



## The Uttar Pradesh Civil Laws Amendment Act, 1970

Act 14 of 1970

**Keyword(s):**

Civil Laws, Power of Court, High Court, Delivery of Possession, Munsif

**Amendment appended: 17 of 1991**

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# THE UTTAR PRADESH CIVIL LAWS AMENDMENT ACT, 1970

(U. P. ACT No. 14 OF 1970) ✓

• (Authoritative English Text of the Uttar Pradesh Civil Vidhi Sanshodhan Adhiniyam, 1970).

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further to amend the Code of Civil Procedure, 1908, the Bengal, Agra and Assam Civil Courts Act, 1887, the Provincial Small Cause Courts Act, 1887 and the Transfer of Property Act, 1882, in their application to Uttar Pradesh.

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

1. (1) This Act may be called the Uttar Pradesh Civil Laws Amendment Act, 1970.

Short title and extent.

(2) It extends to the whole of Uttar Pradesh.

Act V of 1908.

2. For section 42 of the Code of Civil Procedure, 1908, as amended in its application to Uttar Pradesh (hereinafter referred to as the said Code) the following section shall be substituted, and be deemed to have been substituted with effect from December 2, 1968, namely:—

Substitution of new section for section 42 of Act V of 1908.

“42. (1) The Court executing a decree sent to it shall have the same Power of court in executing transferred decree. powers in executing such decree as if it had been passed by itself. All persons disobeying or obstructing the execution of the decree shall be punishable by such Court in the same manner as if it had passed the decree, and its order in executing such decree shall be subject to the same rules in respect of appeal as if the decree had been passed by itself.

(2) Without prejudice to the generality of the provisions of sub-section (1), the powers of the Court under that sub-section shall include the following powers of the Court which passed the decree, namely—

(a) power to send the decree for execution to another Court under section 39 ;

(b) power to execute the decree against the legal representative of the deceased judgment-debtor under section 50 ;

(c) power to order attachment of a decree ;

(d) power to decide any question relating to the bar of limitation to the executability of the decree ;

(e) power to record payment or adjustment under rule 2 of Order XXI ;

(f) power to order stay of execution under rule 29 of Order XXI ;

(g) in the case of a decree passed against a firm, power to grant leave to execute such decree against any person other than a person as is referred to in clause (b) or clause (c) of sub-rule (1) of rule 50 of Order XXI.

(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, the power to order execution at the instance of the transferee of a decree.”

\*For statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*, dated March 3 1970.

(Passed in Hindi by the Uttar Pradesh Legislative Council on March 3, 1970 and by the Uttar Pradesh Legislative Assembly on March 12, 1970).

Received the Assent of the President on April 7, 1970 under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated April 8, 1970).

Price 10 Pais.

Amendment of  
Section 115 of  
Act V of 1908.

3. In section 115 of the said Code—

(i) for the words "High Court", wherever occurring, the words "High Court or District Court" shall be *substituted*; and

(ii) the following proviso thereto shall be *inserted* at the end, namely

"Provided that nothing in this section shall be construed to empower the District Court to call for the record of any case arising out of an original suit of the value of twenty thousand rupees or above."

Amendment of  
section 21 of  
Act XXI of  
1887.

4. In section 21 of the Bengal, Agra and Assam Civil Courts Act, 1887 as amended in its application to Uttar Pradesh (hereinafter referred to as the Bengal, Agra and Assam Civil Courts Act), for sub-section (1), the following sub-section shall be *substituted*, namely :—

"(1) Save as aforesaid, an appeal from a decree or order of a Civil Judge shall lie—

(a) to the District Judge where the value of the original suit in which or in any proceeding arising out of which, the decree or order was made, whether instituted or commenced or decided before or after the commencement of the Uttar Pradesh Civil Laws Amendment Act, 1968, was less than twenty thousand rupees; and

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

(I-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 was less than twenty thousand rupees instituted in the High Court before the date of commencement of the Uttar Pradesh Civil Laws Amendment Act, 1970, and pending in the High Court immediately before the said date, not being an appeal in which arguments have been concluded before the said date and only judgment disposing of the appeal remains to be pronounced, shall stand transferred to the District Judge having jurisdiction who may either decide it himself or assign it to any Additional Judge subordinate to him.

(I-B) The period of limitation prescribed for filing 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 was less than twenty thousand rupees and the decree or order was made before December 2, 1968, shall, notwithstanding anything in the Limitation Act, 1963, be deemed to be and always to have been the same as if the appeal continued to lie to the High Court."

Amendment of  
section 25.

