year of the Republic of India as follows:—

PART I

PRELIMINARY

- 1. Short title, extent and commencement.**—(1) This Act may be called the Himachal Pradesh Courts Act, 1976.
- (2) It shall extend to the whole of Himachal Pradesh.
- (3) It shall come into force at once.

-
1. Ordinance come into force w.e.f. 5-7-80 vide Home Deptt. notification No. Home-II-(A)3-11/78 dated 2-7-1980 published in R.H.P. Extra dated 3-7-1980, p. 600.
 2. For Statement of Objects and Reasons see R.H.P. Extra dated 11-10-1980 p. 914.
 3. For Statement of Objects and Reasons see R.H.P. Extra dated 15-3-1984 p. 472.
 4. For Statement of Objects and Reasons see R.H.P. Extra., dated 19-12-1994, P. 5244.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (a) "civil district" or "district" means the local limits of the jurisdiction of a Principal Civil Court of original jurisdiction;
- (b) "District Judge" shall include an Additional District Judge ;
- (c) "Government" or "State Government" means the Government of Himachal Pradesh ;
- (d) "High Court" means the High Court of Himachal Pradesh ;
- (e) "Official Gazette" means the Rajpatra, Himachal Pradesh ; and
- (f) "Small Cause" means a suit of the nature cognizable by a Court of Small Causes under the Provincial Small Cause Courts Act, 1887 (9 of 1887).

PART II

CHAPTER I

SUBORDINATE CIVIL COURTS

3. Classes of Courts.—Besides the Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887.(9 of 1887), and the Courts established under any other enactment for the time being in force, there shall be the following classes of Subordinate Civil Courts in Himachal Pradesh:—

- (1) the Court of the District Judge ; and
- (2) the Court of the Subordinate Judge.

4. Civil Districts.—(1) For the purpose of this Act, the State Government shall, by notification in the Official Gazette, divide the Himachal Pradesh into civil districts and may alter the limits or the number of these districts and may determine the headquarters of each such district for the purpose of locating the administrative officers of the District Judge.

(2) The civil districts existing in the State at the commencement of this Act, shall be deemed to have been formed under this Act.

5. District Judges.—The State Government shall, after consultation with the High Court, appoint as many persons as it thinks necessary to be District Judges and the High Court shall post one such person to each district as District Judge of that district :

Provided that the same person may, if the High Court thinks fit, be appointed to be the District Judge of two or more districts.

6. Additional District Judge.—(1) When the business pending before the Court of any District Judge requires the aid of an Additional Judge or Judges for its speedy disposal, the State Government may, after consultation with the High Court, appoint such Additional District Judges as may be necessary.

(2) An Additional District Judge so appointed shall discharge any of the functions of a District Judge which the High Court or the District Judge may assign to him and in the discharge of his functions he shall exercise the same powers as the District Judge.

7. Assignment of functions of District Judge to Additional District Judge.—The High Court or the District Judge may assign to an Additional District Judge any of the functions of the District Judge including the functions of receiving and registering cases and appeals, which, but for such assignment of functions could be instituted in the Court of District Judge and in the discharge of those functions the Additional District Judge shall, notwithstanding anything contained in the Act, exercise the same powers as the District Judge.

8. Subordinate Judge.—The State Government may, from time to time, after consultation with the High Court, fix the number of Subordinate Judges to be appointed.

9. District Court to be principal Civil Court of original jurisdiction.—The Court of the District Judge shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the district.

10. Original jurisdiction of Civil Courts.—Save as otherwise provided by any other law for the time being in force, the Court of the District Judge shall have jurisdiction in all original civil suits, the value of which does not exceed [five lakh rupees].

11. Original limits of Subordinate Judges.—Subject to the limit specified in section 10, the jurisdiction to be exercised in original civil suit as regards the value by any person appointed to be a Subordinate Judge shall be determined by the High Court either by including him in a class or otherwise as it thinks fit.

12. Local limits of jurisdiction.—(1) The local limits of the jurisdiction of a Subordinate Judge shall be such as the High Court may define.

