

MYSORE LEGISLATURE

REPORT

OF THE

**Joint Select Committee on the Mysore
Civil Courts Bill, 1962**

(Presented on the 2nd December 1963)



**LEGISLATURE SECRETARIAT
BANGALORE**

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1963

REPORT OF THE JOINT SELECT COMMITTEE
ON THE MYSORE CIVIL COURTS BILL 1962

Composition of the Joint Select Commit

Sriyuths.—

1. M. V. RAMA RAO, *Minister for Law (Chairman)*.
2. ANGADI CHANNABASAPPA.
3. B. L. GOWDA.
4. V. S. PATIL.
5. S. M. KRISHNA.
6. ANDANAIAH.
7. Y. RAMAKRISHNA.
8. K. VENKATARAMANA GOWDA.
9. C. S. HULKOTI.
10. B. Y. NEELE GOWDA.
11. H. C. BORAIAH.
12. M. C. BASAPPA.
13. SIRASAPPA IJARI
14. S.V. PATIL.
15. M. GHOUSE MOHIUDDIN.
16. C. M. DESAI.
17. J. B. MALLARADHYA.
18. V. SRINIVASA SHETTY.
19. G. B. PATIL.
20. A. R. BADRINARAYAN.
21. HARANAHALLI RAMASWAMY.

DRAFTSMEN.

- SRI R. HANUMANTHA RAO,
Secretary to Government, Law Department.
- SRI R. SANJEEVALU,
*Additional Secretary to Government,
Law Department.*
- SRI M. A. SRIKRISHNA,
Deputy Draftsman, Law Department.
- M. L. RAMASWAMI,
Assistant Draftsman, Law Department.

SECRETARIAT.

- SRI G. S. VENKATARAMANA IYER (*Secretary*).
SRI V. B. DESHMUKH (*Under Secretary*).

REPORT OF THE JOINT SELECT COMMITTEE ON THE CIVIL COURTS BILL, 1962.

(Presented on 2nd December 1963.)

1. I, the Chairman of the Joint Select Committee to which the Mysore Civil Courts Bill, 1962 was referred having been authorised to submit the Report, present this report with the Bill as amended by the Committee annexed thereto.

2. The Bill was published in the Mysore Gazette, on the 14th June, 1962.

3. The Bill was introduced in the Legislative Assembly on 4th July, 1962. The Assembly discussed the motion for consideration on 15th December, 1962. The motion for reference of the Bill to the Joint Select Committee (*Vide* Appendix I) was moved in the House by me, on 1th December, 1962., and was discussed and adopted in the Assembly the same day.

4. The Legislative Council discussed the motion on 17th December, 1962 and concurred in the motion on the same day. (*Vide* Appendix II).

5. The Committee held its sittings on 24th January, 25th January; 13th November, and 14th November, 1963.

6. The Committee considered the report on 11th November, 1963 and adopted it on the same day. The Committee authorised me to present this Report.

7. The observations of the Committee with regard to the principal changes in the Bill are detailed in the succeeding paragraphs.

8. *Clause 8*:—The Committee are of the opinion that the power to fix and vary the number of Civil Judges to be appointed for the Court of a Civil Judge and the number of Munsiffs to be appointed for a Munsiff's Court should vest in the State Government and the State Government should exercise this power in consultation with the High Court. The Clause has accordingly been modified.

9. *Clause 13, sub-clause (2)*.—The Committee consider that the power to fix and vary the local limits of the jurisdiction of any Munsiff's Court should vest in the State

Government and the State Government should exercise this power in consultation with the High Court. This sub-clause has accordingly been modified.

10. *Clause 17.*—As observed by the Law Commission the limits of the pecuniary jurisdiction of Courts of Junior Judges and Munsiffs were statutorily fixed a long time ago and since then land value and the price index have risen greatly. It was for this reason that in Bombay the jurisdiction of the Civil Judge, (Junior Division) was raised from Rs. 5,000 to Rs. 10,000. The Committee are of the opinion that it is not desirable to reduce the pecuniary jurisdiction of the Courts of Civil Judges (Junior Division) in the Bombay Area, and for the reason given by the Law Commission the pecuniary jurisdiction of all courts of Munsiffs may be raised to Rs. 10,000. This clause has accordingly been amended and the proviso deleted.

