



The Gujarat Judicial Courts Laws (Amendment) Act, 1973

31 of 1973

Keyword(s):

Judicial Courts, Laws, Civil Courts, Small Cause Courts

Amendment appended: 20 of 1979

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 be filed as a separate compilation.

PART IV

**Acts of the Gujarat Legislature and Ordinance promulgated and
 Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the president on the 14th December 1973, is hereby published for general information.

S. S. SHAH,
 Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 31 OF 1973.

(First published, after having received the assent of the President in the *Gujarat Government Gazette* on the 21st December, 1973).

An Act to amend certain laws relating to Judicial courts for purposes hereinafter appearing.

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

1. This Act may be called the Gujarat Judicial Courts Laws (Amendment) Short title. Act, 1973.

Bom.
 XIV
 of
 1869.

2. For section 35 of the Bombay Civil Courts Act, 1869 (hereinafter referred to as "the Civil Courts Act"), the following section shall be substituted, namely:-

Substitution
 of new
 section 35 in
 Bom. XIV
 of 1869.

Temporary
vacancy of
office of
District
Judge.

"35. (1) Where the office of the District Judge in a district falls or remains vacant from any cause or the District Judge is prevented from performing his duties due to illness or other cause,—

(i) if there is a Joint Judge in such district, the Joint Judge shall assume charge of the District Court without interruption to his own duties and shall, while so in charge, exercise all the powers of a District Judge;

(ii) if there is no Joint Judge in the district or if there is a Joint Judge, but he is unable to assume charge of the District Court due to his absence from the district or any other reason, the first in rank of the Assistant Judges in the district shall assume charge of the District Court without interruption to his ordinary jurisdiction and if there is no Assistant Judge or the Assistant Judge is unable to assume charge for any reason as aforesaid, the first in rank of the Civil Judges in the district shall so assume such charge.

(2) The Assistant Judge or, as the case may be, the Civil Judge holding charge of the District Court under sub-section (1) shall, while so in charge, perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and like matters and exercise such powers of a District Judge as may be specified by a general or special order made by the High Court.

(3) The Joint Judge, Assistant Judge, or, as the case may be, the Civil Judge, while holding such charge shall be designated as Joint Judge, Assistant Judge or, as the case may be, Civil Judge, in charge of the district.

(4) The Joint Judge, the Assistant Judge, or, as the case may be, the Civil Judge in charge of the district shall continue in such charge until the office of the District Judge may be resumed or assumed by an officer duly appointed thereto and in cases other than those where such officer so resumes or assumes such charge, the Assistant Judge or, as the case may be, the Civil Judge so in charge shall continue to be in such charge until the Joint Judge, or as the case may be, the Assistant Judge shall assume such charge."

-Amendment
of section
36 of
Bom. XIV of
1869.

3. In section 36 of the Civil Courts Act,—

(a) for the words "may delegate to an Assistant Judge, or in the absence of an Assistant Judge, to Civil Judge" the words "may delegate to a Joint Judge, if any, or in the absence of a Joint Judge, to an Assistant Judge or in the absence of an Assistant Judge, to a Civil Judge" shall be substituted;

(b) for the words "shall be designated Assistant or Civil Judge" the words "shall be designated Joint or Assistant or Civil Judge" shall be substituted.

Insertion
of section
6A in
Guj. XIX
of 1961:

4. In the Ahmedabad City Courts Act, 1961 (hereinafter referred to as "the City Courts Act"), after section 6 the following section shall be inserted, namely:—

Guj.
XIX
of
1961.

Arrangement
as to holding
charge of
office of
Principal
Judge
during
vacancy.

"6A. (1) In the event of the office of the Principal Judge falling or remaining vacant from any cause or in the event of his being prevented from performing his duties due to illness or other cause, the first in rank of the other Judges of the City Court shall, without interruption to his own duties, assume charge of the office of the Principal Judge and while so in charge shall perform all the duties and exercise all the powers of the Principal Judge under this Act or any other law for the time being in force.

(2) The Judge so assuming charge shall continue in such charge until the office of the Principal Judge may be resumed or assumed by an officer duly appointed thereto.”.

Guj.
XIX
of
1961.

5. In section 11 of the City Courts Act, after sub-section (2), the following sub-section shall be added, namely:—

Amendment
of section
11 of Guj.
XIX of
1961.

“(3) The Judge specified in sub-section (1) may, with the approval of the High Court, make any change in the days to be so observed as holidays or vacation, if at any time after the publication of such list, circumstances render it necessary for him to do so and such change shall be published in the *Official Gazette*.”.

Guj.
XIX
of
1961.

6. In section 14 of the City Courts Act, after sub-section (4), the following sub-section shall be added, namely:—

Amendment
of section
14 of
Guj. XIX
of 1961.

“(5) Notwithstanding anything contained in sub-sections (1), (2) and (4), where a public notification under article 237 of the Constitution has been issued in relation to such class of Magistrates, the power to appoint Magistrates under this section shall be exercised subject to the terms of the said notification and in a case where, in view of the issue of such notification, the power to appoint any Magistrate vests in the High Court, the term of appointment of such Magistrate shall be such as the High Court may direct.”.

Guj.
XIX
of
1961.

7. In the City Courts Act, after section 14, the following section shall be inserted, namely:—

Insertion of
section 14A
in Guj. XIX
of 1961.

“14 A. (1) In the event of the office of the Chief Magistrate falling or remaining vacant from any cause or in the event of his being prevented from performing his duties due to illness or other cause, the first in rank of the other Magistrates for the City of Ahmedabad shall, without interruption to his own duties, assume charge of the office of the Chief Magistrate and while so in charge shall perform all the duties and exercise all the powers of the Chief Magistrate under the Criminal Procedure Code or any other law for the time being in force.