(2) When the High Court posts a Subordinate Judge to a district, the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

13. Power to invest Subordinate Judge with Small Cause Court jurisdiction.—The High Court may, by notification in the Official Gazette, confer within such local limits as it thinks fit, upon any Subordinate Judge, the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887 (9 of 1887), for the trial of suits, cognizable by such Court, upto such value not exceeding two thousand rupees as it thinks fit, and may withdraw any jurisdiction so conferred.

14. Exercise by Subordinate Judges of jurisdiction of District Court in certain proceedings.—(1) The High Court may, by general or special order and subject to the provisions of any other law for the time being in force, authorise any Subordinate Judge to take cognizance of, and any District Judge to transfer to such a Subordinate Judge under his control, any proceedings or any class of proceedings, specified in such order under:—

- (a) the Indian Succession Act, 1925 (39 of 1925),
- (b) the Guardians and Wards Act, 1890 (8 of 1890), and
- (c) the Provincial Insolvency Act, 1920 (5 of 1920).

1. Subs. "two lakhs" for "fifty thousand rupees" vide Act No. 16 of 1984-Sec. 2 and subsequently Subs. "five lakhs" for "two lakhs" vide Act No. 1 of 1995-Sec. 2.

(2) The District Judge may withdraw any such proceedings taken cognizance of by, or transferred to, a Subordinate Judge and may either himself dispose of them or transfer them to any other Court under his control competent to dispose of the same.

(3) Proceedings taken cognizance of by, or transferred to, Subordinate Judge, as the case may be, under this section shall be disposed of by him, subject to the rules applicable to like proceedings in the Court of the District Judge.

15. Place of sitting of Court.—(1) The High Court may fix the place or places at which any Court under this Act is to be held.

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(3) Except as may be otherwise provided by any order under this section, a Court under this Act may be held at any place within the local limits of its jurisdiction.

16. Control of Courts.—Subject to the general superintendence and control of the High Court, the District Judge shall have control over all the Civil Courts under this Act within the local limits of his jurisdiction.

17. Power to distribute business.—Notwithstanding anything contained in the Code of Civil Procedure (5 of 1908), every District Judge may by written order direct that any civil business cognizable by his Court and the Courts under his control shall be distributed among such Courts in such manner as he thinks fit :

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its jurisdiction .

18. Ministerial officers of Courts.—(1) The ministerial officers of the District Court other than Superintendent of the Court shall be appointed by the District Judge. The Superintendent of the District Court shall be appointed by the High Court.

(2) The ministerial officers of Civil Courts, under the control of the District Judge, shall be appointed by the District Judge.

(3) Every appointment under this section shall be subject to such rules as the High Court with the prior approval of the Government may make in this behalf.

(4) Any order passed by a District Judge under this section shall be liable to be reversed or modified by the High Court.

19. Delegation of District Judge's Powers.—A District Judge may, with the previous sanction of the High Court, delegate to any Subordinate Judge in the district, the power conferred on him by section 18(2) of this Act to be exercised by the Subordinate Judge in any specified portion of the districts, subject to the control of the District Court.

CHAPTER II

APPELLATE AND REVISIONAL JURISDICTION IN CIVIL CASES

20. Appeals from District Judges or Additional District Judges.—(1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of a District Judge or Additional District Judge exercising original jurisdiction shall lie to the High Court.

(2) An appeal shall not lie to the High Court from a decree or order of an Additional District Judge in any case, in which, if the decree or order had been made by the District Judge, an appeal would not lie to that Court.

21. Appeals from Subordinate Judges.—(1) Save as aforesaid, an appeal from decree or order of a Subordinate Judge shall lie—

(a) to the District Judge where the value of the original suit in which the decree or order was made did not exceed [two lakh rupees;] and

(b) to the High Court in any other case.

(2) where the function of receiving appeals which lie to the District Judge under sub-section (1) has been assigned to an Additional District Judge, the appeals may be preferred to the Additional District Judge.

(3) The High Court may by notification direct that appeals lying to the District Court from all or any of the decrees or orders passed in an original suit by any Subordinate Judge shall be preferred to such other Subordinate Judge as may be mentioned in the notification and the appeals shall thereupon be preferred accordingly and the Court of such other Subordinate Judge shall be deemed to be a District Court for the purposes of all appeals so preferred.

