

**CIVIL COURTS ACT,
Svt. 1977 (1920 A.D.)**

**Act No. XVI of 1977
[1st of February 1977]**

[Sanctioned by His Highness the Maharaja Sahib Bhadur per Chief Minister's endorsement No.8372, dated 11th September, 1920 read with state Council Resolution No.1, dated 8th April,1925.

1. Short Title,Extent and Commencement

- (1) This Act may be called the Jammu and Kashmir State Civil Courts Act,1977.
- (2) It extends to the whole of Jammu and Kashmir.

2. Definitions

In this Act, unless there is something repugnant in the subject or context, -

- (i) "small cause" means a small suit of the nature cognized by a court of Small causes under the Small Cause Courts Act;
- (ii) " Value" used with references to a suit means the amount or value of the subject matter of the suit.

3. The High Court

There shall continue to be a High Court for the Jammu and Kashmir state.

4. Civil appellate Jurisdiction

The High Court shall be deemed for the Purpose of all enactments for the time being in force to be highest Civil court of appeal or Revision.

5. Rules for work in High Court

The High Court shall makes rules for the transaction of the work of the High Court.

6. Ministerial Officers :

- 1. The High Court shall have a Registrar and shall have the power to appoint such 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.
- 2. The Registrar and Ministerial Officers appointed under this section shall exercise such powers and discharge such duties of non- judicial or quasi-judicial nature as the High Court may direct.
- 3. Any ministerial officer may be suspended or dismissed from his office by the order of the High Court.

7. Superintendence and control of the Subordinate Courts

- 1. The general superintendence and control over all other civil courts shall be vested in, and all such Courts shall be subordinate to the High Court.
- 2. The High Court shall from time to time Visit and inspect the proceedings of the courts subordinate to the High Court and shall give such directions in matter not provided for by laws as may be necessary to secure the due administration of justice.

8. Power to make Rules

- (1) The High Court may make rules consistent with this Act and any other enactments for the time being in force –
 - (a) Providing for the translation of any papers filed in the High Court and copying and printing any such papers or translations , and requiring from the persons at whose instance or on whose behalf they are filed payment of the expenses there by incurred;
 - (b) Declaring what persons shall be permitted to practice as petition- writers in the court of the state, regulating the conduct of the business by persons so practicing, and determining the authority by which breaches of rules under this clause shall be tried;
 - (c) Determining in what cases legal practitioners shall be permitted to address the Court in English;
 - (d) Prescribing forms for the seals to be used by those courts;
 - (e) Regulating the procedures in cases where any person is entitled to inspect a record of any such court or obtain a copy of the same, and prescribing the fees payable by such persons, for searches, inspections and copies;
 - (f) Conferring and imposing on the ministerial officers of the subordinate courts such powers and duties of a non- judicial or quasi-judicial nature as it thinks fit, and regulating the modes in which powers and duties so conferred and imposed shall be exercised and performed ;
 - (g) Prescribing forms for such books, entries, statistics and accounts as it thinks necessary to be kept, made or compiled in those courts or submitted to any authority;
 - (h) Providing for the inspection of those courts and the supervision of the working there of;
 - (i) Regulating the exercise of the control vested in the High Court by section 35(4) of this Act; and
 - (j) Regulating all such matters as it may think fit , with a view to promoting the efficiency of the judicial and ministerial officers of those courts, and maintaining proper discipline among those officers.

2. Whoever breaks any rule made under clause (b) shall be punished with a fine which may extend to fifty rupees.

9. Registers, books, accounts and statements to be kept and furnished by High Court

- (1) The High Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court.
- (2) The High Court shall comply with such requisitions as may be made for certified copies of, or extracts from the records of the Court and the courts subordinate there to.

10. Procedure of High Court in exercise of Civil Jurisdiction

- (1) The High Court, when sitting as a Court of Civil Judicature shall take evidence and record judgments and orders in such manner as it, by rule, directs and may frame forms for any proceedings in the courts in exercise of its civil jurisdiction.

11. Extraordinary original jurisdiction of High Court

The High Court has and shall have power to remove and to try and determine as a court of extraordinary original jurisdiction any suit being or falling within the jurisdiction of any court subject to its superintendence.

12. Probate Jurisdiction of High Court

The high Court shall have such powers and authority in relation to the granting of probates of last wills and testaments and letters of administration of goods, chattels, credits and all other effects whatsoever of person dying intestate whether within or without the state as are or may be conferred on it by any law for the time being in force.

13. Classes of Courts

Besides the High Court, the Court of Small cases established under the Small Cause Court Act, and the Court established under any other enactment for the time being in force, there shall be the following classes of Civil Courts namely:-

1. The Court of the District Judge, also called the District Court;
2. The court of the additional Judge;
3. The court of the subordinate Judge ; and
4. the Court of the Munsiff.

14. Civil Districts

- (1) For the purposes of this Act, shall divide the territories of the state into civil Districts;
- (2) The Government may on the recommendation of the High Court alter the limits or the number of these districts.

15. District Judges

The Government shall on the recommendation of the High Court appoint as many persons as the Government think necessary to be District Judges and shall post one such person to each District as District Judge of that District.

Provided that the same person may, if the Government on the recommendation of the High Court think fit, be appointed to be District Judge of two or more Districts.

16. Additional Judges

- (1) When the business pending before any District Judge requires the aid of an additional Judge or Judges for its speedy disposal, appoint such Additional Judges as may be necessary.
- (2) An Additional Judge so appointed shall discharge any of the functions of a District Judge which the District Judge may assign to him, and in the discharge of all those functions he shall exercise the same powers as the District Judge.

17. Subordinate Judges

The Government may after consultation with the High Court fix the number of subordinate Judges to be appointed and when there is a vacancy in that number, may appoint such person as is recommended by the High Court for the said vacancy.

18. District Court to be principal Civil Court of Original jurisdiction

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

19. Original Jurisdiction of District judges in Suits

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.

20. Local Limits of Jurisdiction

- (1) The local limits of the jurisdiction of a subordinate Judge or Munsiff shall be such as the High Court may define.
- (2) When the High Court posts a subordinate Judge or Munsiff to a district the local authority of the district, shall in the absence of the directions to the contrary, be deemed to be the local limits of his jurisdiction.
- (3)

21. Special judges

The Government after consultation with the High Court, shall appoint any persons to be an honorary subordinate Judge or Honorary Munsiff and the High Court may confer on any such person all or any of the powers conferrable under this Act on a subordinate Judge or Munsiff with respect to a particular classes of suits or with respect to suits generally in any local area.

22. Place of sitting of Court

- (1) The High Court may fix the place or places at which any court under this Act is to be held.
- (2) The place or places 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 Act may be held at any place within the local limits of its jurisdiction.

23. Suspension or Removal

- (1) Any District Judge may be suspended or removed from the office on the report of the High Court.
- (2) Any subordinate judge or Munsiff may be suspended from office by the High Court subject to the confirmation of the Government or removed from office by the Government on the report of the High Court.

24. Control of Courts

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

25. Saving

All powers conferred, local limits of jurisdiction of courts defined and all places fixed for holding of courts before this Act comes into force shall be deemed to have been conferred, determined and fixed under this Act.

