



The Presidency Small Cause Courts (Bombay Amendment) Act, 1933

Act 5 of 1933

Keyword(s):

Central Act Amendment, The Presidency Small Cause Court Act, 1882, Judges

Amendments appended: 44 of 1948, 44 of 1955, 11 of 1959, 35 of 1961, 41 of 1963, 15 of 1966, 19 of 1976, 59 of 1977, 26 of 1987

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. V OF 1933.

[THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1933.]

[17th May 1933.]

An Act further to amend the Presidency Small Cause Courts Act, 1882,
in its application to the Presidency-town of Bombay.

WHEREAS it is expedient further to amend the ¹Presidency Small Cause Courts
XV of Act, 1882, in its application to the Presidency-town of Bombay ; It is hereby enacted
1882. as follows :—

1. This Act may be called the Presidency Small Cause Courts (Bombay Amend- Short title.
ment) Act, 1933.

2. In the foot-note to part E of the third schedule to the ²Presidency Small Amendment
XV of Cause Courts Act, 1882, for the words " four annas per day " the words " such fee of the third
1882. not exceeding twelve annas per day as may be fixed by the Registrar of the Small schedule to
Cause Court " shall be substituted. Act XV of
1882.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933, Pt. V, p. 484; and
for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVII.

² Central Acts.

**THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT)
ACT, 1948.**

CONTENTS.

PREAMBLE.

CTIONS.

1. Short title and commencement.
2. Amendment of section 21 of Act XV of 1882.
3. Substitution of new section for section 22 of Act XV of 1882.
4. Amendment of section 31 of Act XV of 1882.
5. Deletion of sections 39 and 40 of Act XV of 1882.
6. Amendment of section 47 of Act XV of 1882.
7. Amendment of section 49 of Act XV of 1882.
8. Amendment of section 61 of Act XV of 1882.
9. Amendment of section 63 of Act XV of 1882.

BOMBAY ACT No. XLIV OF 1948.¹

[THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1948.]

[18th May 1948]

An Act to amend the Presidency Small Cause Courts Act, 1882, in its application to the Province of Bombay.

XV of 1882. WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882 ; in its application to the Province of Bombay, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. (1) This Act may be called the Presidency Small Cause Courts (Bombay 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.

XV of 1882. 2. In section 21 of the Presidency Small Cause Courts Act, 1882 (hereinafter called "the said Act"),— Amendment of section 21 of Act XV of 1882

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

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

3. For section 22 of the said Act, the following shall be substituted, namely :— Substitution of new section for section 22 of Act XV of 1882.

"22. If in any suit instituted in the High Court or in the Bombay City Civil Court, other than a suit to which section 21 applies, the Judge who tries it is of the opinion that it ought to have been instituted in the Small Cause Court and if in such suit— Costs when plaintiff sues in High Court or in Bombay City Civil Court in other cases cognisable by Small Cause Court.

(a) where it is instituted in the High Court, the plaintiff does not obtain a decree, the defendant shall be entitled to his costs as between attorney and client ; or

(b) where it is instituted in the Bombay City Civil Court, the plaintiff does not obtain a decree, the defendant shall be entitled to his costs and may also be awarded such additional amount not exceeding one thousand rupees by way of compensation as the Judge may award ; or

(c) where it is instituted in the High Court or in the Bombay City Civil Court, the plaintiff obtains a decree for any matter of an amount or value less than two thousand rupees, no costs shall be allowed to the plaintiff."

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1948, Part V, page 177.

Amendment
of section 31
of Act XV of
1882.

4. In section 31 of the said Act,—

(a) after the words "Madras City Civil Court or" the words, "the Bombay City Civil Court or" shall be inserted; and

(b) the words "or Bombay" shall be deleted.

Deletion of
sections 39
and 40 of Act
XV of 1882

5. Sections 39 and 40 of the said Act shall be deleted.

Amendment
of section 47
of Act XV
of 1882.