21-A. (1) Power of the Chief Justice to transfer pending appeals and proceedings to Subordinate Civil Courts.—The Chief Justice of the High Court of Himachal Pradesh may transfer any suit, appeal or proceedings, which is or are pending before the High Court of Himachal Pradesh immediately before the commencement of the Himachal Pradesh Courts (Amendment) Act, 1994 to such a subordinate Civil Court in Himachal Pradesh which would have jurisdiction to entertain such suit, appeal or proceedings, had such suit, appeal or proceedings been instituted or filed for the first time after such commencement.”

1. Subs. “Twenty-five thousand rupees” for “ten thousand rupees” vide Ordinance No. 1 of 1980, replaced by H. P. Act No. 10 of 1980 and subs. “fifty thousand rupees” vide Act No. 16 of 1984-Sec. 3 & further subs. “two lakh rupees” for “fifty thousand rupees” vide Act No. 1 of 1995-sec. 3.
2. Sec. 21-A added vide Ord. No. 1 of 1980 replaced by Act No. 10 of 1980, Sec. 3 w.e.f. 5-7-80 and subsequently renamed as sub-section (1) and sub section (2) added vide Act 16 of 1984, Sec. 4 and further subs. vide Act No. 1 of 1995 sec. 5

22. Power to transfer to a Subordinate Judge appeals from other Subordinate Judges.—(1) A District Judge may transfer any appeal pending before him from the decrees or orders of Subordinate Judges to any other Subordinate Judge under, his administrative control competent to dispose of the same.

(2) The District Judge may withdraw any appeal so transferred and either hear and dispose of it himself or transfer it to a Court under his administrative control competent to dispose of the same.

(3) Appeals transferred under this section shall be disposed of subject to the rules applicable to like appeals when disposed of by the District Judge.

(4) The powers conferred by this section shall be exercised subject to such general or special orders as may from time to time be issued in this behalf by the High Court.

CHAPTER III

SUPPLEMENTARY PROVISIONS

23. Mode of conferring powers.—Except as otherwise provided by this Part, any power that may be conferred by the High Court on any person under this Part may be conferred on such person either by name or by virtue of office.

24. Continuance of powers of officers.—Whenever any person holding an office in the service of Government who has been invested with any power under this Part throughout any local area is transferred or posted at any subsequent time to an equal or higher office of the same nature within a like local area, he shall, unless the High Court otherwise directs or has otherwise directed, exercise the same powers in the local area to which he is so transferred or posted.

25. Provisions regarding petition writers.—The High Court may from time to time make rules consistent with this Act and any other enactment for the time being in force:—

- (a) declaring what persons shall be permitted to act as petition-writer in the Courts subordinate thereto;
- (b) regulating the issue of licences to such persons, the conduct of business by them, and the scale of fees to be charged by them; and
- (c) determining the authority by which breaches of such rules shall be investigated and the penalties which may be imposed.

26. Control of list of holidays.—(1) The High Court shall prepare a list of days to be observed in each year as holidays in Civil Courts subordinate thereto.

(2) Every such list shall be published in the Official Gazette.

27. Seal.—Every Court constituted under this act shall use a seal of such form and design as are or may be prescribed by the High Court.

[**27-A. Certain provisions to over-ride other laws.**—The amendments made in this Act by the Himachal Pradesh Court (Amendment) Act, 1984 shall have effect notwithstanding anything inconsistent therewith contained in sub-section (3) of section 17 of the Delhi High Court Act, 1966 and in section 23 of the State of Himachal Pradesh Act, 1970.]

28. Temporary vacancies of office of District Judge.—In the event of absence of the District Judge or in the event of a vacancy in that office for whatever reason, the Additional District Judge or if there are more than one Additional District Judges present, the first in rank among them and in case there be no Additional District Judge present, the first in rank among the Sub ordinate Judges present, shall in addition to his own duties, discharge the functions of the District Judge with respect to the filing of the suits and appeals, receiving pleadings, miscellaneous applications and the like, as also with respect to the distribution thereof.