11. *Clause 19:* Since the Committee have recommended that the pecuniary jurisdiction of the Munsiff should be up to rupees ten thousand, the jurisdiction of a Civil Judge will be above rupees ten thousand. Consequently, all appeals from the decrees and orders of a Civil Judge may lie to the District Court when the amount or value of the subject matter of the original suit or proceeding is up to twenty thousand rupees, and to the High Court in other cases. This clause has accordingly been amended.

12. *Clause 20.*—Consequent upon the increase of jurisdiction of a Munsiff up to rupees ten thousand, the Committee consider that appeals from the decrees and orders of the Munsiff may lie to the Court of a Civil Judge. This clause has accordingly been modified and the proviso to the clause deleted.

13. *Clause 21.*—In view of the fact that all appeals from the Munsiff's Court will lie to the Court of a Civil Judge, there is no need to have provision as contemplated by the proviso to this clause. The proviso to this clause has therefore been deleted.

14. *Clause 23, sub-clause (1).*—The Law Commission have recommended that Subordinate Judges should be empowered to deal with original proceedings arising under special Acts, such as, the Indian Succession Act, 1925, the Guardians and Wards Act, 1890, the Special Marriage Act, 1954, the Indian Divorce Act, 1869, and the Indian Lunacy

Act, 1912. The Committee consider that this recommendation should be implemented. They have accordingly amended this sub-clause.

15. *Clause 29.*—The Committee consider that it should be made clear in this clause that all pending suits, appeals and other proceedings should stand transferred to the appropriate court as provided in this Bill and all appeals against any judgement or decree in any suit or proceeding instituted before the commencement of this Act, should lie only to the Courts to which such appeals could be preferred under this Act. This clause has accordingly been amended.

16. The other amendments made in the Bill are either consequential or intended to improve the wording.

17. The Joint Select Committee recommend that the Bill as amended be passed.

Bangalore, M. V. RAMA RAO,
14th November, 1963. *Chairman, Joint Select Committee.*

G. S. VENKATARAMANA IYER.
Secretary.

APPENDIX I.

(*Vide* Para 3 of the Report).

Motion in the Legislative Assembly for reference of the Bill to a Joint Select Committee.

“That the Mysore Civil Courts Bill, 1962, be referred to a Joint Select Committee consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council, that the concurrence of the Legislative Council be obtained therefor and that the following members of this House shall be members of the Joint Select Committee, namely :—

Sriyuths :	Sriyuth :
1. Angadi Channabasappa	8. C. S. Hulkoti
2. B. L. Gowda	9. B. Y. Neele Gowda
3. V. S. Patil	10. H. C. Boraiah
4. S. M. Krishna	11. M. C. Basappa
5. Andaniah	12. Sirasappa Ijari
6. Y. Ramakrishna	13. S. V. Patil
7. K. Venkataramana Gowda	14. M. Ghose Mohiuddin
	15. C. M. Desai”

APPENDIX II

(*Vide* Para 4 of the Report).

Motion in the Legislative Council for reference of the Bill to a Joint Select Committee.

“That this House concurs in the appointment of a Joint Select Committee to consider the Mysore Civil Courts Bill, 1962” consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council and that the following

members of this House shall be members of the Joint Select Committee, namely :—

Sriyuths :

1. J. B. Mallaradhya
2. V. Srinivasa Shetty
3. G. B. Patil

Sriyuths :

4. A. R. Badarinarayan
5. Haranahalli Ramaswamy ”

THE MYSORE CIVIL COURTS BILL, 1963

Arrangement of Clauses.

PREAMBLE.

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SCHEDULE.

[AS REPORTED BY THE JOINT SELECT COMMITTEE].

(Words underlined or side-lined indicate the amendments suggested by the Committee; omissions are indicated by asterisks).