6. In section 47 of the said Act, after the words "High Court" the words "or the Bombay City Civil Court" shall be inserted.

Amendment
of section 49
of Act XV of
1882.

7. In section 49 of the said Act, for the words "High Court" the words "Bombay City Civil Court or the High Court, as the case may be," shall be substituted.

Amendment
of section 61
of Act XV of
1882.

8. In section 61 of the said Act, after the words "High Court" at both the places where they occur the words "or the Bombay City Civil Court" shall be inserted.

Amendment
of section 63
of Act XV of
1882.

9. In the marginal note to section 63 and in the said section 63 of the said Act, for the words "one thousand" the words "two thousand" shall be substituted.

THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 73 of Act XV of 1882.

BOMBAY ACT No. XLIV OF 1955.¹

[THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1955.]

[7th November 1955]

An Act further to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay.

XV of 1882. WHEREAS it is expedient further to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay, for the purpose hereinafter appearing; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Presidency Small Cause Courts (Bombay Amend- Short title. ment) Act, 1955.

XV of 1882. 2. (1) Section 73 of the Presidency Small Cause Courts Act, 1882, shall be Amendment of section 73 of Act XV of 1882. renumbered as sub-section (1) of that section, and in sub-section (1) so renumbered after the words "have been respectively paid" the following proviso and sub-section shall be inserted, namely :—

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

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

(2) For the marginal note to the said section 73, the following shall be substituted, namely :—

" Repayment of fees under certain circumstances."

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955. Part V, pages 330-331.

**THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT)
ACT, 1959.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of Act XV of 1862.

BOMBAY ACT No. XI OF 1959.¹

[THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1959.]

[14th March 1959]

**An Act to amend the Presidency Small Cause Courts Act, 1882,
in its application to the State of Bombay.**

XV of 1882. WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Presidency Small Cause Courts (Bombay Amendment) Act, 1959. Short title.

XV of 1882. 2. In the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay— Amendment of Act XV of 1882.

(a) in section 60,

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

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

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

(b) in section 64, for the words "at the expiration of five days from a seizure of property under this Chapter," the following words, brackets and figures shall be substituted, namely:—

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

(c) in the Third Schedule, in Form C, for the words "five days" the words "fifteen days" shall be substituted.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette* 1958, Part V, p. 856.

**THE PRESIDENCY SMALL CAUSE COURTS (MAHARASHTRA,
AMENDMENT ACT, 1961.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 11 of Act XV of 1882.
3. Amendment of section 53 of Act XV of 1882.

MAHARSHTRA ACT No. XXXV OF 1961.¹

[THE PRESIDENCY SMALL CAUSE COURTS (MAHARASHTRA AMENDMENT) ACT, 1961.]

[19th September 1961]

An Act further to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Maharashtra.

WHEREAS it is expedient further to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Maharashtra, for the purposes hereinafter appearing. It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

1. (1) This Act may be called the Presidency Small Cause Courts (Maharashtra Amendment) Act, 1961.

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.

2. In section 11 of the Presidency Small Cause Courts Act, 1882 (hereinafter referred to as "the principal Act"), for the portion beginning with the words "and if the Court is equally divided" and ending with the words "casting voice," the following shall be substituted, namely :—

Amendment of section 11 of Act XV of 1882.

"and if the Court is equally divided, the Judges shall state the point upon which they differ, and the case shall then be heard upon that point by another Judge nominated by the Chief Judge and the point shall be decided, according to the opinion of the majority of the Judges, who have heard the case, including those who first heard it."

3. In section 53 of the principal Act,—

Amendment of section 53 of Act XV of 1882.

(a) the first paragraph shall be numbered as sub-section (1) of that section and to sub-section (1) as so numbered, the following proviso shall be added, namely :—

"Provided that before making an application such person shall give 15 days' notice to the person liable to pay the arrears of rent making a demand of the said arrears." ;

(b) the second paragraph shall be numbered as sub-section (2) of that section and in sub-section (2) as so numbered, after the words "The application" the words, brackets and figure "made under sub-section ()" shall be inserted.