29. Power to make rules.—(1) The High Court may from time to time make rules consistent with this Act and any other law for the time being in force for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1) such rules may provide for all or any of the following matters:—

- (a) for the supervision of all Courts subordinate to the High Court and their visitation and inspection ;
- (b) for the translation of any paper in the High Court and the preparation of paper books for the hearing of appeals and the copying or printing of any such papers or translation and the recovery from the persons at whose instance or on whose behalf papers are filed, of the expenses thereby incurred ;
- (c) the fees to be charged for processes issued by the Civil Courts, or by any officer of any such Court and the fee payable in any suit or proceeding in any such Court by any party to such suit or proceeding in respect of the fees of the pleader of any other party to such suit or proceedings ;
- (d) the manner in which the proceedings of Civil Court shall be kept and recorded, the manner in which paper books for the hearing of appeals shall be prepared and the granting of copies ;
- (e) all matters relating to officers of Court.

30. Repeal and savings.—(1) The Punjab Courts Act, 1918 (6 of 1918) as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) and the Himachal Pradesh (Courts) Order, 1948 as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966 are hereby repealed:

1 Added *vide* Act No. 16 of 1984, Sec. 5.

- (a) Provided that anything done or any action taken, courts constituted, notifications issued, rules made, powers conferred, delegations and appointments made under the said Act or the said Order shall be deemed to have been done, taken, constituted, issued and conferred under the corresponding provision of this Act ;
- (b) provided further that in every enactment now in force and in every appointment order, order, rule, bye-law, notification or form made or issued thereunder, all references to the said Act, or the said Order shall be construed as referring to this Act.

(2) For the removal of doubts, it is hereby declared that all suits, appeals, revisions, applications, reviews, executions and other proceeding whatsoever pending in any of the Courts established under the Act, or the Order replaced under sub-section (1), shall be continued and concluded in the same Court as if the said Court had been duly established under this Act.

THE HIMACHAL PRADESH COURTS (AMENDMENT) ACT, 1980

(Act No. 10 of 1980.)¹

(Received the assent of the Governor, Himachal Pradesh on the 24th November, 1980 and was published in R.H.P. Extra, dated 27-11-1980, p. 1386)

An Act to amend the Himachal Pradesh Courts Act, 1976 (23 of 1976).

It is hereby enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-first Year of the Republic of India as follow :—

1. *Short title and commencement.*—(1) This Act may be called the Himachal Pradesh Courts (Amendment) Act, 1980.

(2) It shall and shall always be deemed to have come into force on the 5th day of July, 1980.

2. *Amendment of section 21.*—In clause a) of sub-section (1) of section 21 of the Himachal Pradesh Courts Act, 1976 (23 of 1976), (hereinafter called the principal Act) for the words "ten thousand rupees" the "twenty-five thousand rupees" shall be substituted.

3. *Addition of section 21-A.*—After section 21 of the principal Act the following new section 21-A along with its heading shall be added, namely :—

"21-A Power of the Chief Justice to transfer pending appeals and proceedings to District Courts.—The Chief Justice of the High Court of Himachal Pradesh may transfer any appeal or other proceedings, which are pending before the High Court of Himachal Pradesh immediately before the 5th day of July, 1980, to the District Court, in the State of Himachal Pradesh which would have jurisdiction to entertain such appeal or proceedings, had such appeal or proceedings been instituted or filed for the first time after the 5th day of July, 1980."

4. *Repeal and savings.*—The Himachal Pradesh Courts (Amendment) Ordinance, 1980 (1 of 1980) is hereby repealed :

Provided that anything done, any notification issued or any action taken under the said Ordinance shall be deemed to have been done, issued or taken under this Act, as if this Act had come into force with effect from the 5th day of July, 1980.²

1. For statement of Objects and Reasons, see R.H.P. P. Extra, dt. 11-10 1980, p. 914.

2. Ord. came into force w. e. f. 5-7-1980 vide Home Deptt. Not. No. Home II (A) 3-11/78 Dated 2-7-1980, published in R.H.P. Extra dated 3-7-1980, p. 600.

- (b) to review the Co-operative movement and to suggest ways for co-ordinating the activities of the co-operative societies in the State;
- (c) to suggest ways and means to remove the difficulties experienced by the co-operative societies in the State in the administration;
- (d) to make *suo motu* recommendation to the State Government in regard to any matter relating to the administration of co-operative societies;
- (e) to report to the State Government on such matters as may be referred to it by the State Government for its opinion;
- (f) the Council should meet at least once a year with the prior concurrence of the Chairman; and
- (g) the term of the non-official nominated members of the Council as mentioned in clause 2(iv) above shall be one year provided that the same is extended by the Government from time to time.