Arrangement
as to
holding
charge of
office of
the Chief
Magistrate
during
vacancy.

(2) The Magistrate so assuming charge shall continue in such charge until the office of the Chief Magistrate may be resumed or assumed by an officer duly appointed thereto.”.

XV of
1882.

8. In the Presidency Small Cause Courts Act, 1882, in its application to the City of Ahmedabad, after section 8A the following section shall be inserted, namely:—

Insertion
of section 8B
in Act XV
of 1882.

Arrangement
as to
holding
charge
of office of
Chief Judge
during
vacancy.

"8B.(1) In the event of the office of the Chief Judge falling or remaining vacant from any cause or in the event of his being prevented from performing his duties due to illness or other cause, the first in rank of the other Judges of the Court of Small Causes of Ahmedabad shall, without interruption to his own duties, assume charge of the office of the Chief Judge and while so in charge shall perform all the duties and exercise all the powers of the Chief Judge under this Act or any other law for the time being in force.

(2) The Judge so assuming charge shall continue in such charge until the office of the Chief Judge may be resumed or assumed by an officer duly appointed thereto."



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PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the President on the 13th August, 1979 is hereby published for general information.

N. B. PATEL,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 20 OF 1979.

First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 31st August, 1979).

AN ACT

further to amend the Bombay Civil Courts Act, 1869 and the Presidency Small Cause Courts Act, 1882, in its application to the City of Ahmedabad, for the purposes hereafter appearing.

It is hereby enacted in the Thirtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Judicial Courts Laws (Amendment) Act, 1979.

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 Bom.
XIV of
1869.

2. In the Bombay Civil Courts Act, 1869 (hereinafter referred to as "the Civil Courts Act"), in section 16,—

Bom
XIV
of
1869.

(1) for the words "does not amount to fifteen thousand rupees in" the words "is of any" shall be substituted; and

(2) for the words "ten thousand rupees" the words "twenty thousand rupees" shall be substituted.

Amendment
of section
24 of
Bom. XIV
of 1869.

3. In the Civil Courts Act, in section 24,—

(1) for the words "ten thousand rupees" the words "twenty thousand rupees" shall be substituted;

(2) the proviso shall be deleted.

Amend-
ment of
section 26
of Bom.
XIV of
1869.

4. In the Civil Courts Act, in section 26, for the words "ten thousand rupees" the words "twenty thousand rupees" shall be substituted.

Amendment
of section
28A of
Bom. XIV
of 1869.

5. In the Civil Courts Act, in section 28A, in sub-section (2), for the words "ten thousand rupees" the words "twenty thousand rupees" shall be substituted

Amend-
ment of
section 18
of Act
XV of
1882.

6. In the Presidency Small Cause Courts Act, 1882, in its application to the City of Ahmedabad (hereinafter referred to as "the Small Cause Courts Act"), in section 18, for the words "three thousand rupees" wherever they occur, the words "five thousand rupees" shall be substituted.

Amendment
of section
20 of
Act XV
of 1882.

7. In the Small Cause Courts Act, in section 20, for the words "three thousand rupees" wherever they occur, the words "five thousand rupees" shall be substituted.

Amendment
of section
22 of Act
XV of
1882.

8. In the Small Cause Courts Act, in section 22, in clause (b), for the words "three thousand rupees" the words "five thousand rupees" shall be substituted.

Amendment
of section
41 of Act
XV of
1882.

9. In the Small Cause Courts Act, in section 41, for the words "three thousand rupees" the words "five thousand rupees" shall be substituted.

Amendment
of Fourth
Schedule
of Act
XV of 1882.

10. In the Small Cause Courts Act, in the Fourth Schedule, the following entries shall be added at the end, namely:—

"3000	3100	5-90	20-50
3100	3200	6-00	21-00

3200	3300	6-15	21-50
3300	3400	6-25	22-00
3400	3500	6-40	22-50
3500	3600	6-50	23-00
3600	3700	6-65	23-50
3700	3800	6-75	24-00
3800	3900	6-90	24-50
3900	4000	7-00	25-00
4000	4100	7-15	25-50
4100	4200	7-25	26-00
4200	4300	7-40	26-50
4300	4400	7-50	27-00
4400	4500	7-65	27-50
4500	4600	7-75	28-00
4600	4700	7-90	28-50
4700	4800	8-00	29-00
4800	4900	8-15	29-50
4900	5000	8-25	30-00."

Bom.
XIV
of
1869.
XV of
1882.

11. Notwithstanding anything contained in the Bombay Civil Courts Act, 1869 or the Presidency Small Cause Courts Act, 1882, as amended by this Act,— Savings.

(1) all suits and proceedings of a civil nature pending, immediately before the date on which this Act comes into force, in the specified court shall be continued in that court as if this Act had not been passed and that specified court shall have for the purpose of the said suits and proceedings all jurisdiction and powers which it had immediately before the day on which this Act comes into force;

(2) an appeal or application for revision in respect of any suits or proceedings so continued under clause (1) in any specified court shall lie to the court which would have appellate or, as the case may be, revisional jurisdiction and that court shall entertain and dispose of the appeal or application as if the proceedings were instituted in that court before the date on which this Act comes into force;

(3) all applications for the execution or enforcement of a decree or order of a specified court passed immediately before the day on which this Act comes into force and all other applications arising out of such decree or order shall be made to and disposed of by that court as if this Act had not been passed.

Explanation.—The expression "specified court" means the court of the Civil Judge (Junior Division) or that of the Civil Judge (Senior Division) or the Ahmedabad City Civil Court.