

The Punjab Courts Act, 1918

Act 6 of 1918

Keyword(s):

The Punjab Court Act 1914



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.

THE PUNJAB COURTS ACT, 1918

Arrangement of Sections

PART I

SECTIONS

1. Short title and extent.
2. Definitions.
3. Enactment of provisions relating to Courts in the Punjab
Validation of Acts done Proviso.

PART II

CHAPTER I

PRELIMINARY

1. * * * * *
2. Repeal.
3. Definitions.

CHAPTER II

4-17. Repealed.

CHAPTER III

THE SUBORDINATE CIVIL COURTS

18. Classes of Courts.
19. Civil districts.
20. District Judges.
21. Additional District Judges.
- 21-A. Assignment of functions of District Judge.
22. Subordinate Judges
23. Repealed.
24. District Court to be principal Civil Court of Original jurisdiction.
25. Original jurisdiction of District Judges in suits.
26. Pecuniary limits of jurisdiction of Subordinate Judges.
27. Local limits of jurisdiction.
28. Special Judges and Benches.
29. Power to invest Subordinate Judge with Small Cause Court jurisdiction
30. Exercise by Subordinate Judge of jurisdiction of District Court in certain proceedings.
31. Place of sitting of Court.



SECTIONS

32. Repealed.
33. Control of Courts.
34. Power to distribute business.
35. Repealed.
36. Power to fine ministerial officers.
37. Delegation of District Judge's Powers.

CHAPTER IV

APPELLATE AND REVISIONAL JURISDICTION IN CIVIL CASES

38. Appeals from District Judges or Additional Judges.
39. Appeals from Subordinate Judges.
40. Power to transfer to a Subordinate Judge appeals from other Subordinate Judges.
41. Second appeals.
42. Second appeal on no other grounds.
No second appeal in certain cases.
43. Repealed.
44. Revision.
- 44-A. Period of limitation.

CHAPTER V

SUPPLEMENTAL PROVISIONS

45. Mode of conferring powers.
46. Continuance of powers of officers.
- 46-A. Provisions regarding petition-writers.
47. Control of list of holidays.
- 47-A. Provision regarding pending proceedings.
48. Repealed.
49. Amendment of the Punjab Land Revenue Act, Punjab Tenancy Act and the Indian Court Fees Act.
50. Amendment of definition of District Judge in the Punjab General Clauses Act, 1898.
51. Reference in existing enactments of Chief Court.

THE SCHEDULE.

¹THE PUNJAB COURTS ACT, 1918**PUNJAB ACT 6 OF 1918**

[Received the assent of the Lieutenant-Governor of the Punjab on the 30th May, 1918, and that of the Governor-General on the 12th June, 1918, and was first published in the Punjab Gazette² of the 12th July, 1918.]

| 1 | 2 | 3 | 4 |
|------|-----|-----------------------------|--|
| Year | No. | Short title | Whether repealed or otherwise affected by legislation |
| 1918 | 6 | The Punjab Courts Act, 1918 | Repealed in part, Act 4 of 1926 Amended, Punjab Act 4 of 1919 Supplemented, Act 9 of 1919 ¹ Amended, Punjab Act 9 of 1922 ⁴ (Adaptation of Indian Laws) Order, 1937 Amended by Punjab Act 6 of 1941 ⁵ Amended by the Indian Independence (Adaptation of Bengal and Punjab Order of 1948 (G.G.O. 40) Amended by Adaptation of Laws Order, 1950 Amended by Adaptation of Laws (Third Amendment) Order, 1951 Extended to the territories which immediately before the 1st November, 1956, |

1. For Statement of Objects and Reasons, see *Punjab Gazette*, 1918, Part V, page 326, for Report of the Select Committee, see *ibid* 1918, Part V, pages 349-358, for Proceedings in Council, see *ibid*, 1918, Part V, pages 376-377, 435, 446-47, and 490-93.
2. Part V, pages 495-503.
3. For Statement of Objects and Reasons, see *Punjab Gazette*, 1919, Part V, pages 16-17, and for Proceedings in Council, see *ibid*, Part V, pages 66-71. It came into force on 21st March, 1919.
4. For Statement of Objects and Reasons, see *Punjab Gazette*, 1922, Part V, pages 205-206, for Reports of the Select Committee, see *ibid*, 1922, Part V, pages 210-13 and for Proceedings in Council, see *Punjab Legislative Council Debates*, Volume IV, pages 517-18, 649, 709-15, and 729-34. This Act came into force on 5th January, 1923.
5. For Statement of Objects and Reasons, see *Punjab Gazette*, 1940, page 936, for Proceedings in Assembly, see *Punjab Legislative Assembly, Debates* Volume XV, Pages 86-87. This Act was made applicable to all pending cases (*vide* section 3), with the following words :—
“Notwithstanding anything to the contrary in the Punjab General Clauses Act, 1898 or any other law for the time being in force, the provisions of this Act shall apply to all cases which may be pending at its commencement”.