(R.H.P. Dated 27.10.1984, P. 1275)

THE HIMACHAL PRADESH COURTS (AMENDMENT) ACT, 1984

(Act No. 16 of 1984)¹

ARRANGEMENT OF SECTIONS

SECTIONS :

1. Short title and commencement.
2. Amendment of section 10.
3. Amendment of section 21.
4. Amendment of section 21-A.
5. Insertion of section 27-A:

(Received the assent of the President of India on the 11th July, 1984 and was published in R.H.P. Extra. Dated the 25th July, 1984 at page 1147).

An Act to enhance the pecuniary jurisdiction of the subordinate courts in the State of Himachal Pradesh and further to amend the Himachal Pradesh Courts Act, 1976 (23 of 1976).

BE It enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-fifth Year of the Republic of India, as follows :--

1. Short title and commencement.--(1) This Act may be called the Himachal Pradesh Courts (Amendment) Act, 1984.

¹ For Statement of Objects and Reasons see RHP. Extra., dated 15.3.1984, P. 472.

(2) It shall come into force at once.

2. **Amendment of section 10.**—In section 10 of the Himachal Pradesh Courts Act, 1976 (Act No. 23 of 1976), (hereinafter called the principal Act) for the words "fifty thousand rupees", the words "two lakh rupees" shall be substituted.

3. **Amendment of section 21.**—For the words "twenty-five thousand rupees" occurring in clause (a) of sub-section (1) of section 21 of the principal Act, the words "fifty thousand rupees" shall be substituted.

4. **Amendment of section 21-A.**—The existing section 21-A of the principal Act shall be renumbered as sub-section (1) and thereafter the following new sub-section (2) shall be inserted, namely :—

"(2) The Chief Justice of the High Court of Himachal Pradesh may transfer any appeal, suit or other proceedings which is or are pending before the High Court of Himachal Pradesh immediately before the commencement of the Himachal Pradesh Courts (Amendment) Act, 1984 to such a subordinate court in the State of Himachal Pradesh which would have jurisdiction to entertain such appeal, suit or proceedings, had such appeal, suit or proceedings been instituted or filed for the first time after such commencement."

5. **Insertion of section 27-A.**—After existing section 27 of the principal Act, the following new section 27-A, alongwith its heading, shall be inserted, namely :—

"27-A. **Certain provisions to over-ride other laws.**—The amendments made in this Act by the Himachal Pradesh Courts (Amendment) Act, 1984 shall have effect notwithstanding anything inconsistent therewith contained in sub-section (3) of section 17 of the Delhi High Court Act, 1966 (26 of 1966) and in section 23 of the State of Himachal Pradesh Act, 1970 (Act No. 53 of 1970)."

NOTIFICATIONS

Under

THE HIMACHAL PRADESH COURTS ACT, 1976

Appointments and Delegations

HIMACHAL PRADESH HIGH COURT

Notification

Shimla-1, the 5th June, 1984

No. HHC/Admn. 6(24)/74-6646.—In exercise of the powers vested in them by sections 11 and 12 of the Himachal Pradesh Courts Act, 1976 (Act No. 23 of 1976) Hon'ble Chief Justice and Judges are pleased

Act, 1968 and all other powers enabling him in this behalf, Hon'ble the Chief Justice is pleased to appoint the Registrar of the High Court of Himachal Pradesh as Taxing Officer for the purpose of Sub-section (1) of section 5 of the Himachal Pradesh Court Fee Act, 1968.

(R.H.P. dated 4-11-1995, p. 1343).

AUTHORITATIVE ENGLISH TEXT

THE HIMACHAL PRADESH COURTS (AMENDMENT) ACT, 1994

(ACT NO. 1 OF 1995)¹

ARRANGEMENT OF SECTIONS

Sections :

1. Short title.
2. Amendment of section 10.
3. Amendment of section 21.
4. Substitution of section 21-A.

(Received the assent of the Governor, Himachal Pradesh, on the 3rd February, 1995 and was published in Hindi and English in R.H.P. Extra., dated 4th February, 1995 at pages 523 and 524).

