



## The Bombay Civil Courts Act, 1869

Act 14 of 1869

**Keyword(s):**

Appointment of Judges, Alteration and Creation of Districts, District Courts, Joint Judges, Assistant Judges, Civil Judges

Amendment appended: 44 of 2011, 22 of 2015

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**THE BOMBAY CIVIL COURTS ACT, 1869.**

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ACT No. XIV OF 1869.<sup>1</sup>

[THE BOMBAY CIVIL COURTS ACT, 1869.]†

[19th March 1869]

Repealed in part, by Act 14 of 1870;

- „ „ „ „ 12 of 1876;
- „ „ „ „ 7 of 1889;
- „ „ „ „ 8 of 1890;
- „ „ „ „ 12 of 1891;
- „ By Bom, 1 of 1910;

Amended by Act 10 of 1876;

- „ „ „ 9 of 1880;
- „ „ „ 15 of 1880;
- „ „ „ 28 of 1930;
- „ „ Bom. 3 of 1895;
- „ „ „ 1 of 1900;
- „ „ „ 5 of 1912;
- „ „ „ 5 of 1914;
- „ „ „ 6 of 1926;
- „ „ „ 9 of 1927;
- „ „ „ 7 of 1930;

Adapted and modified by the Adaptation of Indian Laws Order in Council ;

\*Amended by Bom. 11 of 1942;

\* „ „ „ 20 of 1942;

\* „ „ „ 10 of 1945;

Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinance) Order, 1948.

Amended by Bom. 22 of 1949.

<sup>1</sup>For Statement of Objects and Reasons, see *Gazette of India*, 1869, p. 100; and for Proceedings in Council see *ibid*, 1869, Supplement, pp. 59, 180, 185, 336, 421 and 464.

†This Act was extended to, and shall in virtue of such extension be in force in that part of the State of Bombay to which immediately before the commencement of Bom. 94 of 1958 it did not extend (*vide* Bom. 94 of 1958 s. 2.)

\*Those Acts were re-enacted by Bom. 48 of 1947.

Amended by Bom. 54 of 1949.†

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 36 of 1950.

Adapted and modified by the Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom. 94 of 1958.\*

„ „ Mah 46 of 1977 (1-1-1978)‡§§

**An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.**

**Preamble.** WHEREAS it is expedient to consolidate and amend the law relating to the district and other subordinate Civil Courts in the Presidency of Bombay; It is hereby enacted as follows :—

**PART I.**

**PRELIMINARY.**

**Short title and extent.** 1[1. (1) This Act may be called the Bombay Civil Courts Act, 1869.  
(2) It extends to the whole of the State of Bombay].  
2. [Repeal of enactments.] Rep. Act XIV of 1870.

**Savings.**

† Section 6 of this Act reads as under :—  
“6. The amendments made in the said Act by the provisions of sections 2 to 5 (both inclusive) of this Act shall not have any effect in respect of and apply to—

(a) any suit of proceeding of a civil nature, whereon the subject matter exceeds in amount or value five thousand rupees but not ten thousand rupees, pending in any Court on the date on which this Act comes into force. Any such suit or proceeding shall be continued and disposed of as if this Act had not been passed; and

(b) (i) any appeal which is filed from an original or an appellate decree or order passed in any suit or proceeding wherein the subject matter is of the amount or value specified in clause (a) and which is pending in any Court on the date on which this Act comes into force ;

(ii) any appeal which may hereafter be filed from such decree or order passed before the date on which this Act comes into force.

Any such appeal shall be continued or filed and disposed of as if this Act had not been passed.”

\* Section 8 of Bom. 94 of 1958 reads as under :—

**Repeal and saving.**

“8. On the extension of the principal Act to that part of the State to which it did not extend before the commencement of this Act,—

(i) the Central Provinces and Berar Courts Act, 1917,

(ii) the Hyderabad Civil Courts Act, 1954,

(iii) the Saurashtra District and Civil Courts Ordinance, 1948, and

(iv) the Kutch (Courts) Order, 1948,

shall stand repealed :

Provided that such repeal shall not affect the previous operation of the Acts, Ordinance or Order so repealed and anything done or any action taken (including the districts formed, limits defined, courts established or constituted, appointments, rules or orders made, functions assigned, powers granted, seals or forms prescribed, jurisdiction defined or vested, notifications or notices issued, and proceedings instituted) by or under the provisions thereof shall in so far as it is not inconsistent with the provisions of the principal Act, be deemed to have been done or taken under the corresponding provisions of the principal Act and shall continue in force unless and until superseded by anything done or any action taken under the principal Act :

Provided further that all proceedings pending before any court or authority shall stand transferred to the corresponding court or authority under the principal Act, and if no corresponding court or authority exists or if there be a doubt as to the corresponding court or authority, to such court or authority as the High Court may designate, and shall be continued before and disposed of by such court of authority.”

† This section was substituted for the original by Bom. 94 of 1958, s. 3.

‡ This indicates the date of commencement of the Act.

§§ Section 19 of Mah. 46 of 1977 reads as follows :—

**Savings.**

19. The amendments made by this Act in any of the Acts aforesaid shall not have any effect in respect of and apply to any suits, appeals or other proceedings of a civil nature filed and pending before any Court on the date of commencement of this Act, and such proceedings shall be continued and disposed of by that Court, as if this Act had not been passed ; and any appeal, revision application or other proceedings of a civil nature in respect of any decree or order passed by any Court before the date of commencement of this Act shall be filed before and heard and disposed of by the Court competent to entertain such proceedings before such commencement, as if this Act had not been passed.”

