

KERALA CIVIL COURTS ACT, 1957 (PRESIDENT'S ACT NO.1 OF 1957)

THE KERALA CIVIL COURTS ACT, 1957 (President's Act No. I of 1957) CONTENTS Sections. 1 2. 3. 4. 5 6. i. 8. 9 10 11. 12 13 14. 15 16. 17. 18 19. 20. 21. 22 PART I Preliminary Short title, extent and commencement PART II Establishment and Constitution of Subordinate CIVIL Courts Classes of Subordinate Civil Courts. Establishment of District Courts. Appointment of Additional District Judges. Establishment of Subordinate Judge's Courts Munsiff's Courts. Principal and Additional Subordinate Judge Munsiff. Court's location Seal of Court PART III Local Limits of jurisdiction of Subordinate Judge's Courts. Local limits of jurisdiction of Munsiff's Courts. Jurisdiction of District Court and Subordinate Judge's Court In original suits. Appeals from decrees and orders of District Court or Subordinate Judge's Court. Appellate jurisdiction of District Court and Subordinate Judge's Court Power to require witness or party to make oath or affirmation. Judges not to try suits in which they are interested; nor to try appeals from decrees passed by them in other capacities. PART IV Miscellaneous Temporary discharge of duties of District Judge. District Judge to control Civil Courts of District Investiture of District or Subordinate Judge Munsiff with small cause jurisdiction Adjournment of Civil Court. Duties of ministerial officers Amendment of Acts XI of 1909 and XV of 1950. Repeal and savings, in or THE KERALA CIVIL COURTS ACT, 1957 No. 1 of 1957 Enacted by the President in the Seventh Year of the Republic of India An Act to consolidate and amend the law relating to civil courts in the State of Kerala, subordinate to the High Court of India in exercise of the powers conferred by section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1956 (75 of 1956)', the President is pleased to enact as follows:— PART I PRELIMINARY i. Short title, extent and commencement.— (1) This Act may be called the Kerala Civil Courts Act, 1957. (2) • It extends to the whole of the State of Kerala (3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint

PART II ESTABLISHMENT AND CONSTITUTION OF SUBORDINATE CIVIL COURTS 2 Classes of subordinate civil courts.—In addition to the courts established under any other law for the time being in force, there shall be the following classes of Civil courts in the State, namely: — (1) the court of a District Judge (hereinafter referred to as the District Court) ; (ii) the court of a Subordinate Judge (hereinafter referred to as the Subordinate Judge's Court) ; (iii) the court of a Munsiff (hereinafter referred to as the Munsiff's Court) 3. Establishment of District Court.— (1) For the purposes of this Act, the Government may, by notification in the Gazette, divide the State into CIVIL districts (hereinafter referred to as districts) and alter the limits or the number of such districts (2) The Government shall establish a District Court for each district and a Judge (hereinafter called the District Judge) shall be appointed to such court. Published In the Gazette Extraordinary dated 2-1-1957. 3 4. Appointment of Additional District Judges.—(1) When the state of business pending before a District Court so requires, one or more Additional District Judges may be appointed to that court for such period as is deemed necessary. (2) An Additional District Judge shall discharge all or any of the functions of the District Judge under this Act in respect -Of all matters which the District Judge may assign •to him, or, which under the provisions of section 7 may be instituted before him, and in the discharge of those functions he shall exercise the same powers as the District Judge

5. Establishment of Subordinate Judges Courts and Munsiff's Courts.— (1) The Government may, in consultation with the High Court, establish in each district such number of Subordinate Judge's Courts and Munsiff's Courts as they deem necessary. (2) The Government may, in consultation with the High Court, fix, and from time to time vary, by notification in the Gazette, the number of Subordinate Judges to be appointed for a Subordinate Judge's Court or the number of Munsiffs to be appointed for a Munsiff's Court 6. Principal and Additional Subordinate Judge and Munsiff.— (1) When more than one Subordinate Judge is appointed to a Subordinate Judge's Court, or more than one Munsiff, is appointed to a Munsiff's Court, one of the Subordinate Judges or Munsiffs shall be appointed the Principal Subordinate Judge or the Principal Munsiff and the others Additional Subordinate Judges or Additional Munsiffs, as the case may be (2) Each of the Judges or Munsiffs appointed to a Subordinate Judge's Court or a Munsiff's Court 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. (3) Subject to the general or special orders of the District Judge, the Principal Subordinate Judge or the Principal Munsiff may from time to time make such arrangements as he thinks fit for the distribution of the business of the court among the various Judges or Munsiffs thereof 7. Court's Location.— (1) The

place or places at which any court referred to in section 2 shall be held, may be fixed, and may from time to time be altered, by (a) the Government in the case of a District Court or a Subordinate Judge's Court, and (b) the High Court in the case of a Munsiff's Court. (2) The High Court may, with the approval of the Government, direct by notification in the Gazette that all or any class of proceedings arising in a specified local area in a district which would ordinarily be instituted in the District Court, may be instituted before an Additional District Judge of that court sitting in a place other than the place where the District Judge sits. 8. Seal of court.—Every court under this Act shall use a seal of such form and dimensions as are for the time being prescribed by the Government

PART III JURISDICTION 9. Local limits of jurisdiction of Subordinate Judge's Courts.—The Government shall fix, and may from time to time vary, the local limits of the jurisdiction of any Subordinate Judge's Court in consultation with the High Court

10. Local limits of Jurisdiction of Munsiff's Courts.—The High Court shall fix, and may from time to time vary, the local limits of the jurisdiction of any Munsiff's Court