| 1 | 2 | 3 | 4 |
|---|---|---|---|
| | | | <p>were comprised in the State of Patiala and East Punjab States Union, by the Act 38 of 1957¹</p> <p>Amended by Punjab Act 35 of 1963²</p> <p>Amended by Punjab Act 25 of 1964³</p> <p>Amended by Haryana Adaption of Laws (State and Concurrent Subjects) Order, 1968⁴.</p> <p>Amended by Haryana Act 51 of 1971⁵</p> <p>Amended by Haryana Act 20 of 1977⁶</p> <p>Amended by Haryana Act 24 of 1978⁷</p> <p>Amended by Haryana Act 11 of 1980⁸</p> <p>Amended by Haryana Act 23 of 1980⁹</p> <p>Amended by Haryana Act 16 of 1995¹⁰</p> <p>Amended by Haryana Act 9 of 2004¹¹</p> |

1. For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1957, page 1675. First published in *Punjab Government Gazette (Extraordinary)*, dated the 14th November, 1957.
2. For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1963, page 1162. First published in the *Punjab Government Gazette (Extraordinary)*, Legislative Supplement of 18th October, 1964.
3. For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1964, pages 935-37. It came into force on the 2nd October, 1964, see *Punjab Government, Home (Judicial) Department, Notification No. GSR 218/P.A. 25/64/S. 1/64*, dated the 1st October, 1964.
4. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)*, dated the 29th October, 1968.
5. For statement of objects and reasons, see *Haryana Government Gazette (Extraordinary)* dated the page.
6. For statement of objects and reasons, see *Haryana Government Gazette (Extraordinary)* dated the page.
7. For statement of objects and reasons, see *Haryana Government Gazette (Extraordinary)* dated the 26-8-1978, page 1194.
8. For statement of objects and reasons, see *Haryana Government Gazette (Extraordinary)* dated the 11-3-1980, page 458.
9. For statement of objects and reasons, see *Haryana Government Gazette (Extraordinary)* dated the 8-7-1980, page 1324.
10. For statement of objects and reasons, see *Haryana Government Gazette (Extraordinary)* dated the page.
11. For statement of objects and reasons, see *Haryana Government Gazette (Extraordinary)* dated the 9-2-2004 page 295.

An Act to validate all things done under the Punjab Courts Act, 1914 as amended by Punjab Act IV of 1914, to repeal the said Acts or so much of them as may be valid and to enact a law relating to ¹[Courts in Haryana] which is free from the defect described in the preamble.

WHEREAS it appears that the Punjab Courts Act, 1914, as assented to by the Lieutenant-Governor on the 15th January, 1914, and by the Governor-General on 27th April, 1914, and as published in the *Punjab Gazette* on 2nd May, 1914, included a clause namely, clause (b) of sub-section (1) of section 39 which had not been passed by the Legislative Council of the Lieutenant-Governor, and whereas doubts have arisen as to the validity of things done under the said Act, and the amending Act, Punjab Act IV of 1914 :

And whereas it is expedient to validate all things done under the said Acts, to repeal the said Acts or so much of them as may be valid, and to enact a law relating to Courts in ²[Haryana], which is free from the defect above described, it is hereby enacted as follows :—

PART I

1. (1) This Act may be called the Punjab Courts Act, 1918.

Short title and
extent.

(2) It extends to ²[Haryana].

2. In this Act—

Definitions.

the expression “the Punjab Courts Act, 1914,” means what was published as the Punjab Courts Act, 1914, in Part V of the *Punjab Gazette*, dated 22nd May, 1914; and

the expression “Punjab Act IV of 1914” means what was published as Punjab Act IV of 1914, in Part V of the *Punjab Gazette*, dated 20th November, 1914.

3. (1) (a) The provisions contained in Part II of this Act are hereby enacted, and shall be deemed to have had effect on and from the first day of August, 1914 ³[in the principal territories and on and from the 14th November, 1957 in the transferred territories.].

Enactment of
provisions
relating to Courts
in the Punjab.

1. Substituted for the word “Courts in Punjab” by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
2. Substituted for the word “Courts in Punjab” by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
3. Added by *ibid*.

(b) The Punjab Courts Act, 1914, and Punjab Act IV of 1914, or so much of them as may be valid, are repealed on and from the first day of August, 1914.

Validation of acts done.

(2) All things done under the Punjab Courts Act, 1914, as amended by Punjab Act IV of 1914, shall be deemed to be in every way as valid as if the Punjab Courts Act, 1914, as amended by Punjab Act IV of 1914, had been of full force and effect on and from the first day of August, 1914:

Provisos.

Provided, firstly that any appeal which may have been decided by the Chief Court in the exercise of jurisdiction purporting to be exercised under section 39(1)(b) of the Punjab Courts Act, 1914, shall be deemed to have been validly decided and shall not be called in question by reason of anything contained in this Act;

And, secondly, that any appeal which before the commencement of this Act has been presented to the Chief Court under section 39(1)(b) of the Punjab Courts Act, 1914, and which should not have been so presented if the said sub-section had run as set out in section 39 of Part II of this Act shall if it has not been decided be transferred by the said Court for disposal to the District Court having jurisdiction;

And thirdly, that any appeal which would have lain to the Chief Court under section 39 (1) (b) of the Punjab Courts Act, 1914, but which lies to the District Court under the provisions of this Act and which if presented to the Chief Court at the commencement of this Act would be within time, shall be deemed to be presented within time if presented to the District Court within sixty days from the commencement of this Act.