C.P. &  
Berar  
Act  
I of  
1917.  
Hyd.  
Act  
XXX-  
VI of  
1954.  
Sau.  
Ord.  
XI of  
1948.

PART II,

DISTRICTS AND SADR STATIONS.

3. The <sup>1</sup>[State] Government may from time to time, by a notification in the <sup>2</sup>Alteration and creation of districts. <sup>3</sup>Official Gazette, alter <sup>4</sup>the limits of existing zillas (which shall hereafter be called districts) and create new districts for the purposes of this Act.

4. The <sup>1</sup>[State] Government may also from time to time, by notification <sup>2</sup>Position of sadr station. in the <sup>3</sup>Official Gazette, alter the position of the sadr station in any district, and fix the position of the sadr station in any new district.

PART III.

DISTRICT COURTS.

5. There shall be in each district a District Court presided over by a Judge <sup>1</sup>District Judges. to be called the District Judge \* \* \* \* \*

6. The District Judge shall ordinarily hold the District Court at the sadr station <sup>1</sup>Situation of District Court. in his district, but may, with the previous sanction of the High Court, hold it elsewhere within the district.

7. The District Court shall be the principal Court of original civil jurisdiction <sup>1</sup>Original jurisdiction of District Court. in the district, within the meaning of the Code of Civil Procedure.

8. Except as provided in sections 16, 17 and 26, the District Court shall be the <sup>1</sup>Appellate jurisdiction of District Court. Court of Appeal from all decrees and orders passed by the subordinate Courts from which an appeal lies under any law for the time being in force.

9. The District Judge shall have general control over all the Civil Courts and <sup>1</sup>Control and inspection of Courts. their establishments within the district, and it shall be his duty to inspect, or to cause one of his assistants to inspect, the proceedings of all the Courts subordinate to him, and to give such directions with respect to matters not provided for by law as he may think necessary.

The District Judge shall also refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

10. The District Judge shall obey all writs, orders or processes issued to him by <sup>1</sup>Writs and orders. the High Court, and shall make such returns or reports thereto under his signature and the seal of the Court as the exigencies of the case require.

He shall further furnish such reports and returns and copies of proceedings as <sup>1</sup>Reports and returns. may be called for by the High Court or the <sup>2</sup>[State] Government].

11. The District Judge shall use a circular seal, two inches in diameter, which <sup>1</sup>Seal of District Judge. shall bear thereon. <sup>2</sup>[the Asoka Capital Motif], with the following inscription in English and the principal language of the district :—

“ District Court of ”

<sup>1</sup> The words “ Provincial Government ” were substituted for the words “ Governor of Bombay in Council ” by the Adaptation of Indian Laws Order in Council.

<sup>2</sup> This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

<sup>3</sup> The words “ Official Gazette ” were substituted for the words “ Government Gazette ” by the Adaptation of Indian Laws Order in Council.

<sup>4</sup> In this connection, see section 22A, *infra*.

<sup>5</sup> The words “ He shall be appointed by the Governor of Bombay in Council, by whose authority only he shall be liable to be suspended or removed from his appointment ” were omitted by the Adaptation of Indian Laws Order in Council.

<sup>6</sup> The words “ The present Zilla Judges shall be the first District Judges under this Act ” were repealed by the Repealing Act, 1876 (12 of 1876).

<sup>7</sup> The words “ Provincial Government ” were substituted for the words “ Governor of Bombay in Council ” by the Adaptation of Indian Laws Order in Council.

<sup>8</sup> This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

<sup>9</sup> These words were substituted for the words “ the Royal Arms ” by Bom. 22 of 1949, s. 3.

## PART IV.

## JOINT JUDGES.

Power to  
appoint Joint  
Judges.

12. The <sup>1</sup>[State] Government may <sup>3\*</sup> \* \* appoint in any District a Joint Judge who shall be invested with co-extensive powers and a concurrent jurisdiction with the District Judge, except that he shall not keep a file of civil suits and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge by order of the High Court.

<sup>4\*</sup> \* \* \* \* \*

Power to  
appoint  
District  
Judge or  
Assistant  
Judge in one  
district to be  
Joint Judge  
in another  
district.

<sup>5</sup>[12A. The <sup>2</sup>[State] Government may appoint the District Judge or the Assistant Judge in any district to be also a Joint Judge in another district. Such Joint Judge may hold his court and transact civil business at such place or places in either district as he may deem fit.

Enactments  
applied to  
Joint Judge,  
Joint Judge's  
seal.

13. All Regulations and Acts now or hereafter in force and applying to a District Judge shall be deemed to apply also to the Joint Judge ; and the seal of the Joint Judge shall be the same as is used by the District Judge.

## PART V.

## ASSISTANT JUDGES.

Power to  
appoint  
Assistant  
Judges.

14. The <sup>1</sup>[State] [Government] <sup>6\*</sup> \* \* \* \* \* may appoint one or more Assistants to the District Judge,

<sup>7\*</sup> \* \* \* \* \*

Situation of  
Assistant  
Judge's  
Court.

15. An Assistant Judge shall ordinarily hold his Court at the same place as the District Judge, but he may hold his Court elsewhere within the district, whenever the District Judge shall, with the previous sanction of the High Court, direct him so to do.