THE MYSORE CIVIL COURTS BILL, 1963.

A Bill to provide for a uniform law relating to the constitution, powers and jurisdiction of the Civil Courts in the State of Mysore subordinate to the High Court of Mysore.

WHEREAS it is expedient to provide for a uniform law relating to the constitution, powers and jurisdiction of the Civil Courts in the State of Mysore subordinate to the High Court of Mysore;

BE it enacted by the Mysore State Legislature in the Fourteenth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Civil Courts Act, 1963.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date notified under sub-section (3) of section (1);

(b) “Civil Court” means a District Court, Court of a Civil Judge, or a Munsiff’s Court;

(c) “district” means a revenue district or such local area as may be notified by the State Government to be a district for the purposes of this Act;

Explanation.—The City of Bangalore, as defined in the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act LXIX of 1949), shall be a district, for the purposes of this Act;

(a) "High Court" means the High Court of the State of Mysore;

(e) "notification" means a notification published in the official Gazette;

(f) "prescribed" means prescribed by rules made under this Act.

CHAPTER II.

ESTABLISHMENT AND CONSTITUTION OF CIVIL COURTS.

3. Class and designation of Civil Courts.—There shall be three classes of Civil Courts subordinate to the High Court, namely, (1) the District Court; (2) the Court of the Civil Judge; and (3) the Munsiff's Court.

4 Establishment of a District Court for a District.—(1) There shall be a District Court for each district:

Provided that the State Government may, in consultation with the High Court, establish a District Court, for more than one district.

(2) Each District Court shall be presided over by a District Judge.

5. Appointment of Additional District Judges.—(1) The State Government may, on the recommendation of the High Court, appoint one or more Additional District Judges to a District Court for such period as it may deem necessary.

(2) The Additional District Judge so appointed shall, subject to the general or special orders of the High Court, discharge all or any of the functions of the District Judge under this Act, or any other law for the time being in force, which the District Judge may assign to him; and in the discharge of those functions, he shall exercise the same powers as the District Judge.

6. Establishment of Courts of Civil Judges.—(1) There shall be a Court of a Civil Judge for each district:

Provided that the State Government may, in consultation with the High Court, establish such a Court for part of a district, or for more than one district, as the case may be.

(2) Each Court of a Civil Judge shall be presided over by a Civil Judge.

* * * * *

7. Establishment of Munsiffs' Courts.—(1) There shall be in each district such number of Munsiffs' Courts as may be fixed by the State Government, in consultation with the High Court.

(2) Each 'Munsiff's Court' shall be presided over by a Munsiff.

8. Number of Civil Judges and Munsiffs to the Court of a Civil Judge or Munsiff.—The State Government, may, in consultation with, the High Court fix and from time to time vary, by notification, the number of Civil Judges to be appointed for the Court of a Civil Judge and the number of Munsiffs to be appointed for a Munsiff's Court.

9. Distribution of work when more than one Judge is appointed to a Court.—(1) When more than one Civil Judge is appointed to the Court of a Civil Judge, or more than one Munsiff is appointed to a Munsiff's Court, one of the Civil Judges or one of the Munsiffs, shall be appointed as the Principal Civil Judge or the Principal Munsiff and the others Additional Civil Judges or Additional Munsiffs, as the case may be.

(2) Each of the Judges appointed to the Court of a Civil Judge or a Munsiff's Court may exercise all or any of the powers conferred on such 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 Civil 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 Civil Judges or Munsiffs thereof.

10. Locality of Courts.—(1) The place or places at which every Civil Court under this Act shall be held shall be fixed and may from time to time be altered, by the State Government in consultation with the High Court.

(2) The places at which the said Courts are being held immediately prior to the appointed day, shall, until an order is made under sub-section (1), be deemed to be the places fixed under sub-section (1).

(3) The places fixed for any Court under this section shall be deemed to be within the local limits of the jurisdiction of that Court.