11. Jurisdiction of District Court and Subordinate Judge's Court in original suits.— (1) The jurisdiction of a District Court or a Subordinate Judge's Court extends, subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908), to all original suits and proceedings of a civil nature. (2) The jurisdiction of a Munsiff's Court extends to all like suits and proceedings not otherwise exempted from its cognizance of which the amount or value of the subject-matter does not exceed five thousand rupees

12. Appeals from decrees and orders of District Court or Subordinate Judge's Court—Save as provided in section 13, regular and special appeals shall, when such appeals are allowed by law, lie from the decrees or orders of a District Court or a Subordinate Judge's Court to the High Court

13. Appellate Jurisdiction of District Court and Subordinate Judge's Court.—Appeals from the decrees and orders of a Munsiff's Court and where the amount or value of the subject-matter of the suit does not exceed seven thousand and five hundred rupees, from the original decrees and orders of a Subordinate Judge's Court shall, when such appeals are allowed by law, lie to the District Court : Provided that whenever a Subordinate Judge's Court is established in any district at a place other than the place where the District Court is stationed, the High Court may, with the approval of the Government, direct that appeals from the decrees or orders of Munsiff's Courts within the local limits of the jurisdiction of such Subordinate Judge's Court be preferred in such Subordinate Judge's Court : Provided further that the District Court may remove to itself from time to time appeals so preferred and dispose of them itself or may, subject to the orders of the High Court, refer any appeals from the decrees and orders of Munsiff's Courts preferred in the District Court to any Subordinate Judge's Court within the district 14 Power to require witness or party to make oath or affirmation.—Every court under this Act may require a witness or party to any suit or other proceeding pending in such court to make such oath or affirmation as is prescribed by the law for the time being in force. 15. Judges not to try suits in which they are interested; nor to try appeals from decrees passed by them in other capacities.— (1) No District Judge, Subordinate Judge or Munsiff shall try any suit, proceeding or other case to which he is a party or in which he is personally interested. (2) No District Judge or Subordinate Judge shall hear any appeal against a decree or order passed by himself. (3) When any such suit, proceeding, case or appeal as is referred to in sub-section (1) or sub-section (2) comes before any such officer, he shall transmit forthwith the record of such suit, proceeding, case or appeal, as the case may be, to the court to which he is immediately subordinate with the report of the circumstances attending the reference. (4) The superior court may transfer the suit, proceeding, case or appeal either to itself or to any court under its administrative control competent to decide it

PART IV MISCELLANEOUS 16 Temporary discharge of duties of District Judge.—In the event of the death of the District Judge or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the station in which his court is held, the senior Additional District Judge or the Additional District Judge or the senior Subordinate Judge or the Subordinate Judge, as the case may be, shall, without interruption to his ordinary duties, assume charge of the District Judge's office and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of processes and the like and shall continue in charge of the office until the same resumed or assumed by an officer duly appointed thereto

17. District Judge to control civil courts of district.—Subject to the other provisions of this Act and to the rules for the time being in force and prescribed by the High Court in this behalf, the general control over all the CIVIL courts under this Act in any district is vested in the District Judge

18. Investiture of District or Subordinate Judge or Munsiff with small cause jurisdiction.—The High Court may, by notification in the Gazette, invest with such local limits as it shall from time to time appoint, any District or Subordinate Judge with the jurisdiction of a Judge of a Court of Small Causes for the trial of suits cognisable by such courts up to the amount of one thousand rupees, and any Munsiff with the same jurisdiction up to the amount of five hundred rupees

19. Adjournment of civil court.— (1) The High Court may permit the civil courts under its control to adjourn from time to time for periods not exceeding in the aggregate sixty days in each year. (2) During the adjournment of a Civil court, the High Court shall have the power to make provisional orders in all urgent matters and for such purpose to receive appeals, plaints and petitions which would ordinarily be presented to such Civil court and any such order shall remain in force only until the matter has been heard and decided by the court having jurisdiction

20. Duties of ministerial officers.—The ministerial officer, of a court shall perform such duties as may from time to time be imposed upon them by the presiding officer of the court

21. Amendment of Acts XI of 1089 and XV of 1950 in the Land Acquisition Act, (XI of 1089)—(a) for the words 'District Court' wherever they occur, the word "court" shall be substituted; (b) in Section 3, after clause (c-1), the following clause shall be inserted, namely:— '(c-2) The expression 'court' means the District Court unless the Government have appointed (as they are hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the court under this Act; (2) In the Travancore-Cochin Hindu Religious Institutions Act, 1950 (XV of 1950), sub-section (2) of section 55 and sub-section (2) of section 124 shall be omitted; and sub-section (1) of section 55 and sub-section (1) of section 124 shall be renumbered as section 55 and section 124 respectively. 22. Repeal and savings.— (1) The Madras Civil Courts Act, 1873 (Madras Act 11 of 1873), as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (37 of 1956), and the Travancore-Cochin Civil Courts (XXII of 1951), are hereby repealed. (2) Notwithstanding anything contained in sub-section (1), all courts constituted, appointments made, limits fixed and jurisdiction and powers conferred under any Act hereby repealed shall, so far as may be consistent with this Act, be deemed to have been constituted, made, fixed and conferred under this Act. (3) Notwithstanding anything contained in sub-section (1) or sub-section (2), all District Judges, Subordinate Judges and District Munsiffs, who immediately before the commencement of this Act, were empowered by or under the Travancore-Cochin Civil Courts Act, 1951, to hear and determine certain classes of suits as small causes shall continue to exercise such power in respect of such classes of suits in accordance with the provisions of the said Civil Courts Act as if such provisions were not repealed.