Original  
jurisdiction  
of Assistant  
Judge.

16. The District Judge may refer to any Assistant Judge subordinate to him original suits of which the subject-matter does not amount to <sup>8</sup>[forty thousand rupees] in amount or value, <sup>9</sup>[applications or references under special Acts.] and miscellaneous applications <sup>10</sup> \* \* \*

The Assistant Judge shall have jurisdiction to try such suits and to dispose of such applications <sup>9</sup>[or references].

<sup>1</sup> The words " Provincial Government " were substituted for the words " Governor of Bombay in Council " by the Adaptation of Indian Laws Order in Council.

<sup>2</sup> This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

<sup>3</sup> The words " with the previous sanction of the Governor-General of India in Council " were repealed by section 3 and the 2nd Schedule of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

<sup>4</sup> The second clause of section 12 was repealed, *ibid.*

<sup>5</sup> S. 1 A was inserted by s. 2 of the Bombay Civil Courts (Amendment) Act, 1942, (Bom. 11 of 1942), read with s. 3 of Bom. 48 of 1947.

<sup>6</sup> The words " under the general control of the Governor General of India in Council " and " and may suspend or remove from his appointment any Assistant so appointed " were omitted by the Adaptation of Indian Laws Order in Council.

<sup>7</sup> The words " The present Assistant Judges shall be the first Assistant Judges under this Act " were repealed by the Repealing Act, 1876 (12 of 1876).

<sup>8</sup> These words were substituted for the words " fifteen thousand rupees " by Mah. 46 of 1977, s. 12(a).

<sup>9</sup> These words were inserted by section 2 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom. 1 of 1900).

<sup>10</sup> The words " not being of the nature of appeals " were deleted by Bom. 94 of 1958, s. 4.



Where the Assistant Judge's decrees and orders in such cases are appealable, the appeal shall lie to the District Judge or to the High Court according as the amount or value of the subject-matter does not exceed or exceeds <sup>1</sup>[twenty-five thousand rupees]

\* \* \* \* \*

<sup>2</sup>[17. An Assistant Judge shall have jurisdiction to try such appeals from the decrees and orders of the subordinate courts as would lie to the District Judge and as may be referred by him to the Assistant Judge. Appellate Jurisdiction of Assistant Judge.

Decrees and orders passed under this section by an Assistant Judge shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge.]

18. [Continuance of Assistant Judge's appellate jurisdiction]. Deleted by Bom. XCIV of 1958, s. 6.

19. The <sup>4</sup>[<sup>5</sup>[State] Government] may, by notification in the <sup>6</sup>[Official Gazette] invest an Assistant Judge with all or any of the powers of a District Judge within a particular part of a district, and may, by like notification, from time to time determine and alter the limits of such part. Power to invest Assistant Judge with powers of District Judge.

The jurisdiction of an Assistant Judge so invested shall *pro tanto* exclude the jurisdiction of the District Judge from within the said limits.

Every Assistant Judge so invested shall ordinarily hold his Court at such place within the local limits of his jurisdiction as may be determined by the <sup>4</sup>[<sup>5</sup>[State] Government], and may, with the previous sanction of the High Court, hold it at any other place within such limits.

20. Every Assistant Judge shall use the seal of the District Judge to whom he is Assistant. Assistant Judge to use seal of District Judge.

## PART VI.

### <sup>7</sup>[CIVIL JUDGES].

21. There shall be in each district so many Civil Courts subordinate to the District Court as the <sup>4</sup>[<sup>5</sup>[State] Government], \* \* \* \* \* Number of subordinate Civil Courts. shall from time to time direct :

<sup>1</sup> These words were substituted for the words " ten thousand rupees " by Mah. 46 of 1977, s.12(b).

<sup>2</sup> The words and figures " The Assistant Judge shall, when directed by the District Judge so to do also take evidence on applications for certificates under Bombay Regulation 8 of 1827 (to provide for the formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of property by the Courts), Act No. XXVII of 1860 (for facilitating the collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons)" were repealed by the Succession Certificate Act, 1889 (7 of 1889), and the words and figures " and Act No. XX of 1864 (for making better provisions for the care of the persons and property of minors in the Presidency of Bombay) and shall forward it with his opinion thereon for the final orders of the District Judge," were repealed by the Guardians and Wards Act, 1890 (8 of 1890).

<sup>3</sup> This section was substituted for the original by Bom. 94 of 1958, s. 5.

<sup>4</sup> The words " Provincial Government " were substituted for the words " Governor of Bombay in Council " by the Adaptation of Indian Laws Order in Council.

<sup>5</sup> This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

<sup>6</sup> The words " Official Gazette " were substituted for the words " Government Gazette " by the Adaptation of Indian Laws Order in Council.

<sup>7</sup> The heading " Civil Judges " was substituted for the heading " Subordinate Judges " by s. 2 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s.3.

<sup>8</sup> The words " acting under the general control of the Governor General of India in Council " were omitted by the Adaptation of Indian Laws Order in Council.

<sup>1</sup>[Provided that for special reasons it shall be lawful for the <sup>2</sup>[State] Government] at any time to close temporarily any such Subordinate Court.]

Appointment of <sup>4</sup>[Civil Judges]. **22.** The Judges of such Subordinate Courts shall be appointed by the <sup>2</sup>[State] Government], and shall be called <sup>4</sup>[Civil Judges].