An Act further to amend the Himachal Pradesh Courts Act, 1976 (Act No. 23 of 1976).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-fifth Year of the Republic of India, as follows:—

1. **Short title.**—This Act may be called the Himachal Pradesh Courts (Amendment) Act, 1994.

2. **Amendment of section 10.**—In section 10 of the Himachal Pradesh Courts Act, 1976 (23 of 1976) (hereinafter called the principal Act), for the words “two lakh”, the words “five lakh” shall be substituted.

3. **Amendment of section 21.**—In section 21 of the principal Act, for the words “fifty thousand”, the words “two lakh” shall be substituted.

4. **Substitution of section 21-A.**—For section 21-A of the principal Act, the following section shall be substituted, namely:—

“21-A. *Powers of the Chief Justice to transfer pending suits, appeals or proceedings to Subordinate Civil Courts.*—The Chief Justice of the High Court of Himachal Pradesh may transfer

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha, For Statement of Objects and Reasons see R.H.P. Extra, dated 19-12-1994, P. 5242 & 5244.

any suit, appeal or proceedings which is or are pending before the High Court of Himachal Pradesh immediately before the commencement of the Himachal Pradesh Courts (Amendment) Act, 1994 to such a Subordinate Civil Court in Himachal Pradesh which would have jurisdiction to entertain such suit, appeal or proceedings, had such suit, appeal or proceedings been instituted or filed for the first time after such commencement."

NOTIFICATIONS

Under

THE HIMACHAL PRADESH COURTS ACT, 1976

APPOINTMENTS AND DELEGATIONS

HIGH COURT OF HIMACHAL PRADESH

NOTIFICATIONS

Shimla-1, the 1st July, 1995

No. HHC/Admn.6(22)/74-IV-10774.—Consequent upon the establishment of a new Civil Sessions Division Kinnaur comprising of Kinnaur District, Spiti Sub-Division of Lahaul and Spiti District, Anni Sub-Division of Kullu District and Rampur Sub-Division of Shimla District by the Government *vide* notification No. Home-B(G)6/95, dated 30-6-1995, Hon'ble the Chief Justice and Judges in exercise of the powers vested in them under proviso to section 5 of the Himachal Pradesh Courts Act, 1976 and section 9 of the Code of Criminal Procedure, 1973 are pleased to appoint the District and Sessions Judge, Shimla to be the District and Sessions Judge for Civil and Sessions Division Kinnaur with immediate effect till further orders. He shall dispose of the cases of the aforesaid Civil and Sessions Division in addition to his own duties of District and Sessions Judge, Shimla Division.

(R.H.P. dated 22-6-1995, p. 760.)

Shimla-171001, the 26th April, 1995

No. HHC/Admn.6(22)74-VI-6445-63.—Hon'ble the Chief Justice and Judges in exercise of the powers vested in them under section 9(4) of the Code of Criminal Procedure and proviso to section 5 of the Himachal Pradesh Courts Act, 1976 (Act No. 23 of 1976), are pleased to appoint the District and Sessions Judge Sirmaur at Nahan and Additional District and Sessions Judge, Sirmaur at Nahan as the Additional District and Sessions Judges for Solan Civil and Sessions Division with immediate effect.

(R. H. P. dated 3-6-1995, p. 581)

on the value of any stamps supplied to him for custody and sale upon the sale thereof.”

(b) After sub-rule (i) so substituted, the following new sub-rule (i-A) shall be added, namely:-

“(i-A) Postmasters including subordinate and branch postmasters and persons appointed by -post offices to sell revenue stamps shall not be required to obtain a licence to sell revenue stamps.”.

(c) After item (b) of Schedule of rate of discount, the following new item (c) shall be added, namely:-

“(c) The Department of Post and Telegraphs, Government of India shall be allowed a discount at the rate 10% on the sale of “Revenue Stamps.”

(R.H.P.Extra., dated 24.12.2002, P. 3707-3708)

THE HIMACHAL PRADESH COURTS (AMENDMENT) ACT, 2001

ARRANGEMENT OF SECTIONS

Sections:

1. Short title
2. Amendment of section 10.

THE HIMACHAL PRADESH COURTS (AMENDMENT) ACT, 2001

(ACT NO. 16 OF 2001)¹

(Received the assent of the Governor, Himachal Pradesh on the 18th September, 2001 and was published in Hindi and English in R.H.P. Extra., dated 19.9.2001, P 2561-2562).