PART II

CHAPTER I.

PRELIMINARY

1. * * * * *

Repeal.

2. The enactments specified in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Definitions.

3. In this part, unless there is something repugnant in the subject or context,—

(1) "Small cause" means a suit of the nature cognizable by a

9 of 1887. Court of Small Causes under the Provincial Small Cause Courts Act, 1887 ;

16 of 1887 (2) "Land-suit" means a suit relating to land as defined in section 4(1) of the Punjab Tenancy Act, 1887, or to any right or interest in such land;

(3) "Unclassed suit" means a suit which is neither a small cause nor a land suit; and

(4) "Value" used with reference to a suit means the amount or value of the subject-matter of the suit.

CHAPTER II

4 to 17. [* * * * *]

CHAPTER III

THE SUBORDINATE CIVIL COURTS

Classes of Courts

²[18. Besides the Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887, and the Courts established under any enactments for the time being in force, there shall be the following classes of Civil Courts, namely :—

Classes of
Courts.

- (1) The Court of District Judge;
- (2) The Court of Additional District Judge;
- (3) The Court of Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge;
- (ii) Upper Senior Judge;
- (iii) Superior Senior Judge, and

- (4) The Court of Civil Judge (Junior Division Cadre) at entry level :—

- (i) Civil Judge;
- (ii) Civil Judge, Grade II;
- (iii) Civil Judge, Grade I.]

1. Repealed by Punjab Act 4 of 1919, section 2 (1).

2. Substituted by Haryana Act 16 of 1995 and further substituted by Haryana Act 9 of 2004.

Civil Districts

19. (1) For the purposes of this Part the ¹[State] Government shall divide the territories under its administration into civil districts.

(2) The ¹[State] Government may alter the limits or the number of these districts.

District Judges.

³[20. The State Government shall, after consultation with the High Court, appoint as many persons as it thinks necessary to be District judges, and the High Court shall post one such person to each district as District Judge of that district :

Provided that the same person may, if the High Court thinks fit be appointed to be District Judge of two or more districts.]

Additional
District Judges.

²[21. ³(1) The State Government may, after consultation with the High Court, also appoint as many persons as it thinks necessary to be Additional District Judges, and the High Court may post an Additional District Judge to exercise jurisdiction in one or more courts of the District Judges.]

(2) Additional District Judges shall have jurisdiction to deal with and dispose of such cases only as the High Court, by general or special order, may direct them to deal with and dispose of or as the District Judge of the District may make over to them for being dealt with and disposed of :

Provided that the cases pending with the Additional District Judges immediately before the 28th day of June, 1963, shall be deemed to be cases so directed to be dealt with or disposed of by the High Court or so made over to them by the District Judge of the District as the case may be.

(3) While dealing with and disposing of the cases referred to in sub-section (2), an additional District Judge shall be deemed to be the Court of the District Judge.]

Assignment of
functions of
District Judge.

⁴[21-A. The High Court or the District Judge may assign to an Additional District Judge any of the functions of the District Judge, including the functions of receiving and registering cases and appeals, which but for such assignment of functions could be instituted in the

1. Substituted for the words "Provincial" by the Adaptation of Laws Order, 1950.
2. Substituted by Punjab Act 35 of 1963, section 4.
3. Substituted by Haryana Act 11 of 1980.
4. Inserted by Haryana Act 51 of 1971.

Court of the District Judge, and in the discharge of those functions the Additional District Judge shall, notwithstanding anything contained in the Act, exercise the same powers as the District Judge.

¹[22. (1) The ²[State] Government may after consultation with the High Court fix the number of ³[Civil Judges (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judges ;
- (ii) Upper Senior Judges ;
- (iii) Superior Senior Judges and

Civil Judges (Junior Division Cadre) at entry level :—

- (i) Civil Judges ;
- (ii) Civil Judges, Grade II ;
- (iii) Civil Judges, Grade I] to be appointed ³[* * * *].

⁴[(2) The High Court may confer on any Judicial Magistrate the powers of such class of ⁵[Civil Judges (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judges ;
- (ii) Upper Senior Judges ;
- (iii) Superior Senior Judges and

Civil Judges (Junior Division Cadre) at entry level :—

- (i) Civil Judges ;
- (ii) Civil Judges, Grade II ;
- (iii) Civil Judges, Grade I

as it may deem fit to be exercised by the Judicial Magistrate within such local area as the High Court may define.]

³[Civil Judges (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judges ;
- (ii) Upper Senior Judges ;
- (iii) Superior Senior Judges and

Civil Judges (Junior Division Cadre) at entry level :—

- (i) Civil Judges ;
- (ii) Civil Judges, Grade II ;
- (iii) Civil Judges, Grade I].