11. Seal of Courts.—Every Civil Court under this Act, shall use a seal which shall bear thereon the Mysore State Emblem and shall be in such form, of such dimensions and with the name of the Court in such language, as the State Government may, by order, determine :

Provided that the seals in use in every such Civil Court immediately prior to the appointed day may continue to be used until an order is made by the State Government under this section.

12. Existing Courts to be deemed to be Courts established under this Act.—(1) The District Courts existing immediately prior to the appointed day shall be deemed to be District Courts established under this Act, until they are reconstituted in accordance with this Act.

(2) The following Courts existing in the State immediately prior to the appointed day, namely :—

- (a) the Courts of Civil Judges (Senior Division) in the Bombay Area ;
 - (b) the Courts of Civil Judges in the Mysore Area, and
 - (c) the Courts of Subordinate Judges,
- shall be deemed to be Courts of Civil Judges established under this Act.

(3) The following Courts existing immediately prior to the appointed day, namely :—

- (a) the Courts of Civil Judges (Junior Division) in the Bombay Area,
 - (b) the Courts of Munsiffs in the Mysore Area, the Hyderabad Area and the Coorg District, and
 - (c) the Courts of District Munsiffs in the Madras Area,
- shall be deemed to be Munsiffs' Courts established under this Act.

CHAPTER III.

JURISDICTION.

13. Local limits of jurisdiction.—(1) The State Government shall, in consultation with the High Court, and subject to the provisions of section 4 and section 6 of this Act, fix and may from time to time vary, by notification, the local limits of the jurisdiction of any District Court or Court of Civil Judge under this Act.

(2) The State Government shall, in consultation with the High Court, * * fix and may from time to time vary by notification the local limits of jurisdiction of any Munsiff's Court under this Act.

(3) Until notifications are issued under sub-section (1) or sub-section (2), the existing local limits of jurisdiction of every Civil Court shall be deemed to have been fixed under this Act.

14. Jurisdiction of District Court.—(1) The District Court shall be deemed to be the principal Civil Court of original jurisdiction within the local limits of its jurisdiction.

(2) Subject to the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), the jurisdiction of a District Court shall extend to all original suits and proceedings of a civil nature.

15. Control of subordinate courts by District Court.—The District Court shall, subject to the general control of the High Court, have control over all other Civil Courts within the local limits of its jurisdiction.

16. Jurisdiction of Civil Judge.—The jurisdiction of the Court of a Civil Judge shall extend to all original suits and proceedings of a civil nature.

17. Jurisdiction of Munsiff.—The jurisdiction of a Munsiff's Court shall extend to all original suits and proceedings of a civil nature, not otherwise excluded from the Munsiff's jurisdiction, of which the amount or value of the subject-matter does not exceed ten thousand rupees.

* * * * *

18. Appeals from District Courts.—Appeals from the decrees and orders passed by a District Court in original suits and proceedings of a civil nature shall, when such appeals are allowed by law, lie to the High Court.

19. Appeals from Civil Judge.—Appeals from the decrees and orders passed by a Civil Judge in original suits and proceedings of a civil nature, shall, when such appeals are allowed by law, lie,—

(1) to the District Court, when the amount or value of the subject-matter of the original suit or proceeding is less than twenty thousand rupees;

(2) to the High Court, in other cases.

20. Appeals from Munsiff.—Appeals from the decrees and orders passed by a Munsiff in original suits and proceedings of a civil nature, shall, when such appeals are allowed by law, lie to the * * * Court of the Civil Judge.

* * * * *

* * * * *

21. Appellate jurisdiction of the Judge of Court of Small Causes.—The High Court may, by notification, invest any Judge of the Court of Small Causes established under the Mysore Small Causes Courts Act, 1963, * * * * * with powers to hear appeals from such decrees and orders of Munsiffs' Courts as may be referred to him by the District Judge.

* * * *

* * * *

22. Power to invest the Court of the Civil Judge and the Munsiff's Court with Small Cause powers.—(1) The High Court, may, by notification, invest within such limits, as it shall, from time to time, determine, any Court of a Civil Judge or a Munsiff's Court with jurisdiction for the trial of suits cognizable by a Court of Small Causes up to such amount as it may deem proper not exceeding in the case of a Court of a Civil Judge two thousand rupees, and in the case of Munsiff's Court, five hundred rupees.