Power to fix local limits of jurisdiction of <sup>4</sup>[Civil Judges]. **22A.** The <sup>2</sup>[State] Government] may, by notification in the Official Gazette, fix, and, by a like notification, from time to time, alter the local limits of the ordinary jurisdiction of the <sup>4</sup>[Civil Judges].

Situation of Subordinate Courts. **23.** The <sup>4</sup>[Civil Judges] shall hold their Courts at such place or places as the <sup>2</sup>[State] Government] may from time to time appoint within the local limits of their respective jurisdictions :

<sup>7</sup>[Provided that for special reasons it shall be lawful for the <sup>2</sup>[State] Government] to order that a <sup>8</sup>[Civil Judge] shall hold his Court at a place outside the local limits of his jurisdiction.]

Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the <sup>8</sup>[Civil Judge] shall hold his Court at each of such places, and the <sup>8</sup>[Civil Judge] shall cause such days to be duly notified throughout the local limits of his jurisdiction.

The same person may be the Judge of more than one subordinate Court <sup>9</sup>[and may dispose of the civil business of any one of his Courts at the headquarters of any other of his Courts] ; and in such cases the District Judge shall, subject to the control of the High Court, prescribe rules for regulating the time during which the <sup>8</sup>[Civil Judge] shall sit in each Court.

Appointment of Joint [Civil Judges]. <sup>10</sup>[For the purpose of assisting the Judge of any subordinate Court in the disposal of the civil business on his file, <sup>11</sup>[the High Court may appoint to such Court from the members of the Subordinate Civil Judicial Service of the <sup>12</sup>[State] ] one or more Joint <sup>4</sup>[Civil Judges], or the District Judge may, with the previous sanction of the

<sup>1</sup> This proviso was inserted by section 3 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom. 1 of 1900).

<sup>2</sup> The words " Provincial Government " were substituted for the words " Governor of Bombay in Council " by the Adaptation of Indian Laws Order in Council.

<sup>3</sup> This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

<sup>4</sup> The words " Civil Judges " were substituted for the words " Subordinate Judges " by s. 3 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

<sup>5</sup> The words " No person shall be appointed a Subordinate Judge unless he be a subject of Her Majesty or a subject of a Native Prince or State in India under the suzerainty of Her Majesty, and is also a person who has practised three years as in advocate of a High Court in India or as a vakil in the High Court of Judicature in Bombay, or who has qualified for the duties of a subordinate Judge according to such tests as may for the time being be prescribed by such High Court, or who has taken the degree of Bachelor of Laws in the University of Bombay.

The tests so prescribed by the High Court shall be notified in the " Government Gazette " were omitted by the Adaptation of Indian Laws Order in Council.

<sup>6</sup> Section 22A was inserted by section 2 of the Bombay Civil Courts Act, 1880 (9 of 1880).

<sup>7</sup> This proviso was inserted by section 4 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom. 1 of 1900).

<sup>8</sup> The words " Civil Judge " were substituted for the words " Subordinate Judge " by s. 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

<sup>9</sup> The words " and may dispose of the civil business of any one of his Courts at the headquarters of any other of his Courts " were inserted by section 2 (1) of Bom. 7 of 1930.

<sup>10</sup> These two paragraphs were substituted for the original last paragraph of section 23 by Bom. 1 of 1900, s. 4.

The original paragraph was as follows :—

" The Judge of any subordinate Court may, with the previous sanction of the High Court, be deputed by the District Judge to the Court of another Subordinate Judge for the purpose of assisting him in the disposal of the suits on his file. "

<sup>11</sup> The words " the High Court may appoint to such Court from the members or the Subordinate Civil Judicial Service of the Province " were substituted for the words " the Governor of Bombay in Council may appoint to such Court " by the Adaptation of Indian Laws Order in Council.

<sup>12</sup> This word was substituted for the word " Province " by the Adaptation of Laws Order, 1950.

High Court, depute to such Court the Judge of another subordinate Court within the district. A <sup>1</sup>[Civil Judge] thus appointed or deputed to assist in the Court of another <sup>2</sup>[Civil Judge] shall dispose of such civil business within the limits of his pecuniary jurisdiction as may, subject to the control of the District Judge, be referred to him by Judge of such Court. <sup>3</sup>[He may also dispose of the Civil business of his Court at the place of his deputation subject to the general or special orders of the High Court in this behalf].

For the purposes of this section the provisions of the Act applicable to <sup>3</sup>[Civil Judges] shall be, and shall be deemed always to have been applicable to Joint <sup>4</sup>[Civil Judges] : Provided that no such Joint <sup>4</sup>[Civil Judge] shall hear and determine any suit instituted under section 4 of the Dekkhan Agriculturists' Relief Act, [1879] of 1879, unless the value of the said suit falls within the limits of the pecuniary jurisdiction conferred on him by that Act.]

24. The <sup>3</sup>[Civil Judges] shall be of two classes.

Classes of  
<sup>3</sup>[Civil  
Judges].

The jurisdiction of a <sup>4</sup>[Civil Judge (Senior Division)] extends to all original suits and proceedings of a civil nature.

Jurisdiction  
of <sup>4</sup>[Civil  
Judge  
Judge (Senior  
Division)].