1. Substituted by Punjab Act 9 of 1922, section 4. For rules under sub-section (2), see notification No. 24019, dated 16th October, 1923, *Punjab Gazette*, 1923, Part I, page 794, No. 7460, dated 11th March, 1924, *Punjab Gazette*, 1924, Part I, page 233, and No. 6158, dated 9th March, 1925, *Punjab Gazette*, 1925, Part I, page 152.
2. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
3. The words "and when there is a vacancy in that number may, subject to the rules, if any, made under sub-section (2) appoint such person as is nominated by the High Court to the said vacancy" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.
4. Added by Punjab Act 25 of 1964, section 2 and the Schedule. The original sub-section (2) which ran as follows :— "The Local Government may, after consultation with the High Court, make rules as to the qualifications of persons to be appointed Subordinate Judges" was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.
5. Substituted by Haryana Act 16 of 1995 and further substituted by Haryana Act, 9 of 2004.



District Court to be principal Civil Court of original jurisdiction.

Original jurisdiction of District Judges in suits.

Pecuniary limits of jurisdiction of ⁴[Civil Judges (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judges ;
- (ii) Upper Senior Judges ;
- (iii) Superior Senior Judges and

Civil Judges (Junior Division Cadre) at entry level :—

- (i) Civil Judges ;
- (ii) Civil Judges, Grade II ;
- (iii) Civil Judges, Grade I]

Local limits of the jurisdiction.

23. [Repealed by section 5 of Punjab Act IX of 1922.]

24. The Court of the District Judge shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the district.

25. Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall have jurisdiction in original civil suits without limit as regards the value.

26. The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a ⁸[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge;
- (ii) Upper Senior Judge;
- (iii) Superior Senior Judge and

Civil Judge (Junior Division Cadre) at entry level :—

- (i) Civil Judge;
- (ii) Civil Judge, Grade II;
- (iii) Civil Judge, Grade I]

*1 * shall * 2 * be determined * 3 * by the ⁴[High Court] either by including him in a ⁵Class * 6 * or otherwise as it thinks fit.

* * * * * 7 * * * * *

27. (1) The local limits of the jurisdiction of ⁶[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge;
- (ii) Upper Senior Judge;

1. The words "or Munsif" were repealed by Punjab Act 9 of 1922, section 6 (2).
2. The words "in the case of a Subordinate Judge" were repealed by *ibid*, section 6 (2).
3. The words "by Local Government and, in the case of a Munsif" were repealed by *ibid*, section 6 (2).
4. Substituted for the words "Chief Court" by Punjab Act 4 of 1919, section 2(5).
5. See notification Nos. 4 and 10, dated 3rd January, 1923, Punjab Gazette Extraordinary, 1926.
6. The words "or grade" were repealed by Punjab Act 9 of 1922, section 6(2).
7. Sub-section (2) and the proviso thereto were repealed by *ibid*, section 6(3).
8. Substituted by Haryana Act 16 of 1995 and further substituted by Haryana Act 9 of 2004.

(iii) Superior Senior Judge and

Civil Judge (Junior Division Cadre) at entry level :—

(i) Civil Judge;

(ii) Civil Judge, Grade II;

(iii) Civil Judge, Grade I]

shall be such as the ¹[High Court] may define.

* * * * *

(2) When the ¹[High Court] posts a ⁵[Civil Judge (Senior Division Cadre) at intermediary level :—

(i) Senior Civil Judge;

(ii) Upper Senior Judge;

(iii) Superior Senior Judge and

Civil Judge (Junior Division Cadre) at entry level :—

(i) Civil Judge;

(ii) Civil Judge, Grade II;

(iii) Civil Judge, Grade I]

* * * * * to a district the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

28. ³[(1) The ⁴[State] Government may after consultation with the High Court appoint any person to be an Honorary ⁵[Civil Judge (Senior Division Cadre) at intermediary level :—

(i) Senior Civil Judge;

(ii) Upper Senior Judge;

(iii) Superior Senior Judge and

Civil Judge (Junior Division Cadre) at entry level :—

(i) Civil Judge;

(ii) Civil Judge, Grade II;

(iii) Civil Judge, Grade I.]

and the High Court may confer on such Judge all or any of the powers

Special Judges
and Benches.

1. Substituted for the words "Local Government" by Punjab Act 9 of 1922, section 7.
2. Sub-section (2) omitted and sub-section (3) renumbered as sub-section (2) and the words "or the High Court posts a Munsif" were omitted by *ibid* section 7(2) and 3.
3. Substituted by *ibid*, section 8.
4. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
5. Substituted by Haryana Act 16 of 1995 and further substituted by Haryana Act 9 of 2004.

conferable under this Act on a ⁴[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge;
- (ii) Upper Senior Judge;
- (iii) Superior Senior Judge and

Civil Judge (Junior Division Cadre) at entry level :—

- (i) Civil Judge;
- (ii) Civil Judge, Grade II;
- (iii) Civil Judge, Grade I.]

with respect to particular classes of suits or with respect to suits generally in any local area.]

(2) The ¹[State] Government may direct any uneven number of persons invested with powers of the same description and exercisable within the same local area under this section to sit together as a bench ; those powers shall, while the direction remains in force, be exercised by the bench so constituted, and not otherwise.

(3) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench .

(4) Persons on whom powers are conferred under this section and the benches constituted under this section shall be deemed, for the purposes of this Part, to be ²[Civil Judges (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judges ;
- (ii) Upper Senior Judges ;
- (iii) Superior Senior Judges and

Civil Judges (Junior Division Cadre) at entry level :—

- (i) Civil Judges ;
- (ii) Civil Judges, Grade II;
- (iii) Civil Judges, Grade I.]

* * * * *

1. Substituted for the words "Provincial" by the Adaptation of Laws Order, 1950.
2. Substituted by Haryana Act 16 of 1995 and further substituted by Haryana Act 9 of 2004.
3. The words "or a Munsif", as the Local Government may direct" were omitted by Punjab Act 9 of 1922, section 8(2).
4. Substituted by Haryana Act 9 of 2004.

29. The ¹[High Court] may, by notification in the Official Gazette, confer, within such local limits as it thinks fit upon any ⁴[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge ;
- (ii) Upper Senior Judge ;
- (iii) Superior Senior Judge and

Civil Judge (Junior Division Cadre) at entry level :—

- (i) Civil Judge ;
- (ii) Civil Judge, Grade II ;
- (iii) Civil Judge, Grade I]

10 of
1887.

**** 2 * ***, the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, for the trial of suits, cognizable by such Courts, up to such value not exceeding ³[two thousand rupees] **** 2 * *** as it thinks fit, and may withdraw any jurisdiction so conferred.

30. (J) The ⁵[High Court] may by general or special order authorise any ⁴[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge ;
- (ii) Upper Senior Judge ;
- (iii) Superior Senior Judge and

Civil Judge (Junior Division Cadre) at entry level :—

- (i) Civil Judge ;
- (ii) Civil Judge, Grade II ;
- (iii) Civil Judge, Grade I]

to take cognizance of, or any District Judge, to transfer to a ⁴[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge ;
- (ii) Upper Senior Judge ;

Power to invest
⁴[Civil Judge
(Senior Division
Cadre) at
intermediary
level :—

- (i) Senior Civil
Judge ;
- (ii) Upper Senior
Judge ;
- (iii) Superior
Senior Judge
and

Civil Judge (Junior
Division Cadre) at
entry level :—

- (i) Civil Judge ;
- (ii) Civil Judge,
Grade II ;
- (iii) Civil Judge,
Grade I]
with Small Cause
Court jurisdiction.

Exercise by
⁴[Civil Judge
(Senior Division
Cadre) at
intermediary
level :—

- (i) Senior Civil
Judge ;
- (ii) Upper Senior
Judge ;
- (iii) Superior
Senior Judge
and

Civil Judge (Junior
Division Cadre) at
entry level :—

- (i) Civil Judge ;
- (ii) Civil Judge,
Grade II ;
- (iii) Civil Judge,
Grade I] of
jurisdiction
of District
Court in
certain
proceedings.

1. Substituted for the words "Local Government" Act 9 of 1922, section 9.
2. The words "or a Munsif", and "in the case of a Subordinate judge or two hundred and fifty rupees in the case of a Munsif" omitted by *ibid*.
3. Substituted for the words "five hundred rupees" by Punjab Act 35 of 1963, section 4.
4. Substituted by Haryana Act 16 of 1995 and further substituted by Haryana Act 9 of 2004.
5. Substituted for the words "Chief Court" by Punjab Act 4 of 1919.

(iii) Superior Senior Judge and

Civil Judge (Junior Division Cadre) at entry level :—

(i) Civil Judge ;

(ii) Civil Judge, Grade II ;

(iii) Civil Judge, Grade I]

under his control, any of the proceedings next hereinafter mentioned or any class of those proceedings specified in such order.

(2) The proceedings referred to in sub-section (1) are the following, namely :—

(a) Proceedings under the Indian Succession Act, 1865¹ 10 of
and the Probate and Administration Act, 1881¹ 1865.
which cannot be disposed of by the District Judge. 5 of

(b) * * * * * 2 * * * * * 1881.

(3) The District Judge may withdraw any such proceedings taken cognizance of by or transferred to a³[Civil Judge (Senior Division Cadre) at intermediary level :—

(i) Senior Civil Judge;

(ii) Upper Senior Judge;

(iii) Superior Senior Judge and

Civil Judge (Junior Division Cadre) at entry level :—

(i) Civil Judge;

(ii) Civil Judge, Grade II;

(iii) Civil Judge, Grade I]

and may either himself dispose of them or transfer them to a Court under his control competent to dispose of them.

(4) Proceedings taken cognizance of by or transferred to a³[Civil Judge (Senior Division Cadre) at intermediary level :—

1. See now the Indian Succession Act, 1925 (39 of 1925).

2. Clause (b) was repealed by Punjab Act 4 of 1926, section 7.

3. Substituted by Haryana Act 16 of 1995 and further substituted by Haryana Act 9 of 2004.

- (i) Senior Civil Judge;
- (ii) Upper Senior Judge;
- (iii) Superior Senior Judge and
Civil Judge (Junior Division Cadre) at entry level :—
- (i) Civil Judge;
- (ii) Civil Judge, Grade II;
- (iii) Civil Judge, Grade I]

as the case may be under this section shall be disposed of by him, subject to the rules applicable to like proceedings when disposed of by the District judge.