(2) The High Court, may, by notification, withdraw or alter, whenever it thinks fit, such jurisdiction of any Court of the Civil Judge or Munsiff's Court so invested.

23. Power to invest Civil Judge with jurisdiction under certain Acts.—(1) The High Court may, by notification, invest any Civil Judge within such local limits and subject to such pecuniary limitation as may be specified in such notification, with all or any of the powers of a District Judge or a District Court, as the case may be, under the following Acts, namely:—

- (i) The Indian Divorce Act, 1869 (Central Act 4 of 1869)
- (ii) The Guardians and Wards Act, 1890 (Central Act 8 of 1890);
- (iii) The Indian Lunacy Act, 1912 (Central Act 4 of 1912);
- (iv) The Indian Succession Act, 1925 (Central Act 39 of 1925);

(v) The Special Marriage Act, 1954 (Central Act 43 of 1954);

(2) Every order made by a Civil Judge by virtue of the powers conferred upon him under sub-section (1),⁹² shall be subject to appeal

(i) to the District Court, when the amount or value of the subject matter is less than twenty thousand rupees;

(ii) to the High Court, in other cases.

(3) Every order of the District Judge passed on appeal under sub-section (2) from the order of a Civil Judge shall be subject to an appeal to the High Court under the rules contained in the Code of Civil Procedure, 1908 applicable to appeals from appellate decrees.

24. 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, Civil Judge or Munsiff shall try any suit to or in which he is a party or personally interested, or shall adjudicate upon any proceedings connected with or arising out of such suit.

(2) No District Judge, Civil Judge or Judge of the Court of Small Causes shall try any appeal against any decree or order passed by himself in any other capacity.

(3) When any such suit, proceeding or appeal comes before any such Judge or Munsiff, he shall report the circumstances to the Court to which he is immediately subordinate.

(4) The superior Court shall thereupon dispose of the case in the manner prescribed by section 24 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

CHAPTER IV.

MISCELLANEOUS.

25. Temporary vacancy of office of District Judge.—In the event of the death of the District Judge, or of his being prevented from performing his duties by illness or other casualty, or of his absence on leave from the station in which his Court is held, the senior Additional District Judge or the Additional District Judge, as the case may be, or if there be no Additional District Judge, the senior Civil Judge of the District, shall, without interruption to his ordinary duties, assume charge of the office of the District Court and while so in charge perform the duties of the

District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like; and shall continue in charge of the said District Court until the same is resumed by a Judge duly appointed thereto.

26. Temporary vacancy of office of Civil Judge or Munsiff.—In the event of death, suspension or temporary absence of any Civil Judge or Munsiff, the District Judge may empower the Judge of any subordinate court in the District to perform such duties of such Civil Judge or Munsiff, as are specified in section 25, either at the place of such Court or of his own Court; but in every such case the registers and records of the two Courts shall be kept distinct.

27. Power of High Court to make rules.—(1) The High Court may, after previous publication, by notification, make rules consistent with this Act and any other law for the time being in force—

- (a) prescribing the manner in which the proceedings of each Civil Court shall be kept and recorded;
- (b) regulating the grant of copies of papers in Civil Courts;
- (c) regulating the duties and functions of the ministerial officers of Civil Courts;
- (d) declaring what persons shall be permitted to act as petition-writers in the Civil Courts, and regulating the issue of licences to such persons, the conduct of business by them, and the scale of fees to be charged by them;
- (e) providing a penalty of such amount not exceeding fifty rupees for breach of any of the rules made under clause (d);
- (f) determining the authority by which such breaches of the rules shall be investigated and the penalties imposed.

(2) Every penalty imposed under a rule made under sub-section (1) shall be recovered as if it were a fine imposed by a Magistrate in the exercise of his ordinary jurisdiction.

