



## The Bombay High Court (Letters Patent) Act, 1866

Act 23 of 1866

Keyword(s):

Bombay High Court, Patents, Clerical Errors

Amendment appended: 41 of 1948

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.

BOMBAY ACT No. XXIII OF 1866.<sup>1</sup>

[THE BOMBAY HIGH COURT (LETTERS PATENT) ACT, 1866.]

[17th May 1866]

An Act to correct two clerical errors in the <sup>2</sup>Letters Patent for the High Court of Judicature for the Presidency of Bombay.

WHEREAS the twenty-second section of the <sup>2</sup>Letters Patent for the High Court of Judicature for the Presidency of Bombay, dated the 28th December, 1865, is as follows :—“ And we do further ordain that the said High Court of Judicature at Bombay shall have ordinary original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction, and also in respect of all *such* persons beyond such limits over whom the said High Court of Judicature at *Fort William in Bengal* shall have criminal jurisdiction at the date of the publication of these presents ;”

And whereas it is expedient to correct the two clerical errors in such section which are hereinbefore indicated by italics ;

It is hereby enacted as follows :—

1. In lieu of the said recited section, the following shall be substituted :—

“ and we do further ordain that the said High Court of Judicature at Bombay shall have ordinary original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction, and also in respect of all persons beyond such limits over whom the said High Court of Judicature at Bombay shall have criminal Jurisdiction at the date of the publication of these presents.”

Clause substituted for section 22 of revised Letters Patent of Bombay High Court.

<sup>1</sup> For Proceedings in Council relating to this Act, which was introduced and passed at one sitting see *Gazette of India*, 1866, Supplement, p. 255. The short title was given by Bom. 2 of 1921.

<sup>2</sup> General Statutory Rules and Orders.

**BOMBAY HIGH COURT LETTERS PATENTS (AMENDMENT) ACT, 1948.**

---

**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title and commencement.
2. Amendment of Letters Patent of 8th December 1823.
3. Amendment of Letters Patent of 28th December 1865.

BOMBAY ACT No. XLI OF 1948.<sup>1</sup>

[THE BOMBAY HIGH COURT LETTERS PATENTS (AMENDMENT) ACT, 1948.]

[4th. May 1948]

An Act to amend the Letters Patent establishing the Supreme Court of Judicature at Bombay, bearing date the eighth day of December, One thousand Eight hundred and Twenty-three and to amend the Letters Patent of the High Court of Judicature for the Presidency of Bombay, bearing date the twenty-eighth day of December, One thousand Eight hundred and Sixty-five.

WHEREAS it is expedient to amend the Letters Patent establishing the Supreme Court of Judicature at Bombay, bearing date the eighth day of December, One thousand Eight hundred and Twenty-three and to amend the Letters Patent of the High Court of Judicature for the Presidency of Bombay, bearing date the twenty-eighth day of December, One thousand Eight hundred and Sixty-five, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay High Court Letters Patents (Amendment) Act, 1948. Short title and commencement.

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

2. In the Letters Patent establishing the Supreme Court of Judicature at Bombay, bearing date the eighth day of December, One thousand Eight hundred and Twenty-three— Amendment of Letters Patent of 8th December 1823.

(1) in paragraph 21—

(a) after the words "Judicature at Bombay" where they occur for the first time, the words "and of the Bombay City Civil Court" shall be inserted ;

(b) after the words "Judicature at Bombay" where they occur for the second time, the words "or to the said Bombay City Civil Court, as the case may be," shall be inserted ;

(c) after the word "respectively" the words "or by the Bombay City Civil Court or by any Judge of the said Court" shall be inserted ;

(2) in paragraph 22—

(a) after the words "Judicature at Bombay" where they occur for the first time, the words "or the Bombay City Civil Court" shall be inserted.

(b) after the words "Judicature at Bombay" where they occur for the second time, the words "or the said Bombay City Civil Court, as the case may be," shall be inserted ;

(c) for the word "Court" where it occurs at the end, the word "Courts" shall be substituted ;

(3) in paragraph 23—

(a) after the words "said Court" where they occur for the first time, the words "or of the said Bombay City Civil Court" shall be inserted ;

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1948, Part V, page 220.

(b) for the words "said Court" where they occur for the second time, the words "said Supreme Court of Judicature at Bombay" shall be substituted ;

(4) to paragraph 43, the following shall be added, namely :—

"The foregoing provisions as respects the Sheriff and his duties shall, so far as may be, apply to the Court of Session for Greater Bombay."

Amendment  
of Letters  
Patent of  
28th Decem-  
ber 1865.

3. (1) In the Letters Patent of the High Court of Judicature for the Presidency of Bombay, bearing date the twenty-eighth day of December, One thousand Eight hundred and Sixty-five—

(1) in clause 12, for the words "in which the debt, or damage, or value of property sued for does not exceed one hundred rupees" the words "or the Bombay City Civil Court" shall be substituted ;

(2) in clause 22—

(a) the words "within the local limits of its ordinary original civil jurisdiction, and also" shall be deleted ;

(b) for the words "such limits" the words "the local limits of its ordinary original civil jurisdiction" shall be substituted.

(2) For the avoidance of doubt, it is hereby declared that the amendments made by clause (2) of sub-section (1) shall not be deemed to affect any of the powers of the High Court under the provisions, for the time being in force, of the Code of Criminal Procedure, 1898.

v of  
1898.