31. (1) The [High Court] may fix the place or places at which any Court under this Part is to be held.

Place of sitting of
Court.

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(3) Except as may be otherwise provided by any order under this section, a Court under this Part may be held at any place within the local limits of its jurisdiction.

32. [* * * * *]

33. Subject to the general superintendence and control of the [High Courts], the District Judge shall have control over all the Civil Courts under this Part within the local limits of his jurisdiction.

Control of
Courts.

34. Notwithstanding anything contained in the Code of Civil Procedure, every District Judge may by written order direct that any civil business cognizable by his Court and the Courts under his control shall be distributed among such Courts in such manner as he thinks fit :

Power to
distribute
business.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its jurisdiction.

1. Substituted for the words "Local Government" by Punjab Act 9 of 1922, section 10.
2. Section 32 was omitted by the Government of India (Adaptation of Indian Laws), Order, 1937.

35. [* * * * *]

Power to fine ministerial officers.

36. (1) A District Court or any Court under the control of District Court may fine, in an amount not exceeding one month's salary, any ministerial officer of the Court for misconduct or neglect in the performance of his duties.

(2) The District Court may, on appeal or otherwise, reverse or modify any order made under sub-section (1) by any Court under its control, and may of its own motion fine up to the amount of one month's salary any ministerial officer of any Court under its control.

Delegation of District Judge's powers.

37. A District Court may, with the previous sanction of the ²[High Court] delegate to any ⁴[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge;
- (ii) Upper Senior Judge;
- (iii) Superior Senior Judge and

Civil Judge (Junior Division Cadre) at entry level :—

- (i) Civil Judge;
- (ii) Civil Judge, Grade II;
- (iii) Civil Judge, Grade I]

in the district the power conferred on a District Court by sections 33, ³[and 34], of this Part and section 24 of the Code of Civil Procedure, to be exercised by the ⁴[Civil Judge (Senior Division Cadre) at intermediary level :—

5 of
1908

- (i) Senior Civil Judge;
- (ii) Upper Senior Judge;
- (iii) Superior Senior Judge and

Civil Judge (Junior Division Cadre) at entry level :—

1. Section 35 was omitted by the Government of India (adaptation of Indian Laws), Order, 1937.
2. Substituted for the words "Local Government" by Punjab Act 9 of 1922, section 12.
3. Substituted for the figures and word "34 and 35" by the Government of India (Adaptation of Indian Laws) Order 1937.
4. Substituted by Haryana Act 16 of 1995 and further substituted by Haryana Act 9 of 2004.

- (i) Civil Judge,
- (ii) Civil Judge, Grade II;
- (iii) Civil Judge, Grade I]

in any specified portion of the districts, subject to the control of the District Court.

CHAPTER IV

APPELLATE AND REVISIONAL JURISDICTION IN CIVIL CASES.

38. (1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of a District Judge or ¹[Additional District Judge] exercising original jurisdiction shall lie to the ²[High Court.]

Appeals from District Judges or Additional Judges.

(2) An appeal shall not lie to the ²[High Court] from a decree or order of an ¹[Additional District Judge] in any case in which, if the decree or order had been made by the District Judge, an appeal would not lie to that Court.

39. (1) Save as aforesaid, an appeal from a decree or order of a ³[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge ;
- (ii) Upper Senior Judge ;
- (iii) Superior Senior Judge and

Civil Judge (Junior Division Cadre) at entry level :—

- (i) Civil Judge ;
- (ii) Civil Judge, Grade II ;
- (iii) Civil Judge, Grade I] ;

Appeals from ³[Civil Judges (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judges ;
- (ii) Upper Senior Judges ;
- (iii) Superior Senior Judges and

Civil Judges (Junior Division Cadre) at entry level :—

- (i) Civil Judges ;
- (ii) Civil Judges, Grade II ;
- (iii) Civil Judges, Grade I].

shall lie to the District Judge, irrespective of the value of the original suit.

(2) Subject to the provisions of sub-section (3) an appeal to the Court of District Judge shall be heard by the District Judge or by an Additional District Judge.

1. Substituted for the words "Additional Judge" by Punjab Act 35 of 1963, section 4.
2. Substituted for the words "Chief Court" by Punjab Act 4 of 1919, section 2(5).
3. Substituted by Haryana Act 16 of 1995 and further substituted by Haryana Act 9 of 2004.

(3) An Additional District Judge shall hear only such appeals as the High Court may, by general or special order direct, or as the District Judge of the District may make over to him.

(4) All appeals from a decree or order of a ¹[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge ;
- (ii) Upper Senior Judge ;
- (iii) Superior Senior Judge and
Civil Judge (Junior Division Cadre) at entry level :—
- (i) Civil Judge ;
- (ii) Civil Judge, Grade II;
- (iii) Civil Judge, Grade I]

pending in the High Court, irrespective of the value of the original suit, shall stand transferred to the District Judge exercising ordinary territorial jurisdiction.