The jurisdiction of a <sup>5</sup>[Civil Judge (Junior Division)] extends to all original suits and proceedings of a civil nature wherein the subject matter does not exceed in amount or value <sup>6</sup>[twenty-five thousand rupees.]

Jurisdiction  
of <sup>5</sup>[Civil  
Judge (Junior  
Division)].

<sup>7</sup>[Provided that the <sup>8</sup>[State] Government] may increase the limit of <sup>10</sup>[twenty-five thousand rupees to forty thousand rupees] in the case of any <sup>5</sup>[Civil Judge (Junior Division)], of not less than ten years' standing and specially recommended in this behalf by the High Court. A <sup>1</sup>[Civil Judge] so empowered shall continue to exercise this power so long and as often as he may fill the office of a <sup>5</sup>[Civil Judge (Junior Division)] without reference to the District in which he may be employed, unless the powers are withdrawn by <sup>11</sup>[the <sup>8</sup>[State] Government].

The words "Civil Judge" were substituted for the words "Subordinate Judge" by s. 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

<sup>2</sup> This sentence was added by section 2(2) of Bom. 7 of 1930.

<sup>3</sup> The words "Civil Judges" were substituted for the words "Subordinate Judges" by s. 3 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

<sup>4</sup> The words "Civil Judge (Senior Division)" were substituted for the words "Subordinate Judge of the first class" by s. 5 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

<sup>5</sup> The words "Civil Judge (Junior Division)" were substituted for the words "Subordinate Judge of the Second Class" by s. 6 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

<sup>6</sup> These words were substituted for the words "ten thousand rupees" by Mah. 46 of 1977, s. 13(a).

<sup>7</sup> The proviso was added by section 3 of Bom. 7 of 1930.

<sup>8</sup> The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

<sup>9</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>10</sup> These words were substituted for the words "ten thousand rupees to fifteen thousand rupees" by Mah. 46 of 1977, s. 13(b).

<sup>11</sup> The words "Provincial Government" were substituted for the words "Government", by the Adaptation of Indian Laws Order in Council.

Special jurisdiction of <sup>1</sup>[Civil Judge (Senior Division)]. 25. A <sup>1</sup>[Civil Judge (Senior Division)] in addition to his ordinary jurisdiction, shall exercise a special jurisdiction in respect of such suits and proceedings of a civil nature, <sup>2\*</sup> \* \* \* as may arise within the local jurisdiction of the Courts in the district presided over by <sup>3</sup>[Civil Judges (Junior Division)] <sup>4</sup>[and wherein the subject matter exceeds the pecuniary jurisdiction of the <sup>5</sup>[Civil Judge (Junior Division)] as defined by section 24.]

In districts to which more than one <sup>1</sup>[Civil Judge (Senior Division)] have been appointed, the District Judge to the orders of the High Court, shall assign to each the local limits within which his said special jurisdiction is to be exercised.

Appeals from his decision. 26. In all suits decided by a <sup>6</sup>[Civil Judge] <sup>7\*</sup> \* \* \* \* of which the amount or value of the subject-matter exceeds <sup>8</sup>[twenty-five thousand rupees] the appeal from his decision shall be direct to the High Court.

Appellate jurisdiction of <sup>1</sup>[Civil Judge (Senior Division)] or Judge of Court of Small Causes. 27. <sup>9</sup>[Provincial Government] may invest any <sup>1</sup>[Civil Judge (Senior Division)] <sup>10</sup>[or any Judge of the Court of Small Causes established under the Provincial Small Cause Courts Act, 1887, in any place to which this section extends] with power to hear appeals from such decrees and orders of Subordinate Courts as may be referred to him by the Judge of the district. IX of 1887.

Small Causes. 10. Decrees and orders so passed in appeal by a <sup>1</sup>[Civil Judge (Senior Division)] <sup>10</sup>[or a Judge of a Court of Small Causes] shall have the same force as if passed by a District Judge.

<sup>11</sup>[A <sup>1</sup>[Civil Judge (Senior Division)] or a Judge of a Court of Small Causes, on whom the power of hearing appeals has once been conferred under this section, shall continue to have this power so long and so often as he may fill the office of <sup>1</sup>[Civil Judge (Senior Division)] or Judge of a Court of Small Causes respectively, without reference to the district in which he may be employed : Provided that the <sup>9</sup>[Provincial Government] may, by notification in the <sup>12</sup>[Official Gazette], at any time withdraw such power.]

<sup>1</sup> The words " Civil Judge (Senior Division) " were substituted for the words " Subordinate Judge of the first Class " by s. 5 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

<sup>2</sup> The words " wherein the subject-matter exceeds five thousand rupees in amount or value " were omitted by section 4(1) of Bom. 7 of 1930.

<sup>3</sup> The words " Civil Judges (Junior Division) " were substituted for the words " Subordinate Judges of the Second Class " by s. 7 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

<sup>4</sup> These words and figures were added by section 4(2) of Bom. 7 of 1930.

<sup>5</sup> The words " Civil Judge (Junior Division) " were substituted for the words " Subordinate Judge of the Second Class " by s. 6 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

<sup>6</sup> The words " Civil Judge " were substituted for the words " Subordinate Judge " by s. 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947.

<sup>7</sup> The words " of the first class in the exercise of his ordinary and special original jurisdiction " were repealed by section 2 of Act 28 of 1930.

<sup>8</sup> These words were substituted for the words " ten thousand rupees " by Mah. 46 of 1977, s. 14.