5. For section 25 of the Bengal, Agra and Assam Civil Courts Act, the following section shall be *substituted*, namely :—

"25. The State Government may, by notification in the *Gazette*, confer, within such local limits as it thinks fit, upon any Civil Judge or Munsif the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Causes Courts Act, 1887, for the trial of suits cognizable by such Courts, up to such value not exceeding one thousand rupees in the case of a Civil Judge or five hundred rupees in the case of a Munsif as it thinks fit, and may withdraw any jurisdiction so conferred :

Provided that the State Government may, by notification in the *Gazette* delegate to the High Court its powers under this section."

Amendment of  
section 15 of  
Act IX of 1887.

6. In section 15 of the Provincial Small Causes Courts Act, 1887, for sub-sections (2) and (3), the following sub-sections shall be *substituted*, namely :—

"(2) Subject to the exceptions specified in that schedule and to the provisions of any enactment for the time being in force, all suits of a civil nature of which the value does not exceed one thousand rupees shall be cognizable by a court of Small Causes.

(3) Subject as aforesaid, the State Government may, by order in writing, direct that all suits of a civil nature of which the value does not exceed two thousand rupees shall be cognizable by a court of Small Causes mentioned in the order."

7. After section 69-A of the Transfer of Property Act, 1882, the following section shall be inserted, namely:—

Insertion of new section 69-B in Act IV of 1882.

“69-B. (1) Where in exercise of a power of sale under section 69 the mortgaged property or any part thereof has been sold, the Collector shall on an application being made to him in that behalf put the purchaser into possession of the property, and may for the purpose of removing any person who refuses to vacate the same, use or cause to be used such force as he may deem necessary.

(2) The provisions of rules 95 to 103 of Order XXI contained in the First Schedule to the Code of Civil Procedure, 1908, as amended from time to time in its application to Uttar Pradesh, shall *mutatis mutandis* apply to proceedings under this section with the substitution of references to the Court and the judgment-debtor by references respectively to the Collector and the defaulting mortgagor.

(3) In this section, ‘Collector’ means the Collector of the district in which the property is situate, and includes any Assistant Collector empowered in that behalf by any general or special order by the Collector.”

8. The Uttar Pradesh Civil Laws (Amendment) Act, 1968, and the President's Acts for Uttar Pradesh (Re-enactment) Ordinance, 1970 are hereby repealed.

Repeal.

President's Act XXX of 1968.

President's Act XXXV of 1968 and U. P. Ordinance no. 5, 1970.

Act XXXV of 1968

Act IV of 1882

Dated Lucknow, April 2, 1991

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Civil Vidhi (Sanshodhan) Adhiniyam, 1991 (Uttar Pradesh Adhiniyam Sankhya 17 of 1991) as passed by the Uttar Pradesh Legislature and assented to by the President on March 29, 1991:

THE UTTAR PRADESH CIVIL LAWS (AMENDMENT) ACT, 1991

(U P. ACT No. 17 OF 1991)

(As passed by the U.P. Legislature)

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further to amend the Bengal, Agra and Assam Civil Courts Act, 1887, the Provincial small Cause Courts Act, 1887 and the Code of Civil Procedure, 1908 in their application to Uttar Pradesh.

IT IS HEREBY enacted in the Forty-second Year of the Republic of India as follows :—

CHAPTER—I  
Preliminary

Short title, extent  
and commence-  
ment

1. (1) This Act may be called the Uttar Pradesh Civil Laws (Amendment) Act, 1991.
- (2) It shall extend to the whole of Uttar Pradesh.
- (3) It shall be deemed to have come into force on January 15, 1991.

CHAPTER—II

*Amendment of Bengal, Agra and Assam Civil Courts Act, 1887*

Amendment of  
section 6 of  
Act no, XII of  
1887

2. In section 6 of the Bengal, Agra and Assam Civil Courts Act, 1887, hereinafter in this chapter referred to as the principal Act, in sub-section (2), for the words "State Government" the words "High Court" shall be substituted.

Amendment of  
section 19

3. In section 19 of the principal Act,—
  - (a) in sub-section (1), for the words "five thousand rupees" the words "ten thousand rupees" shall be substituted ;
  - (b) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The High Court may direct by notification in the official Gazette, with respect to any munsif named therein, that his jurisdiction shall extend to all like suits of such value not exceeding twenty five thousand rupees as may be specified in the notification."

4. In section 21 of the principal Act,—

Amendment of  
section 21

(a) for sub-sections (1), (1-A) and (1-B), the following sub-sections shall be *substituted*, namely :—

“(1) Save as aforesaid an appeal from a decree or order of a Civil Judge shall lie,—

(a) to the High Court in any case other than a case referred to in clause (b) ;

(b) 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 relevant date) did not exceed one lakh rupees or such higher amount not exceeding five lakh rupees as the High Court may fix from time to time by notification in the official Gazette.