28. Vacation.—(1) The Civil Courts in the State or in any area of the State shall be closed on such days as may be notified by the State Government as public holidays for the whole State or for such area in the State.

(2) The Civil Courts shall have three vacations in each year, namely, Summer, Dasara and Winter, and the total number of the said three vacations shall not exceed sixty days and the High Court shall fix the period of each vacation.

(3) Notwithstanding anything contained in this Act or in the Code of Civil Procedure, 1908 (Central Act V of 1908),—

- (a) the High Court, may, where there are more than one District Judge in any District Court, designate by notification any one of those District Judges as the Vacation District Judge for the duration of the adjournment of any District Court in summer;
- (b) where there is only one District Judge in any District, the State Government may, in consultation with the High Court, for the duration of the adjournment of any District Court in summer, appoint for such District Court, a Civil Judge to be designated the Vacation Civil Judge.

The High Court may regulate by special or general order the work to be discharged by the Vacation Civil Judge.

(1) (a) The local limits of the jurisdiction of the Vacation District Judge or Vacation Civil Judge shall be the same as those of the District Court concerned.

(b) The jurisdiction of the Vacation Civil Judge shall extend to all suits, appeals and other proceedings pending in, or cognizable by any Civil Court (whether a District Court, a Civil Judge's Court or a Munsiff's Court) in the District concerned when such Court is adjourned for summer vacation.

(5) The place at which the Court of the Vacation District Judge or the Vacation Civil Judge shall be held, shall be the same as the place at which the District Court concerned may be held. The Vacation District Judge or the Vacation Civil Judge shall have such administrative control over the staff of the several Civil Courts in the District, as the High Court may, by general or special order, determine.

(6) Notwithstanding the appointment of the Vacation District Judge or the Vacation Civil Judge, every Civil Court in the District shall, during the period it is adjourned for summer vacation, be deemed to be closed for the purposes of section 4 of the Indian Limitation Act, 1908 (Central Act IX of 1908).

(7) On the reopening of the District Court, a Court of a Civil Judge or a Munsiff's Court after the summer vacation, all suits, appeals and other proceedings pending in the Court of the Vacation District Judge or Vacation Civil Judge which, but for this section, would have been instituted or pending in such District Court, Court

of Civil Judge's or Munsiff's Court, as the case may be, shall stand transferred to such District Court, Court of Civil Judge or Munsiff's Court, and any decree, order or proceeding passed by the Vacation District Judge or the Vacation Civil Judge shall, after such transfer, be deemed to be a decree, order or proceeding passed by the Court concerned.

(8) Notwithstanding the provisions of sub-section (7), any appeal from the decree or order of the Court of the Vacation District Judge or the Vacation Civil Judge shall, when such appeal is allowed by law, lie to the High Court.

29. Repeal and savings.—(1) On and from the appointed day the enactments specified in the Schedule to this Act shall stand repealed :

Provided that such repeal shall not affect the previous operation of the enactments so repealed and anything done or any action taken (including the districts formed, limits defined, Courts established or constituted, appointments, rules or orders made, functions assigned, powers granted, seals or forms prescribed, jurisdictions defined or vested and notifications or notices issued * * * by or under the provisions thereof) shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force unless and until superseded by anything done or any action taken under this Act.

* * * *
* * * *

(2) Notwithstanding anything in sub-section (1) or any other provision of this Act or in any enactment repealed by sub-section (1) or in any other law or provision having the force of law,—

(a) all suits and proceedings (other than appeals and proceedings connected therewith) pending before any Court which under this Act have to be instituted or commenced in another Court, shall, on the appointed day, stand transferred to such other Court, and shall be continued and disposed of by such other Court in accordance with law as if such suits and proceedings had been instituted or commenced in such other Court ;

(b) in respect of suits and proceedings referred to in clause (a),—

(i) of which the amount or value of the subject matter does not exceed ten thousand rupees, no appeal shall lie to the District Court but shall lie to the Court of the Civil Judge ;