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1961, Part V, page 348.

**THE PRESIDENCY SMALL CAUSE COURTS (MAHARASHTRA AMENDMENT)
ACT, 1963.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and Commencement.
2. Insertion of new section 42A in Act XV of 1882.
3. Deletion of sections 45, 46 and 47 of Act XV of 1882.
4. Substitution of section 49 of Act XV of 1882.
5. Amendment of section 71 of Act XV of 1882.
6. Amendment of section 72 of Act XV of 1882.
7. Amendment of section 73 of Act XV of 1882.
8. Amendment of section 74 of Act XV of 1882.
9. Amendment of section 76 of Act XV of 1882.

MAHARASHTRA ACT No. XLI OF 1963¹

[THE PRESIDENCY SMALL CAUSE COURTS (MAHARASHTRA AMENDMENT)
ACT, 1963.]

[3rd December 1963]

An Act further to amend the Presidency Small Cause Courts Act, 1882.

WHEREAS it is expedient further to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Presidency Small Cause Courts (Maharashtra Amendment) Act, 1963. Short title and commencement.

(2) It shall come into force on such² date as the State Government may, by notification in the *Official Gazette*, appoint.

2. After section 42 of the Presidency Small Cause Courts Act, 1882 (hereinafter referred to as "the principal Act"), the following section shall be inserted, namely:— insertion of new section 42A in Act XV of 1882.

42A. (1) If in any application pending in the Small Cause Court immediately before the date of the commencement of the Presidency Small Cause Courts (Maharashtra Amendment) Act, 1963, or made to it on or after such date, the occupant appears at the time appointed and claims that he is a tenant of the applicant within the meaning of the Bombay Rents, Hotel and Lodging House Rates Control Act 1947 and in consequence whereof he is entitled to the protection of that Act, and if such claim is not admitted by the applicant, then notwithstanding anything contained in that Act, the question shall be decided by the Small Cause Court as a preliminary issue. Procedure where occupant contests as a lawful tenant, etc.

(2) An appeal against the decision on this issue shall lie to a bench of two Judges of the Small Cause Court.

(3) Every appeal under sub-section (2) shall be made within thirty days from the date of the decision appealed against:

Provided that, in computing the period of limitation prescribed by this sub-section the provisions contained in sections 4, 5 and 12 of the Indian Limitation Act, 1908, shall, so far as may be, apply. IX of 1908.

(4) No further appeal shall lie against any decision in appeal under sub-section (2)."

3. Sections 45, 46 and 47 of the principal Act shall be deleted. Deletion of sections 45, 46 and 47 of Act XV of 1882.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1963, Part V, page 132.
² 1st January 1964 (vide G.N., L. & J. D., No. SCC.1163/4800-H, dated 10th December 1963).

Substitution
of section
49 of Act
XV of 1882.

4. For section 49 of the principal Act, the following shall be substituted, namely :—

Order for
recovery of
possession
bar to suit
except on
basis of
title other
than title
as tenant.

“ 49. An order made for recovery of possession of any immoveable property on an application under section 41 pending in the Small Cause Court immediately before the date of the commencement of the Presidency Small Cause Courts (Maharashtra Amendment) Act 1963 or made to it on or after such date, shall (whether possession is taken thereunder or not) bar the institution of a suit in any Court, except a suit in which relief is claimed on the basis of title (other than title as the applicant's tenant within the meaning of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947) to such immoveable property.”

Mah.
XLI
of
1963.
Bomb.
LVII
of
1947.

Amendment
of section 71
of Act XV
of 1882.