*Explanation*—For the purposes of this sub-section and sub-sections (1-A) and (1-B) relevant date means the date of commencement of the Uttar Pradesh Civil Laws (Amendment) Act, 1991 or, as the case may be, the date of commencement of notification made under clause (b) of sub-section (1).

(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 was not more than the amount fixed by or under clause (b) of sub-section (1) instituted in the High Court and pending in the High Court immediately before the relevant date, shall stand transferred to the District Judge having jurisdiction who may either decide it himself or assign it to any additional Judge subordinate to him :

Provided that any judgment, decree or order passed in such an appeal by the High Court after the relevant date shall be valid as if the High Court had withdrawn the appeal under section 24 of the Code of Civil Procedure, 1908.

(1-B) The period of limitation prescribed for filing an appeal from a decree or order of a Civil Judge made before the relevant date, which lay to the High Court immediately before such date but lies to the District Judge under sub-section (1) shall, notwithstanding anything to the contrary contained in the Limitation Act, 1963, be deemed to be and always to have been the same as if the appeal continued to lie to the High Court.” ;

(b) in sub-section (4), the words “with the previous sanction of the State Government,” shall be *omitted*.

5. In section 25 of the principal Act,—

Amendment of  
section 25

(a) for sub-section (1) the following sub-section shall be *substituted*, namely :—

“(1) The High Court may by notification in the official Gazette, confer within such local limits as it thinks fit, upon any Civil Judge or Munsif, the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887 for the trial of suits cognizable by such Courts, up to such value not exceeding five thousand rupees as it thinks fit, and may withdraw any jurisdiction so conferred :

Provided that in relation to suits of the nature referred to in the proviso to sub-section (2) of section 15 of the said Act, the reference in this sub-section to five thousand rupees shall be construed as reference to twenty five thousand rupees.” ;

(b) in sub-section (2), for the words “State Government” the word “High Court” shall be *substituted* ;

(c) sub-section (3) shall be *omitted*.

## CHAPTER—III

*Amendment of Provincial Small Cause Courts Act, 1887*

Amendment of  
section 15 of  
Act no. IX of  
1887

6. In section 15 of the Provincial Small Cause Courts Act, 1887, for sub-sections (2) and (3), the following sub-section shall be substituted, namely—

“(2) Subject to the exceptions specified in that Schedule and to the provisions of any enactment for the time being in force, all suits of a civil nature of which the value does not exceed five thousand rupees shall be cognizable by a Court of Small Causes :

Provided that in relation to suits by the lessor for the eviction of a lessee from a building after the determination of his lease or for recovery from him of rent in respect of the period of occupation thereof during the continuance of the lease, or of compensation for use and occupation thereof after the determination of the lease, the reference in this sub-section to five thousand rupees shall be construed as a reference to twenty five thousand rupees.

*Explanation*—For the purposes of this sub-section, the expression “building” has the same meaning as in Article (4) in the Second Schedule.”

## CHAPTER—IV

*Amendment of the Code of Civil Procedure, 1908*

Amendment of  
section 115 of  
Act no. 5 of  
1908

7. In section 115 of the Code of Civil Procedure, 1908, hereinafter in this chapter referred to as the said Code,—

(a) for the words “of the value of the twenty thousand rupees and above, including such suits or other proceedings instituted before August 1, 1978” the following words shall be substituted, namely—

“of the value exceeding one lakh rupees or such higher amount not exceeding five lakh rupees as the High Court may from time to time fix, by notification published in the official *Gazette* including such suits or other proceedings instituted before the date of commencement of the Uttar Pradesh Civil Laws (Amendment) Act, 1991, or as the case may be, the date of commencement of such notification.”;

(b) after the second proviso, the following proviso shall be inserted, namely :

“Provided also that where a proceeding of the nature in which the District Court may call for the record and pass orders under this section was pending immediately before the relevant date of commencement referred to above, in the High Court, such court shall proceed to dispose of the same.”

Amendment of  
order XXXIX of  
First Schedule

8. In the First Schedule to the said Code, in Order XXXIX, in rule 2, in sub-rule (2), in the proviso, clause (d) shall be omitted.

CHAPTER—V  
*Miscellaneous*

Repeal and  
saving

9. (1) The Uttar Pradesh Civil Laws (Amendment) Ordinance, 1990, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under any of the Acts referred to in Chapters II, III or IV as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under corresponding provisions of the aforesaid Acts, as amended by this Act, as if the provisions of this Act were in force at all material times.

U. P. Ordinance no. 31  
of 1990

By order,  
NARAYAN DAS,  
*Sachiv.*