(5) The High Court may, by notification, direct that appeals lying to the District Judge from all or any of the decrees or orders passed in any original suit by any ¹[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge ;
- (ii) Upper Senior Judge ;
- (iii) Superior Senior Judge and
Civil Judge (Junior Division Cadre) at entry level :—
- (i) Civil Judge ;
- (ii) Civil Judge, Grade II;
- (iii) Civil Judge, Grade I]

shall be preferred to such other ¹[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge ;
- (ii) Upper Senior Judge ;
- (iii) Superior Senior Judge and
Civil Judge (Junior Division Cadre) at entry level :—
- (i) Civil Judge ;
- (ii) Civil Judge, Grade II;
- (iii) Civil Judge, Grade I]

1. Substituted by Haryana Act 16 of 1995 and further substituted by Haryana Act 9 of 2004.



as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly and the Court of such other ¹[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge ;
- (ii) Upper Senior Judge ;
- (iii) Superior Senior Judge and Civil Judge (Junior Division Cadre) at entry level :—

- (i) Civil Judge ;
- (ii) Civil Judge, Grade II;
- (iii) Civil Judge, Grade I]

shall be deemed to be a District Court for the purpose of all appeals so preferred.

40. (1) A District Judge may transfer any appeals pending before him from the decrees or orders of ¹[Civil Judges (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judges ;
- (ii) Upper Senior Judges ;
- (iii) Superior Senior Judges and Civil Judges (Junior Division Cadre) at entry level :—

- (i) Civil Judges ;
- (ii) Civil Judges, Grade II ;
- (iii) Civil Judges, Grade I]

to any ²[other] ¹[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge ;
- (ii) Upper Senior Judge ;
- (iii) Superior Senior Judge and

Power to transfer to a ¹[Civil Judge (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judge ;
- (ii) Upper Senior Judge ;
- (iii) Superior Senior Judge and Civil Judge (Junior Division Cadre) at entry level :—

- (i) Civil Judge ;
- (ii) Civil Judge, Grade II ;
- (iii) Civil Judge, Grade I]

appeals from other ¹[Civil Judges (Senior Division Cadre) at intermediary level :—

- (i) Senior Civil Judges ;
- (ii) Upper Senior Judges ;
- (iii) Superior Senior Judges and Civil Judges (Junior Division Cadre) at entry level :—

- (i) Civil Judges ;
- (ii) Civil Judges, Grade II ;
- (iii) Civil Judges, Grade I.]

1. Substituted by Haryana Act 16 of 1995 and further substituted by Haryana Act 9 of 2004.

2. Inserted by *ibid.*

Civil Judges (Junior Division Cadre) at entry level :—

- (i) Civil Judge ;
- (ii) Civil Judge, Grade II;
- (iii) Civil Judge, Grade I]

under his administrative control competent to dispose of them.

(2) The District Judge may withdraw any appeal so transferred, and either hear and dispose of it himself or transfer it to a Court under his administrative control competent to dispose of it.

(3) Appeals transferred under this section shall be disposed of subject to the rules applicable to like appeals when disposed of by the District Judge.

(4) The powers conferred by this section shall be exercised subject to such general or special orders as may from time to time be issued in this behalf by the ¹[High Court].

Second appeal.

²[41. (1) An appeal shall lie to the High Court from every decree passed in appeal by any Court subordinate to the High Court on any of the following grounds, namely :—

- (a) the decision being contrary to law or to some custom or usage having the force of law ;
- (b) the decision having failed to determine some material issue of law or custom or usage having the force of law ;
- (c) a substantial error or defect in the procedure provided by the Code of Civil Procedure, 1908, or by any other law for the time being in force which may possibly have produced error or defect in the decision of the case upon the merits.

Explanation.—A question relating to the existence or validity.

1. Inserted by Punjab Act 9 of 1922.
2. Substituted by Haryana Act 24 of 1978 and further substituted by Haryana Act 23 of 1980.



of a custom or usage shall be deemed to be a question of law within the meaning of this section.

(2) An appeal may lie under this section from an appellate decree passed *ex parte*.]

42. (1) No second appeal shall lie except on the grounds mentioned in section 41.

Second appeal on no other grounds.

¹[(2) No second appeal shall lie in any suit of the nature cognizable by Courts of Small Causes, when the amount or value of the subject matter of the original suit does not exceed three thousand rupees.]

No second appeal in certain suits.

43. * * * 2 * *

44. The ³[High Court] may call for the record of any case which has been decided by any Court subordinate to it and in which no appeal lies thereto, and if such subordinate Court appears—

Revision.

- (a) to have exercised a jurisdiction not vested in it by law ; or
- (b) to have failed to exercise a jurisdiction so vested; or
- (c) to have acted in the exercise of its jurisdiction illegally or with material irregularity ;

the ³[High Court] may make such order in the case as it thinks fit.

44-A. (1) The period of limitation for an appeal under section 41 of this Part shall be ninety days from the date of the decree appealed against.

Period of limitation.

(2) In computing this period and in all respects not herein specified the limitation of an appeal under the said section shall be deemed to be governed by the provisions of the Indian Limitation Act, 1908⁴.