5. In section 71 of the principal Act,—

(a) after the words and figures “ every application under section 41 ; ” the following shall be inserted, namely :—

“ and a fee not exceeding one-half of the amount prescribed hereinbefore in respect of such application shall be paid on every memorandum of appeal under section 42A ; ” ;

(b) after the words “ no such plaint or application ” the words “ or memorandum of appeal ” shall be inserted.

Amendment
of section
72 of Act
XV of 1882.

6. In section 72 of the principal Act, for the words “ any proceeding ” the words “ any application or appeal ” shall be substituted, and the following proviso shall be added at the end, namely :—

“ Provided that, in the case of an appeal under section 42A the fees for issue of processes shall be one-half of the amount payable under this section in respect of an application with the same amount or value of the subject-matter ”.

Amendment
of section
73 of Act
XV of 1882.

7. In section 73 of the principal Act,—

(a) in sub-section (1), for the words “ or proceeding ”, at both places where they occur, the words “ or application or appeal ” shall be substituted, and in the proviso, after the words “ on the plaint or application ” the words “ or memorandum of appeal ” shall be inserted ;

(b) in sub-section (2), after the words “ the plaintiffs or applicants ” the words “ or appellants ” shall be inserted, after the words “ on plaints or applications ” the words “ of memoranda of appeals ” shall be inserted and for the words “ or proceedings ” the words “ or applications or appeals ” shall be substituted.”

Amendment
of section 74
of Act XV
of 1882.

8. In section 74 of the principal Act, after the words and figures “ applications under section 41 made, ” the words, figures and letter “ and appeals under section 42A made, ” shall be inserted.

Amendment
of section 76
of Act XV
of 1882.

9. In section 76 of the principal Act, for the words “ in any proceeding ” the words “ in any application or appeal ” shall be substituted; and for the words “ or proceeding ” the words “ or application or appeal ” shall be substituted.

MAHARASHTRA ACT No. XV OF 1966.¹

[THE PRESIDENCY SMALL CAUSE COURTS (MAHARASHTRA AMENDMENT) ACT, 1966.]

[24th May 1966]

**An Act further to amend the Presidency Small Cause Courts Act, 1882,
in its application to the State of Maharashtra.**

WHEREAS it is expedient further to amend the Presidency Small Cause Courts Act, 1882, for the purpose hereinafter appearing; It is hereby enacted in the 1882. Seventeenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Presidency Small Cause Courts (Maharashtra Amendment) Act, 1966. 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 in this behalf.

XV of 1882. 2. In the Presidency Small Cause Courts Act, 1882, section 7 shall be renumbered as sub-section (1) of that section, and after sub-section (1) so renumbered, the following new sub-section shall be added, namely:— Amendment of section 7 of Act XV of 1882.

“(2) The State Government may also appoint any person to be an Additional Chief Judge; and the Additional Chief Judge shall exercise such powers and perform such duties of the Chief Judge under this Act or under any law for the time being in force as the State Government may direct.”

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1966, Part V, Extra, page 46.

**THE PRESIDENCY SMALL CAUSE COURTS (MAHARASHTRA
AMENDMENT) ACT, 1975**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 37 of Act XV of 1882.
3. Amendment of section 38 of Act XV of 1882.
4. Substitution of Chapter VII in Act XV of 1882.
5. Amendment of section 69 of Act XV of 1882.
6. Amendment of section 71 of Act XV of 1882.
7. Substitution of section 72 of Act XV of 1882.
8. Amendment of section 74 of Act XV of 1882.
9. Amendment of section 76 of Act XV of 1882.

MAHARASHTRA ACT No. XIX OF 1976.¹

[THE PRESIDENCY SMALL CAUSE COURTS (MAHARASHTRA AMENDMENT) ACT, 1976]

[4th May 1976]

An Act further to amend the Presidency Small Cause Courts Act, 1882

XV WHEREAS it is expedient further to amend the Presidency Small Cause Courts of Act, 1882, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Presidency Small Cause Courts (Maharashtra Amendment) Act, 1975. 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.

