

The U.P. High Court (Abolition of Letters Patent Appeals) Act, 1962

UTTAR PRADESH

India

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Act 14 of 1962

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The U.P. High Court (Abolition of Letters Patent Appeals) Act, 1962(U.P. Act No. 14 of 1962)Statement of Objects and Reasons.-the present law makes for multiplicity of appeals due to the provisions for appeals under the Letters Patent of the High Court, resulting in the inconvenience and expense to the litigants besides causing delay in the final disposal of a suit. This Bill is, therefore. Intended to provide for the abolition of Letters Patent Appeals against appellate jurisdiction of Single Judge In the High Court of Judicature at Allahabad.[Dated 7th November, 1962]Received the assent of the President on November 17, 1962, published In the U. P. Gazette (Extra), dated 13th November, 1962.An Act to provide for Abolition of Letters Patent Appeals in the High Court of Judicature at Allahabad.It is hereby enacted in the thirteenth Year of the Republic of India as follows :-

1. Short title and commencement.

(1)The Act may be called the Uttar Pradesh High Court (Abolition of Letters Patent Appeals) Act, 1962.(2)It shall come into force at once.

2. Definition of High Court.

- In this Act "High Court" means the High.Court of Judicature at Allahabad as constituted by the U. P. High Court's (Amalgamation) Order, 1948.

3. Abolition of appeals, from the judgment or order of one Judge of the High Court made in the exercise of appellate Jurisdiction.

(1) No appeal, arising from a suit or proceeding instituted to commence, whether prior or subsequent to the enforcement of this Act, shall lie to the High Court from a judgment or order of one Judge of the High Court, made in the exercise of appellate jurisdiction, in respect of a decree or order made by a court subject to the superintendence of the High Court, anything to the contrary contained in clause ten of the Letters Patent of Her Majesty, dated the 17th March, 1866 read with Clause 17 of the U.P. High Court's (Amalgamation) Order, 1948, or in any law notwithstanding. (2) Notwithstanding anything contained in sub-section (1) all appeals pending before the High Court on the date immediately preceding the date of enforcement of this Act shall continue to lie and be heard and disposed of as heretofore, as if this Act had not been brought into force.

4. [Abolition of appeals from the judgment or order of one Judge of the High Court made in the exercise of writ jurisdiction in certain cases. [Inserted by U. P. Act 33 of 1972, Section 2, (w.c.f. 18-8-1972).]

(1) No appeal, arising from a suit or proceeding instituted or commenced, whether prior or subsequent to the commencement of this section shall lie to the High Court from a judgment or order of one Judge of the High Court, made in the exercise of jurisdiction conferred by Article 226 or Article 227 of the Constitution, in respect of a judgment, decree or order made or purported to be made by the Board of Revenue under the United Provinces Land Revenue Act, 1901, or the U.P. Tenancy Act, 1939, or the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, or the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956, or the Jaunsar Bawar Zamindari Abolition and Land Reforms Act, 1956, or the Kumaun and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960, or by the Director of Consolidation (including any other officer purporting to exercise the powers and to perform the duties of Director of Consolidation) under the U.P. Consolidation of Holdings Act, 1953, anything to the contrary contained in clause ten of the Letters Patent of Her Majesty, dated March 17, 1866, read with clauses 7 and 17 of the U.P. High Courts (Amalgamation) Order, 1948, or in any other law notwithstanding. (2) Notwithstanding anything contained in sub-section (1), all appeals pending before the High Court on the date immediately preceding the date of commencement of this section shall be heard and disposed of as if this section had not been enacted.]

5. [Abolition of Letters Patent Appeals in certain other cases. [Substituted by U. P Act 12 of 1981, Section 2, (w.e.f. 12-5-1981).]

(1) Notwithstanding anything to the contrary contained in Clause IQ of the Letters Patent of Her Majesty, dated March 17, 1866 read with Clauses 7 and 17 of the U.P. High Courts (Amalgamation) Order, 1948, or in any other law, no appeal arising from an application or proceeding, instituted or commenced whether prior or subsequent to the commencement of the Uttar Pradesh High Court (Abolition of Letters Patent Appeals) (Amendment) Act, 1981, shall lie to the High Court from a judgment or order of one Judge of the High Court, made in the exercise of jurisdiction conferred by Article 226 or Article 227 of the Constitution, in respect of any judgment, order or award-(a) of a tribunal. Court or statutory arbitrator made or purported to be made in the exercise or purported

exercise of jurisdiction under any Uttar Pradesh Act or under any Central Act, with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution, or (b) of the Government or any officer or authority, made or purported to be made in the exercise or purported exercise of appellate or revisional jurisdiction under any such Act. (2) Notwithstanding anything contained in sub-section (1), all appeals of the nature referred to in that sub-section pending before the High Court immediately before the commencement of the Uttar Pradesh High Court (Abolition of Letters Patent Appeals) (Amendment) Act, 1981, shall be heard and disposed of as if that sub-section had not been enacted.]