-
1. Substituted by Haryana Act 24 of 1978.
 2. Repealed by Punjab Act 4 of 1919, section 2(4).
 3. Substituted for the words "Chief Court" by Punjab Act 4 of 1919, section 2(5).
 4. See now the Indian Limitation Act, 1963.

CHAPTER V

SUPPLEMENTAL PROVISIONS.

Mode of
conferring
powers.

¹[45. Except as otherwise provided by this part, any powers that may be conferred by the High Court on any person under this part may be conferred on such person either by name or by virtue of office.]

Continuance of
powers of
officers.

46. Whenever any person holding an office in the service of Government who has been invested with any powers under this Part throughout any local area is transferred or posted at any subsequent time to an equal or higher office of the same nature within a like local area, he shall, unless the ²[High Court], otherwise directs or has otherwise directed, exercise the same powers in the local area to which he is so transferred or posted.

Provision
regarding
petition writers.

³[46-A. The High Court may from time to time make rules consistent with this Act and any other enactment for the time being in force :—

- (a) declaring what persons shall be permitted to act as petition-writers in the Courts subordinate thereto;
- (b) regulating the issue of licenses to such persons, the conduct of business by them, and the scale of fees to be charged by them; and
- (c) determining the authority by which breaches of such rules shall be investigated and the penalties which may be imposed.]

Control of list of
holidays.

47. ⁴[(1) Subject to such general orders as may be made by the ⁴[State] Government the High Court shall prepare a list of days to be observed in each year as holidays in the Civil Courts subordinate thereto.]

(2) Every such list shall be published in the Official Gazette.

-
1. Substituted by Punjab Act 9 of 1922, section 16.
 2. Substituted by *ibid*, section 17, for "Local Government".
 3. Added by Punjab Act 4 of 1919, section 2 (6).
 4. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³[47-A. All suits, appeals, revisions, applications, reviews, executions and other proceedings whatsoever whether Civil or Criminal pending in the Chief Court of the Punjab shall be continued and concluded in the High Court of Judicature at Lahore as if the same had been had in such High Court; and the High Court of Judicature at Lahore shall have the same jurisdiction in relation to all such suits; appeals, revisions, reviews, executions, applications and other proceedings as if the same had been commenced and continued in such High Court.]

Provisions
regarding
Pending
Proceedings

48. * * * + * * *

49. (a) In section 117(2) of the Punjab Land Revenue Act, 1887, in clause (c), "(Subordinate Judge)" shall be substituted for "District Judge" and in clause (d) and (e) "District Court" shall be substituted for "Divisional Court".

Amendment of
the Punjab Land
Revenue Act,
Punjab Tenancy
Act and the
Indian Court-fees
Act.

(b) In section 99(I) of the Punjab Tenancy Act, 1887 "District Judge" shall be substituted for "Divisional Judge."

(c) In section 7 (v) (b) of the Indian Court-fees Act, 1870, for the word "five" shall be substituted the word "ten".

50. For the definition of "District Judge", in section 2(15) of the Punjab General Clauses Act, 1898, the following shall be substituted :—

Amendment of
definition of
District Judge in
Punjab General
Clauses Act,
1898.

"District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include the "[High Court] in the exercise of its ordinary or extraordinary original civil jurisdiction.

²[51. In every enactment now in force, and in every appointment, order, rule, bye-law, notification or form made or issued thereunder all references to the Chief Court of the Punjab shall be construed when necessary as referring to the High Court of Judicature.

Reference in
existing
enactment to
Chief Court.

1. Substituted for the words "Chief Court" by Punjab Act IV of 1919, section 2(5).
2. Added by *ibid*, section 2(9).
3. Added by Punjab Act 4 of 1919, section 2(8).
4. Repealed by *ibid*, section 2(4).

at Lahore ¹[until the fifteenth day of August, 1947], ²[from that date and before the commencement of the Constitution, as referring to the High Court of East Punjab, and after the commencement of the Constitution as referring to the High Court of Punjab.] ³[until the thirty-first day of October, 1966 and thereafter as referring to the High Court of Punjab and Haryana.]

THE SCHEDULE

(See Section 2 of this Part)

| 1 | 2 | 3 | 4 |
|--|-------|-----------------------------|------------------|
| Year | No. | Subject or short title | Extent of repeal |
| ACTS OF THE GOVERNOR-GENERAL IN COUNCIL | | | |
| 1844 | XVIII | The Punjab Courts Acts | The whole |
| 1888 | XIII | Ditto | Do |
| 1895 | XIX | Ditto | Do |
| 1899 | XXV | Ditto | Do |
| ACTS OF THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL | | | |
| 1909 | I | Punjab Courts Amendment Act | The whole |
| 1912 | I | Ditto | Do |
| 1913 | VI | Ditto | Do |

1. Inserted by the Indian Independence (Adaptation) of Bengal and Punjab Acts, Order, 1948 (G.G.O. 40).
2. Substituted for the words "and thereafter, as referring to the High Court of East Punjab" (vide the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948), by the Adaptation of Laws (Third Amendment) Order, 1951.
3. Added by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.