XV 2. In section 37 of the Presidency Small Cause Courts Act, 1882, in its application of to the State of Maharashtra (hereinafter referred to as "the principal Act"), after 1882. the words "by this Chapter" the words and figures "or by Chapter VII" shall be inserted. Amendment of section 37 of Act XV of 1882.

3. In section 38 of the principal Act,—

(a) the *Explanation* shall be renumbered as *Explanation 1* ;

(b) after *Explanation 1* so renumbered, the following *Explanation* shall be added, namely :— Amendment of section 38 of Act XV of 1882.

"*Explanation 2*.—Nothing contained in this section shall apply to suits under Chapter VII. "

4. For Chapter VII of the principal Act, the following Chapter shall be substituted, namely :— Substitution of Chapter VII in Act XV of 1882.

" CHAPTER VII

RECOVERY OF POSSESSION OF CERTAIN IMMOVABLE PROPERTY AND CERTAIN LICENCE FEES AND RENT.

41. (1) Notwithstanding anything contained elsewhere in this Act or in Suits or any other law for the time being in force, but subject to the provisions of Proceedings of sub-section (2), the Court of Small Causes shall have jurisdiction to entertain and between 1947. try all suits and proceedings between a licensor and licensee, or a landlord and licensees or tenant, relating to the recovery of possession of any immovable property situated landlords 1956. in Greater Bombay, or relating to the recovery of the licence fee or charges and tenants Bom. or proceedings. for recovery of possession of immovable property and licence Bom. the recovery of possession of any immovable property, or of licence fee or fees or rent, LXIX charges or rent thereof, to which the provisions of the Bombay Rents, Hotel and except to 1948. of Lodging House Rates Control Act, 1947, the Bombay Government Premises (Eviction) Act, 1955, the Bombay Municipal Corporation Act, the Bombay Housing Board Act, 1948 or any other law for the time being in force, applies. those to which other Acts apply to lie in Small Cause Court.

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Part V, 1975, page 646.

Appeal.

42. (1) An appeal shall lie from a decree or order made by the Small Cause Court exercising jurisdiction under section 41, to a bench of two Judges of the said Court, which shall not include the Judge who made such decree or order :

Provided that, no such appeal shall lie from a decree or order made in any suit or proceeding in respect of which no appeal lies under the Code of Civil Procedure, 1908. V of 1908.

(2) Every appeal under sub-section (1) shall be made within thirty days from the date of the decree or order, as the case may be :

Provided that, in computing the period of limitation prescribed by this sub-section, the provisions contained in sections 4, 5 and 12 of the Limitation Act, 1963, shall, so far as may be, apply. XXX-VI of 1963.

(3) No further appeal shall lie against any decision in appeal under sub-section (1).

(4) Where no appeal lies under this sub-section from a decree or order in any suit or proceeding, the bench of two Judges specified in sub-section (1) may, for the purpose of satisfying itself that the decree or order was according to law, call for the case in which such decree or order was made and pass such order with respect thereto as it thinks fit

Procedure.

43. In all suits, appeals and proceedings under this Chapter, the Small Cause Court shall, as far as possible and except as herein otherwise provided, follow the procedure prescribed by the Code of Civil Procedure, 1908. V of 1908.

Court fees.

44. The court fees leviable in suits, appeals and proceedings under this Chapter shall be the same as are chargeable under Chapter III of the Bombay Court-fees Act, 1959, and the provisions of that Act shall apply to the recovery of such court-fees. Bom. XXXVI of 1959.

Saving of suits involving title.

45. Nothing contained in this Chapter shall be deemed to bar a party to a suit, appeal or proceeding mentioned therein in which a question of title to any immovable property arises and is determined, from suing in a competent court to establish his title to such property.

Saving of pending proceedings.

46. (1) All suits and other proceedings cognizable by the Small Cause Court under this Chapter and pending in the High Court or the Bombay City Civil Court, on the date of coming into force of the Presidency Small Cause Courts (Maharashtra Amendment) Act, 1975, shall be continued and disposed of by the High Court or the City Civil Court, as the case may be, as if this Act had not been passed. Mah. XIX of 1976.