<sup>9</sup> The words " Provincial Government " were substituted for the words " Governor of Bombay in Council " by the Adaptation of Indian Laws Order in Council.

<sup>10</sup> These words were inserted by section 5 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom. 1 of 1900).

<sup>11</sup> This paragraph was substituted for the original paragraph by Bom. 1 of 1900, section 5. The original paragraph was as follows :—

" The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested : "

<sup>12</sup> The words " Official Gazette " were substituted for the words " Government Gazette " by the Adaptation of Indian Laws Order in Council.

<sup>1</sup>[28. (1) The High Court may invest any Civil Judge with the jurisdiction of a Court of Small Causes for the trial of suits cognizable by such courts upto such amount as it may deem proper, not exceeding in the case of a Civil Judge (Senior Division) <sup>2</sup>[three thousand rupees] and in the case of a Civil Judge (Junior Division) <sup>3</sup>[one thousand and five hundred rupees.]

Power to invest Civil Judges with small cause powers.

(2) A Civil Judge (Senior Division) or a Civil Judge (Junior Division), who is invested with the jurisdiction of a Court of Small Causes under sub-section (1), shall continue to have such jurisdiction within the local limits of his ordinary jurisdiction so long and as often as he may fill the office of Civil Judge (Senior Division) or Civil Judge (Junior Division), as the case may be, without reference to the District in which he may be employed.

(3) The High Court may, whenever it thinks fit, withdraw such jurisdiction from any Civil Judge so invested.]

<sup>4</sup>[28A. (1) The High Court may by general or special order invest any <sup>5</sup>[(Civil Judge)], within such local limits and subject to such pecuniary limitation as may be prescribed in such order, with all or any of the powers of a District Judge or a District Court as the case may be under the Indian Succession Act, 1865, <sup>6</sup>[The Probate and Administration Act, 1881, <sup>7</sup>[or paragraph 5 of Schedule III to the Code of Civil Procedure, 1908.

X of 1865.  
V of 1881.  
V of 1908.

Power to invest <sup>5</sup>[(Civil Judges)] with jurisdiction under certain Acts.

(2) Every order made by a <sup>8</sup>[Civil Judge] by virtue of the powers conferred upon him under sub-section (1) shall be subject to appeal to the High Court or the District Court according as the amount or value of the subject-matter exceeds or does not exceed <sup>9</sup>[twenty-five thousand rupees].

(3) Every order of the District Judge passed an appeal under sub-section (2) from the order of a <sup>10</sup>[Civil Judge] shall be subject to an appeal to the High Court under the rules contained in the Code of Civil Procedure applicable to appeals from appellate decrees.]

29. Each <sup>11</sup>[Civil Judge] shall use a seal one inch and-a-half in diameter, bearing <sup>12</sup>[the Asoka Capital Motif] with the following inscription in English and the principal <sup>13</sup>[Civil Judge] language of the district:— “ <sup>14</sup>[Civil Judge] of

<sup>1</sup> This section was substituted for the original by Bom. 94 of 1958, s. 7.

<sup>2</sup> These words were substituted for the words “ one thousand and five hundred rupees ” by Mah. 46 of 1977, s. 15(a).

<sup>3</sup> These words were substituted for the words “ five hundred rupees ”, *ibid*, s. 15(b).

<sup>4</sup> Section 28A was inserted by section 2 of the Bombay Civil Courts (Amendment) Act, 1912 (Bom. 5 of 1912).

<sup>5</sup> The words “ Civil Judge ” were substituted for the words “ Subordinate Judge ” by s. 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

<sup>6</sup> See now the Indian Succession Act, 1925.

<sup>7</sup> These words were substituted for the words “ ten thousand rupees ” by Mah. 46 of 1977, s. 16.

<sup>8</sup> These words were substituted for the words “ the Royal Crown ” by Bom. 22 of 1949, s. 4.

30, 31. [First Subordinate Judges ; pending proceedings.] Rep. Act XII of 1876.

[32. (1) No subordinate court other than the court of a [Civil Judge (Senior Division)] and no court of small causes shall receive or register any suit in which [the Crown] or any officer of the [Government] in his official capacity is a party.

Government suits.

(2) In every such case the plaintiff shall be referred to the court of the [Civil Judge (Senior Division)] and such suit shall be instituted only in the court of the [Civil Judge (Senior Division)] and shall be heard by such [Civil Judge], subject to the provisions of section 24 of the Code of Civil Procedure, 1908.

(3) Nothing in this section shall be deemed to apply to a suit against the administration of a Government railway ; or to apply to any suit merely because an officer of the [Government] is a party thereto, in his capacity of—

(a) member of a local authority,

(b) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under :—

(i) Order 32, rule 4(4), of the code of Civil Procedure, 1908 ;

(ii) section 69 or 71 of the Indian Lunacy Act, 1912 ;

(iii) section 7, 18 or 42 of the Guardians and Wards Act, 1890 ;

(iv) section 1 or 17 of the Ahmedabad Talukdars' Act, 1862 ;

(v) section 3, 19 (1), 19 (2), 20-22 (1) or 41 (1) of the Bombay Court of Wards Act, 1905].

#### REMOVAL OR SUSPENSION

33. [Commission of inquiry into alleged misconduct.] Omitted by the Adaptation of Indian Laws Order in Council.