- (ii) of which the amount or value of the subject matter exceeds ten thousand rupees but is less than twenty thousand rupees, no appeal shall lie to the High Court but shall lie to the District Court ;
- (c) appeals and proceedings connected therewith, pending before the High Court which under this Act have to be preferred to a Court of Civil Judge or District Court, shall, save in the cases specified in clause (d), on the appointed day, stand transferred to the Court of the Civil Judge or the District Court, as the case may be, and shall be disposed of by such Court in accordance with law as if such appeals or proceedings had been preferred to such Court of the Civil Judge or the District Court ;
- (d) appeals and proceedings connected therewith pending before the High Court from the decrees and orders passed by a Subordinate Judge or a Civil Judge in the Mysore Area, or a Subordinate Judge in the Hyderabad Area and Madras Area, in original suits and proceedings of a civil nature of which the amount or value of the subject matter is less than twenty thousand rupees, shall stand transferred to the District Court and shall be disposed of by such Court in accordance with law as if such appeals or proceedings had been preferred to such Court ;
- (e) appeals and proceedings connected therewith pending before a District Court from the decrees or orders passed by a Munsiff in the Hyderabad Area and the Coorg District or a District Munsiff in the Madras Area shall, on the appointed day, stand transferred to the Court of the Civil Judge and shall be disposed of by such court in accordance with law as if such appeals or proceedings had been preferred to such Court ;
- (f) in respect of all suits or proceedings disposed of before the appointed day by—
- (i) a Munsiff in the Mysore Area, Hyderabad Area and Coorg District,
 - (ii) a District Munsiff in the Madras Area ; and
 - (iii) a Civil Judge (Junior Division) in the Bombay Area,
- no appeal shall lie to the District Court but an appeal shall lie to the Court of the Civil Judge under this Act ;

- (g) in respect of all suits or proceedings disposed of before the appointed day, by a Subordinate Judge in the Mysore Area, no appeal shall lie to the District Court but an appeal shall lie to the Court of the Civil Judge ;
- (h) in respect of all suits or proceedings disposed of before the appointed day of which the amount or value of the subject matter does not exceed ten thousand rupees by a Subordinate Judge in the Hyderabad Area or the Madras Area, no appeal shall lie to the Court of the Civil Judge but an appeal shall lie to the District Court ;
- (i) in respect of all suits or proceedings disposed of before the appointed day of which the amount or value exceeds ten thousand rupees but is less than twenty thousand rupees,
- (i) by any Court other than a District Court, no appeal shall lie to the High Court, but an appeal shall lie to the District Court ; and
- (ii) by a District Court, an appeal shall lie to the High Court ;
- (j) if in respect of any suit or proceeding disposed of before the appointed day, an appeal lies to the District Court instead of an appeal to the High Court, the period of limitation for preferring the appeal to the District Court shall be the same as for preferring the appeal to the High Court.

(3) If there be any doubt as to which Court any suit, appeal or proceeding shall stand transferred or as to which Court any appeal shall be preferred in accordance with the provisions of sub-section (2) the Court designated by the High Court shall be the Court to which such suit, appeal or proceeding shall be transferred or such appeal shall be preferred, and the decision of the High Court shall be final.

30. Substitution of the expression "Civil Judge" and "Munsiff" for other expressions in certain laws in force.—In any law or rule, notification or order in force, for the expressions in column (1) below, the expressions in the corresponding entry in column (2) shall be substituted :—

<i>Column (1)</i>	<i>Column (2)</i>
Civil Judge (Senior Division)	... Civil Judge.
Subordinate Judge	... Civil Judge.
Civil Judge (Junior Division)	... Munsiff
District Munsiff	... Munsiff

SCHEDULE.

(See section 29).

1. The Bombay Civil Courts Act, 1869 (Act XIV of 1869).
2. The Madras Civil Courts Act, 1873 (Act III of 1873).
3. The Mysore Civil Courts Act, 1883 (Act I of 1883).
4. The Hyderabad Civil Courts Act, 1954 (Act 36 of 1954).
5. The Coorg Courts Act, 1948 (Coorg Act II of 1948).