(2) All applications and other proceedings filed in the Small Cause Court under this Chapter and pending in that Court, on the date aforesaid, shall be continued and disposed of by the Small Cause Court, as if this Act had not been passed."

Amendment of section 69 of Act XV of 1882.

5. In section 69 of the principal Act, in sub-section (1), the words and figures "Chapter VII of " shall be deleted.

Amendment of section 71 of Act XV of 1882.

6. In section 71 of the principal Act,—

(a) for the words "A fee not exceeding " the words and figures "Save as otherwise provided in section 44, a fee not exceeding; " shall be substituted;

(b) for the portion beginning with the words "on the plaint in every suit," and ending with the words "until such fee has been paid," the following shall be substituted, namely:—

"on the plaint in every suit, and no such plaint shall be received until such fee has been paid."

7. For section 72 of the principal Act, the following section shall be substituted, namely:—

Substitution
of section 72
of Act XV of
1882.

“72. The fees specified in the third and fourth columns of the Fourth Schedule hereto annexed shall be paid previous to the issue, in any suit or appeal or proceeding under this Act, of the processes, to which the said columns respectively relate, by the persons in whose behalf such processes are issued, when the amount or value of the subject-matter exceeds the sum specified in the first column, but does not exceed the sum specified in the second column of the said Schedule. When the amount or value of the subject-matter exceeds Rs. 3,000, the additional fees to be paid for summonses shall be at the rate of 10 paise for every Rs. 100 or part thereof in excess of Rs. 3,000 and the additional fees to be paid for other processes shall be at the rate of 40 paise for every Rs. 100 or part thereof in excess of Rs. 3,000”.

Fees for
processes.

8. In section 74 of the principal Act,—

- (a) the words, figures and letter “ and applications under section 41 made, and appeals under section 42A made,” shall be deleted;
- (b) for the words and figures “ sections 71 and 72 ” the words and figures “ sections 44, 71 and 72, ” shall be substituted.

Amendment
of section 74
of Act XV of
1882.

9. In section 76 of the principal Act,—

- (a) the words and figures “ or in any application or appeal under Chapter VII of this Act,” shall be deleted;
- (b) the words “ or application or appeal ” shall be deleted.

Amendment
of section 76
of Act XV of
1882.

**THE PRESIDENCY SMALL CAUSE COURTS (MAHARASHTRA
AMENDMENT) ACT, 1977**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Deletion of section 44 of Act XV of 1882.
3. Substitution of section 71 of Act XV of 1882.
4. Substitution of section 72 of Act XV of 1882.
5. Amendment of section 74 of Act XV of 1882.
6. Deletion of section 77 of Act XV of 1882.
7. Deletion of Fourth Schedule to Act XV of 1882.
8. Amendment of section 5 of Bom. XXXVI of 1959.

MAHARASHTRA ACT No. LIX OF 1977.¹

**[THE PRESIDENCY SMALL CAUSE COURTS (MAHARASHTRA
AMENDMENT) ACT, 1977.]**

[28th November 1977]

**An Act further to amend the Presidency Small Cause Courts Act, 1882,
in its application to the State of Maharashtra.**

XV of 1882. **WHEREAS** it is expedient further to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Maharashtra, and the Bombay Court-fees Act, 1959, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-VI of eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Presidency Small Cause Courts (Maharashtra Amendment) Act, 1977.

Short
title and
commence-
ment.

Mah. XLVI of 1977. (2) It shall come into force on the day² on which the Maharashtra Civil Courts (Enhancement of Pecuniary Jurisdiction and Amendment) Act, 1977, comes into force.

XV of 1882. 2. Section 44 of the Presidency Small Cause Courts Act, 1882, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act") shall be deleted.

Deletion of
section 44
of Act XV of
1882.