34. [Suspension of Subordinate Judges by High Court ; by District Judge Saving power of Government to suspend or dismiss.] Omitted, *ibid.*

### PART VII.

#### TEMPORARY VACANCIES.

[35. In the event of the death of the District Judge or of his absence from his district on leave or of his becoming incapable of acting, the first in rank of the Joint Judges in the district, or in the absence of any Joint Judge the first in rank of the Assistant Judges in the district, or in the absence of any Joint Judge and Assistant Judge the first in rank of the Civil Judges in the district, shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge, shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution processes, return of writs and the like and shall also dispose of any urgent suits, appeals and other proceedings (including any applications or references under any special Acts) which are or may be filed or pending before the District Judge. The Judge performing such duties

Temporary vacancy in office of District Judge.

<sup>1</sup> This section was substituted for the original section 32 by section 2 of the Bombay Civil Courts (Amendment) Act, 1926 (Bom. VI of 1926).

<sup>2</sup> The words " Civil Judge (Junior Division) " were substituted for the words " Subordinate Judge of the First Class " by s. 5 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

<sup>3</sup> The words " the Crown " were substituted for the words " the Secretary of State for India in Council " by the Adaptation of Indian Laws Order in Council.

<sup>4</sup> This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

<sup>5</sup> The words " Civil Judge " were substituted for the words " Subordinate Judge " by s. 4 of the Bombay Civil Courts (Amendment) Act 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

<sup>6</sup> Section 35 was substituted for the original by Mah. 46 of 1977, s. 17.

and exercising such powers shall be designated Joint Judge, Assistant Judge or Civil Judge, as the case may be, in charge of the district, and shall continue in such charge until the office of the District Judge may be resumed or assumed by an officer duly appointed thereto.]

36 Any District Judge leaving the said station and proceeding on duty to any place within his district may [where no Joint Judge is available] delegate to an Assistant Judge, or in the absence of an Assistant Judge to a [Civil Judge] at the said station, the power of performing such of the duties enumerated in section 35 as may be emergent ; and such officer shall be designated Assistant or [Civil Judge], as the case may be, in charge of the said station.

37. In the event of the death, suspension or temporary absence of any [Civil Judge], the District Judge may empower the Judge of any subordinate Court of the same district to perform the duties of the Judge of the vacated subordinate Court, either at the place of such Court or his own Court ; but in every such case the registers and records of the two Courts shall be kept distinct.

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## PART VIII.

### MINISTERIAL OFFICERS.

38. [Appointment etc., of ministerial officers] Omitted by the Adaptation of Indian Laws Order in Council.

39. The duties of <sup>3</sup>(the ministerial officers of the Civil Courts) shall be regulated by such rules as the High Court may from time to time prescribe.

40. <sup>4</sup>[There may be appointed to any Civil Court under this Act] a clerk of the Court, who, in addition to such duties as may from time to time be prescribed by the High Court, may receive and register plaints, and shall refer such as he may consider should be refused for the orders of the Judge of the Court, and may sign all processes, and authenticate copies of papers.

40A. [Power to transfer clerks of the Court or ministerial officer.] Omitted by the Adaptation of Indian Laws Order in Council.

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## PART IX.

### MISCELLANEOUS.

41. The proceedings of each Civil Court shall be kept and recorded according to such rules as the High Court may from time to time prescribe. The High Court shall also lay down rules under which copies of papers may be granted.

<sup>1</sup> These words were inserted by Mah. 46 of 1977, s. 18.

<sup>2</sup> The words " Civil Judge " were substituted for the words " Subordinate Judge " by s. 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

<sup>3</sup> The words the ministerial officers of the Civil Courts " were substituted for the words " the said ministerial officers " by the Adaptation of Indian Laws Order in Council.

<sup>4</sup> The words " There may be appointed to any Civil Court under this Act " were substituted for the words. " The District Judge may, under the general control of the Governor of Bombay in Council, appoint to any Civil Court under this Act within the local limits of his jurisdiction ", *ibid.*,

<sup>1</sup>[41A. (1) The High Court may, from time to time, make rules consistent with this Act and any other enactment for the time being in force—

Licensed  
petition-  
writers.

(a) declaring what persons shall be permitted to act as petition-writers in the Courts subordinate to it ;

(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) providing a penalty of fine not exceeding fifty rupees for the breach of any of the rules so made, and determining the authority by which such breaches of the rules shall be investigated and the penalties imposed.

(2) Every fine imposed under clause (c) of sub-section (1) shall be recoverable as if it were a fine imposed by a Magistrate in the exercise of his ordinary jurisdiction.]

42. The High Court shall from time to time, with the sanction of the <sup>2</sup>[State] Fees for Government], prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act, or by any officer of such Court.

Tables of the fees so prescribed shall be published in the <sup>4</sup>[Official Gazette].

43. The District and Subordinate Courts shall sit from day to day except on <sup>5</sup>Sundays, New Year's Day, Good Friday, <sup>6</sup>[and Christmas Day] and such other <sup>7</sup>days as may be sanctioned for each or every district by the High Court.

The High Court may also permit the Civil Courts under its control to adjourn for <sup>8</sup>Vacation a period or periods not exceeding in the whole six weeks in each year.

## THE SCHEDULE.

### ENACTMENTS REPEALED.

[Rep. Act XIV of 1870.]

<sup>1</sup> Section 41A was inserted by section 9 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom. 1 of 1900).

