

# The Punjab Courts Laws (Extension) Act, 1957

HARYANA

India

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### Act 38 of 1957

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The Punjab Courts Laws (Extension) Act, 1957 Punjab Act 38 of 1957 Statement of objects and reasons. - On the formation of the new State of Punjab, it is proposed that all the laws and rules pertaining to the practice and procedure of the Punjab High Court and the Courts under its superintendence be extended to the area constituting the pre-merger Pepsu State. This Bill seeks to bring about unification of Laws in that behalf. Punjab Government Gazette Extraordinary dated 23rd October, 1957. Received the assent of Governor of Punjab on the 11th November, 1957, and was first published in the Punjab Government Gazette Extraordinary of the 14th November, 1957. An Act to provide for the extension of the Punjab Courts Act, 1918, the High Courts (Punjab) Order 1947, the Rules and Orders of the Punjab High Court and other Laws and Regulations relating to the practice and procedure of Punjab High Court and under its superintendence to the territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union. Be it enacted by the Legislature of the State of Punjab in the Eighth Year of the Republic of India as follows:-

### 1. Short title and commencement.

(1) This Act may be called the Punjab Courts Laws (Extension) Act, 1957. (2) It shall come into force at once.

### 2. Definitions.

- In this Act, unless the context otherwise require, - (a) 'appointed date' means the 1st November, 1956; (b) 'Pepsu High Court' means the High Court exercising immediately before the appointed date jurisdiction in relation to the State of Patiala and East Punjab States Union as it existed before that date; (c) 'Punjab High Court' means the High Court exercising immediately before the appointed date jurisdiction in relation to the State of Punjab as it existed before that date; (d) 'transferred territories' means the territories which immediately before the appointed date were comprised in the State of Patiala and East Punjab States Union.

### **3. Interpretation.**

- The Punjab General Clauses Act, 1898, shall apply for the interpretation of this Act as it applies for the interpretation of a Punjab Act.

### **4. Extension of certain laws to transferred territories.**

- The Punjab Courts Act, 1918 (Punjab Act VI of 1918), the High Courts (Punjab) Order, 1947, Rules and Orders of the Punjab High Court and all Laws and Regulations pertaining to practice and procedure of the said High Court and the Courts under its superintendence as in force immediately before the appointed date in territories under the jurisdiction of the Punjab High Court are hereby extended to and shall be in force in the transferred territories: Provided that all second appeals arising out of suits which were instituted in the courts of the transferred territories before the appointed date shall continue to be governed by the provisions of section 49 of the Patiala and East Punjab States Union Judicature Ordinance, 2005 (Pepsu Ordinance No. X of 2005 Bk): Provided further that nothing contained herein shall in any manner affect the operation of the provisions of section 100, sub-sections (2) and (3) of section 105, section 107, section 109 and section 110 of the Patiala and East Punjab States Union Judicature Ordinance, 2005 (Pepsu Ordinance No. X of 2005 Bk)

### **5. Punjab and Haryana High Court to exercise same control over Sub-Judges- Cum-Magistrate as was exercised by Pepsu High Court.**

- Notwithstanding anything to the contrary contained in any law for the time being in force the High Court for the [State of Punjab and Haryana] [Adaptation of Laws Order, 1968.] shall, in relation of Sub-judges-cum-Magistrates posted from time to time at any place in the transferred territories, have the same powers and exercise the same control as the Pepsu High Court had and exercised in respect of them immediately before the appointed date.

### **6. Construction of certain references.**

- In the Act, Order, Rule and Order or Law and Regulation referred to in section 4 any reference.(1)to a law which is not in force in transferred territories shall in relation to such territories be construed as a reference to the corresponding law, if any, in force in such territories, and(2)to State of Punjab, by whatever form of words shall be construed as including a reference to the transferred territories.

### **7. Repeals and Savings.**

- If immediately before the commencement of this Act there is in force in the transferred territories any law corresponding to the Act or Order or any Rule and Order or any Law and Regulation now extended to those territories that law shall, save as otherwise expressly provided in this Act, stand repealed. Provided that the repeal shall not affect:-(a)the previous operation of any law so repealed

or anything duly done or suffered thereunder; or(b)any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed or;(c)any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or(d)any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:Provided further that anything done or any action taken under any law so repealed shall be deemed to have been done or taken under the corresponding provision of the Act or Order or any Rule and Order or any Law and Regulation extended by section 4 to the transferred territories and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the Act, Order, Rule and Order or Law and Regulation so extended.

## **8. Powers of Court and other authorities for purposes of facilitating application of the Act and Rules, Order, etc.**

- For purposes of the facilitating the application in the transferred territories of the Act, Order, Rule and Order or law and Regulation any Court or authority may construe the same with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or authority.

## **9. Power to remove difficulties.**

- If any difficulty arises in giving effect in the transferred territories to the provisions of the Act, Order, Rule and Order or Law and regulation extended by section 4, the State Government, may in consultation with the High Court, by order notified in the Official Gazette, make such provisions or give such directions as appear to it to be necessary or expedient for the removal of the difficulty.