3. For section 71 of the principal Act, the following section shall be substituted, namely:—

Substitution
of section 71
of Act XV of
1882.

Bom. XX-XVI of 1959. "71. The court-fees leviable in suits, appeals and proceedings under this Act shall be the same as are leviable under Chapter III of the Bombay Court-fees Act, 1959, and the provisions of that Act shall, *mutatis mutandis*, apply to the recovery of such court-fees."

Court-fees.

4. For section 72 of the principal Act, the following section shall be substituted, namely:—

Substitution
of section 72
of Act XV of
1882.

Bom. XX-XVI of 1959. "72. Save as otherwise provided by or under any provisions of this Act, the fees chargeable for serving and executing any processes issued by the Small Cause Court shall be the same as are prescribed by the High Court under section 32 of the Bombay Court-fees Act, 1959, and are for the time being applicable to the corresponding processes issued by the Bombay City Civil Court, until any other provision is made by the High Court under the said section 32 in respect of any processes issued by the Small Cause Court."

Process fees.

5. In section 74 of the principal Act, the figures "44", shall be deleted.

Amendment
of section 74
of Act XV of
1882.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1977, Part V, Extraordinary, page 436.

² 1st January 1978.

Deletion of
section 77 of
Act XV of
1882.

6. Section 77 of the principal Act shall be deleted.

Deletion
of Fourth
Schedule
to Act XV
of 1882.

7. The Fourth Schedule to the principal Act shall be deleted.

Amendment
of section 5
of Bom.
XXXVI
of 1959.

8. In section 5 of the Bombay Court-fees Act, 1959, sub-section (5) shall be deleted.

Bom.
XXX-
VI of
1959.

**THE PRESIDENCY SMALL CAUSE COURTS
(MAHARASHTRA AMENDMENT) ACT, 1987**

PREAMBLE

SECTIONS

1. Short title.
2. Amendment of section 18 of Act XV of 1882.
3. Validation.

MAHARASHTRA ACT No. XXVI OF 1987¹[THE PRESIDENCY SMALL CAUSE COURTS
(MAHARASHTRA AMENDMENT) ACT, 1987]

[This Act received assent of the President on the 30th July 1987; assent first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on the 3rd August 1987.]

An Act further to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Maharashtra.

WHEREAS it is expedient further to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Thirty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Presidency Small Cause Courts (Maharashtra Short title. Amendment) Act, 1987.
- XV of Act, 1882, appearing; It is hereby enacted in the Thirty-eighth Year of the Republic of India as follows :—

2. In section 18 of the Presidency Small Cause Courts Act, 1882, in its application to the State of Maharashtra (hereinafter referred to as the "Principal Act") after the first proviso, the following proviso shall be, and shall be deemed to have been, inserted with effect from the 3rd July 1975, namely :—

" Provided further that the Chief Judge may, subject to the direction and control of the High Court and to such conditions and limitations as he deems fit to impose, empower the Registrar to entertain and dispose of applications for the purpose of giving such leave under clauses (a) and (c) and, when so empowered, the Registrar shall be deemed to be the Court for that purpose. "

3. Notwithstanding anything contained in the principal Act or any other law for the time being in force, or in any judgment, decree or order of any Court, every leave to institute a suit under clause (a) or (c) of section 18 of the principal Act given by the Registrar during the period commencing on the 3rd day of July 1975 and ending on the 31st day of August 1984, in exercise or purported exercise of the powers conferred on him by the Chief Judge, shall be deemed to be, and shall be deemed always to have been, validly given in accordance with law by the Court of competent jurisdiction, as if the provisions of section 18 of the principal Act, as amended by this Act, were in force at all material times when such leave was given ; and that the leave so given shall not be called in question in any Court of law or before any authority, only on the ground that the Registrar had no jurisdiction to give such leave to institute a suit.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Part V, Extraordinary, dated the 24th March 1987, p. 30.