

THE MADRAS CITY CIVIL COURT ACT, 1892

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Subject to verification

THE MADRAS CITY CIVIL COURT ACT, 1892

ACT NO. 7 OF 1892

[12th August, 1892.]

An Act to establish an additional Civil Court for the City of Madras.

WHEREAS it is expedient to establish an additional Civil Court for the City of Madras; It is hereby enacted as follows:—

1. Title and commencement.—(1) This Act may be called the Madras City Civil Court Act, 1892;
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2. Definitions.—In this Act, unless there is something repugnant in the subject or context,—

(1) “City Court” means the Court established under the next following section;

(2) “City of Madras” means the area within the local limits for the time being of the ordinary original civil jurisdiction of the High Court;

(3) “High Court” means the High Court of Judicature at Madras; and

(4) “Small Cause Court” means the Court of Small Causes of Madras.

3. Constitution of the City Court.—The Local Government may, by notification in the official Gazette, establish a Court, to be called the Madras City Civil Court, with jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature not exceeding two thousand five hundred rupees in value and arising within the City of Madras, except suits or proceedings which are cognizable—

(a) by the High Court as a Court of Admiralty or Vice-Admiralty or as a Colonial Court of Admiralty, or as a Court having testamentary, intestate or matrimonial jurisdiction, or

(b) by the Court for the relief of insolvent debtors, or

(c) by the Small Cause Court.

4. Appointment, suspension and removal of Judges.—The Local Government may, by notification in the official Gazette, appoint so many persons as it may think fit to be Judges of the City Court; and may, for any misconduct by a like notification, suspend or remove any Judge so appointed.

5. Judge of City Court to be Judge of Small Clause Court.—(1) Every person appointed a Judge of the City Court shall be, by virtue of his office, a Judge of the Small Cause Court with respect to cases cognizable by that Court.

(2) Every such Judge shall be liable to perform any duties of a Judge of the Small Cause Court which the Chief Justice of the High Court may require him to perform.

6. Powers of Judges when City Court consists of more than one Judge.—When the City Court consists of more than one Judge,—

(a) each of the Judges may exercise all or any of the powers conferred on the Court by this Act or any other law for the time being in force;

Subject to verification

1. The word “and” omitted by Act 17 of 1914, s. 3 and the Second Schedule (w.e.f. 16-9-1914).

2. Sub-section (2) omitted by s. 3 and the Second Schedule, *ibid.* (w.e.f. 16-9-1914).

(b) the Local Government may appoint any one of the Judges to be the principal Judge; and

(c) the principal Judge may, from time to time, make such arrangements as he may think fit for the distribution of the business of the Court among the various Judges thereof.

7. Appointment, powers, duties and punishment of ministerial officers.—(1) The Judge of the City Court, or, when the Court consists of more than one Judge, the principal Judge, may from time to time, with the sanction of the Local Government, appoint as many clerks, bailiffs and other ministerial officers as may be necessary for the administration of justice by the Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force.

(2) The officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as the said Judge or principal Judge may from time to time direct.

(3) The said Judge or principal Judge may, subject to the control of the High Court,—

(a) suspend or remove any officer so appointed, or

(b) fine any such officer who is guilty of misconduct or neglect in the performance of the duties of his office.

(4) Any fine imposed on an officer under sub-section (3) may be deducted from his salary.

8. Questions arising in suits, etc., under Act to be dealt with according to law administered by High Court.—All questions which arise in suits or other proceedings under this Act in the City Court shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

9. Valuation of immoveable property for jurisdictional purposes.—When the subject-matter of any suit or other proceeding is land or a house or a garden, its value for the purposes of the jurisdiction conferred on the City Court by this Act shall, subject to the other provisions of this Act, be fixed in manner provided by the Court-fees Act, 1870 (7 of 1870), section 7, clause v.

10. Process-fees.—Fees chargeable for serving or executing processes issued by the City Court, or served or executed under its direction or control, shall be such as the High Court may prescribe with the approval of the Governor of Fort St. George in Council ^{1***}.

11. Appointment of Receivers.—The powers conferred by Chapter XXXVI of the Code of Civil Procedure (14 of 1882), on High Courts and District Courts as to the appointment of Receivers may be exercised by the City Court or any Judge thereof.

12. [Amendment of Act 15 of 1882, section 31].—*Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and the Schedule (w.e.f. 26-2-1938).*

13. Repayment of half fees on settlement before hearing.—Whenever any suit or proceeding in the City Court is settled by agreement of the parties before issues have been settled or any evidence recorded, half the amount of the institution fees paid by the plaintiff shall be repaid to him by the Court.

14. Allowance for fees paid in City Court in cases removed to High Court.—When, under section 13 of the letters Patent for the High Court, dated the twenty-eight day of December, 1865, or under section 25 of the Code of Civil Procedure (14 of 1882), the High Court has removed for trial by itself any suit from the City Court, fees on the scale for the time being in force in the High Court as a Court of ordinary original civil jurisdiction shall be payable in that Court in respect of the suit and proceedings therein:

1. The words “and the sanction of the Governor General in Council” omitted by Act 4 of 1914, s. 2 and the Schedule, Part I, (w.e.f. 24-2-1914).

Provided that, in the levy of any such fees which, according to the practice of the Court, are credited to the Government, credit shall be given to the plaintiff in the suit for any fee which in the City Court he has already paid under the Court-fees Act, 1870, on the plaint.

15. Appeals.—(1) The Court authorized to hear appeals from the City Court shall be the High Court.

(2) The period of limitation for an appeal from a decree or order of the City Court shall be the same as that provided by law for an appeal from a decree or order of the High Court in the exercise of its original jurisdiction.

16. Saving of original civil jurisdiction of High Court.—Nothing in this Act contained shall affect the original civil jurisdiction of the High Court:

Provided that—

(1) if any suit or other proceeding is instituted in the High Court which, in the opinion of the Judge who tries the same (whose opinion shall be final), ought to have been instituted in the City Court, no costs shall be allowed to a successful plaintiff, and a successful defendant shall be allowed his costs as between attorney and client;

(2) in any suit or other proceeding pending at any time in the High Court, and Judge of such Court may at any stage thereof make an order transferring the same to the City Court if in his opinion such suit or proceeding is within the jurisdiction of that Court and should be tried therein;

(3) in any suit or other proceeding so transferred, the Court-fees Act, 1870 (7 of 1870), shall apply, credit being given for any fees levied in the High Court.

17. Seal to be used.—The City Court shall use a seal of such form and dimensions as may be for the time being prescribed by the local Government.

18. Holidays and vacations.—(1) The Judge of the City Court, or, when the Court consists of more than one Judge, the principal Judge, shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for the approval of the Local Government.

(2) Such list, when it has received such approval, shall be published in the official Gazette, and the said holidays and vacations shall be observed accordingly.