An Act further to amend the Himachal Pradesh Courts Act, 1976 (Act No. 23 of 1976).

BE it enacted by the Legislative Assembly of the Himachal Pradesh in the Fifty-second Year of the Republic of India, as follows:-

1. Short title :- This Act may be called the Himachal Pradesh Courts (Amendment) Act, 2001.

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 22.8.2001, P. 2024 & 2027.

हिमाचल प्रदेश न्यायालय (संशोधन) विधेयक, 2014

हिमाचल प्रदेश न्यायालय (संशोधन) विधेयक, 2014

खण्डों का क्रम

खण्ड :

1. संक्षिप्त नाम।
2. धारा 3 का संशोधन।

हिमाचल प्रदेश न्यायालय (संशोधन) विधेयक, 2014

(विधान सभा द्वारा यथापारित)

हिमाचल प्रदेश न्यायालय अधिनियम, 1976 (1976 का अधिनियम संख्यांक 23) का और संशोधन करने के लिए विधेयक।

भारत गणराज्य के पैसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :-

1. इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश न्यायालय संक्षिप्त नाम। (संशोधन) अधिनियम, 2014 है।

2. हिमाचल प्रदेश न्यायालय अधिनियम, 1976 की धारा 3 में विद्यमान धारा 3 का खण्ड (ख) और (ग) के स्थान पर निम्नलिखित खण्ड रखे जाएंगे, अर्थात् :- संशोधन।

“(ख) सीनियर सिविल न्यायाधीश का न्यायालय; और

(ग) सिविल न्यायाधीश का न्यायालय।”।

यह विधेयक विधान सभा द्वारा पारित किया गया है ।

शिमला-171004

दिनांक: 9-01-2015

मैं इस विधेयक पर अनुमति देती हूँ

शिमला-171002

दिनांक: 22-01-2015

पुनः विचारित
अध्यक्ष
हिमाचल प्रदेश
विधान सभा, शिमला

उत्तिष्ठा सिंह
राज्यपाल
हिमाचल प्रदेश

AUTHORITATIVE ENGLISH TEXT

BILL NO. 16 OF 2014

**THE HIMACHAL PRADESH COURTS (AMENDMENT)
BILL, 2014**

(AS PASSED BY THE LEGISLATIVE ASSEMBLY)

THE HIMACHAL PRADESH COURTS (AMENDMENT) BILL, 2014

ARRANGEMENT OF CLAUSES

Clauses :

1. Short title.
2. Amendment of section 3.

**THE HIMACHAL PRADESH COURTS (AMENDMENT)
BILL, 2014**

(AS PASSED BY THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Courts Act, 1976 (Act No. 23 of 1976).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-fifth Year of the Republic of India as follows:—

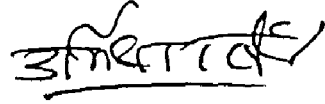
1. This Act may be called the Himachal Pradesh Courts Short title.
(Amendment) Act, 2014.

2. In section 3 of the Himachal Pradesh Courts Act, 1976, for Amendment of section 3.
existing clauses (b) and (c), the following clauses shall be substituted,
namely:—

“(b) the Court of Senior Civil Judge; and

(c) the Court of Civil Judge.”

मैं, हिमाचल प्रदेश न्यायालय (संशोधन) विधेयक, 2014 (2014 का विधेयक संख्यांक 16) के उपर्युक्त अनुवाद को भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अधीन राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने के लिए प्राधिकृत करती हूँ ।

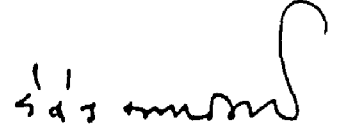


राज्यपाल,

हिमाचल प्रदेश ।

हिमाचल प्रदेश

राज्यपाल ने हिमाचल प्रदेश न्यायालय (संशोधन) विधेयक, 2014 (2014 का विधेयक संख्यांक 16) के उपर्युक्त अनुवाद को भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अधीन राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने के लिए प्राधिकृत कर दिया है ।



प्रधान सचिव (विधि),

हिमाचल प्रदेश सरकार ।