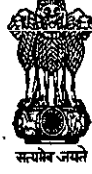
<sup>2</sup> The words " Provincial Government " were substituted for the words " Governor of Bombay in Council " by the Adaptation of Indian Laws Order in Council.

<sup>3</sup> This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

<sup>4</sup> The words " Official Gazette " were substituted for the words " Government Gazette " by the Adaptation of Indian Laws Order in Council.

<sup>5</sup> These words were substituted for the words " Christians Day and Her Majesty's Birthday " by the Adaptation of Laws Order, 1950.





# महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ३, अंक ५०(२)]

शुक्रवार, डिसेंबर ३०, २०११/पौष ९, शके १९३३

[पृष्ठ २, किंमत : रुपये १४.००

असाधारण क्रमांक १३०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Civil Courts (Amendment) Act, 2011 (Mah. Act No. XLIV of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

## MAHARASHTRA ACT No. XLIV OF 2011.

(First published, after having received the assent of the President in the "Maharashtra Government Gazette", on the 30th December 2011.)

An Act further to amend the Bombay Civil Courts Act, 1869.

Act No.  
XIV of  
1869.

WHEREAS it is expedient further to amend the Bombay Civil Courts Act, 1869, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Civil Courts (Amendment) Act, 2011.

Short title  
and  
commence-  
ment.

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

- Amendment of section 16 of Act XIV of 1869. 2. In section 16 of the Bombay Civil Courts Act, 1869 (hereinafter referred to as "the principal Act"), for the words "two lakh rupees" the words "ten lakh rupees" shall be substituted. Act No. XIV of 1869.
- Amendment of section 24 of Act XIV of 1869. 3. In section 24 of the principal Act,—  
(a) for the words "one lakh rupees" the words "five lakh rupees" shall be substituted ;  
(b) in the proviso, for the words "one lakh rupees to one lakh fifty thousand rupees" the words "five lakh rupees to seven lakh fifty thousand rupees" shall be substituted.
- Amendment of section 26 of Act XIV of 1869. 4. In section 26 of the principal Act, for the words "two lakh rupees" the words "ten lakh rupees" shall be substituted.
- Amendment of section 28A of Act XIV of 1869. 5. In section 28A of the principal Act, in sub-section (2), for the words "two lakh rupees" the words "ten lakh rupees" shall be substituted.
- Insertion of section 28B in Act XIV of 1869. 6. After section 28A of the principal Act, the following section shall be inserted, namely :—
- Transfer of pending suits and appeals. "28B. On the commencement of the Bombay Civil Courts (Amendment) Act, 2011,—  
(1) all suits in which the amount or value of the subject matter does not exceed rupees five lakhs and which are pending before the Court of Civil Judge (Senior Division), immediately, before such commencement, shall stand transferred to the concerned Court of Civil Judge (Junior Division) and such court may deal with such suit from the stage which was reached before such transfer or from any earlier stage or *de-novo* as such court may deem fit ;  
(2) all appeals in which the amount or value of the subject matter does not exceed rupees ten lakhs and pending before the High Court immediately before such commencement, shall stand transferred to the concerned District Court and such District Court may deal with such appeal from the stage which was reached before such transfer or from any earlier stage or *de-novo* as such court may deem fit :  
Provided that, this section shall not apply to any suits and appeals which are pending before the Court of Civil Judge (Senior Division) or, as the case may be, before the High Court, which are statutorily provided under the relevant enactment before such Court."

Mah. XLIV of 2011.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष १, अंक ४६]

बुधवार, जुलै २९, २०१५/श्रावण ७, शके १९३७

[ पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ८४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि  
विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Civil Courts (Amendment) Act, 2015 (Mah. Act No. XXII of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

M. A. SAYEED,  
Principal Secretary and  
Remembrancer of Legal Affairs to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XXII OF 2015.

(First published, after having received the assent of the President in the "Maharashtra Government Gazette", on the 29th July 2015).

An Act further to amend the Maharashtra Civil Courts Act.

XIV of 1869. WHEREAS it is expedient further to amend the Maharashtra Civil Courts Act, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Civil Courts (Amendment) Act, 2015.

Short title and commencement.

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

Amendment of section 16 of XIV of 1869. **2.** In section 16 of the Maharashtra Civil Courts Act (hereinafter referred to as “the principal Act”), for the words “ten lakh rupees” the words “one crore rupees” shall be substituted. XIV of 1869.

Amendment of section 26 of XIV of 1869. **3.** In section 26 of the principal Act, for the words “ten lakh rupees” the words “one crore rupees” shall be substituted.

Amendment of section 28A of XIV of 1869. **4.** In section 28A of the principal Act, in sub-section (2), for the words “ten lakh rupees” the words “one crore rupees” shall be substituted.

Insertion of section 28C in XIV of 1869. **5.** After section 28B of the principal Act, the following section shall be inserted, namely :—

Transfer of pending appeals. **“28C.** On the commencement of the Maharashtra Civil Courts (Amendment) Act, 2015, all appeals in which the amount or value of the subject matter does not exceed one crore rupees and pending before the High Court immediately before such commencement, shall stand transferred to the concerned District Court and such District Court may deal with such appeal from the stage which was reached before such transfer or from any earlier stage or *de-novo* as such court may deem fit: Mah. XXII of 2015.

Provided that, this section shall not apply to any appeals which are pending before the High Court, which are statutorily provided under the relevant enactment before such Court.”.