

# **Tripura (Courts) Order, 1950**

TRIPURA

India

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### **Rule TRIPURA-COURTS-ORDER-1950 of 1950**

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## **Chapter I Preliminary**

### **1. Short title, extent and commencement.**

(1)This Order may be called the Tripura (Courts) Order, 1950.(2)It extends to the whole of Tripura.(3)It shall come into force at once.

### **2. Definitions.**

- In this Order unless there is anything repugnant in the subject or context-(i)Omitted.(ii)"District Court" means the Court of the District Judge and includes the Court of the Additional Judge;(iii)"High Court" means the Gauhati High Court (the High Court of Assam, Nagaland, Manipur and Tripura);(iii-a) "Tripura" means the State of Tripura;(iv)"civil suit" means and includes all suits of a civil nature not expressly or impliedly classed otherwise by any law for the time being in force;(v)"small cause suit" means a suit of the nature cognizable by a court of small causes under the Provincial Small Cause Courts Act, 1887 (9 of 1887) ;(vi)"value" in relation to a suit means the amount or the value of the subject-matter of the suit.

## **Chapter II Court of the Judicial Commissioner**

### **3. to 14.**

[Omitted]

## **Chapter III Subordinate Courts**

### **15. Classes of courts.**

- In addition to the Court of Small Causes established under the Provincial Small Causes Courts Act (9 of 1887) and the Courts established under any other law for the time being in force, there shall be the following classes of civil courts, namely:(i)The Court of the District Judge;(ii)The Court of a Subordinate Judge;(iii)The Court of a Munsiff.

### **16. Civil Districts and District Judges.**

- For the purposes of this Chapter, the State Government may, by notification in the official Gazette, divide Tripura into civil districts and sub-divisions and may alter the limits or the number of these districts and sub-divisions and may determine the headquarters and each such district and sub-divisions.

### **17. Additional District Judge.**

(1)When the business pending before the Court of a District Judge requires the aid of an Additional Judge or Judges for the speedy disposal, one or more Additional District Judges may be appointed.(2)An Additional District 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 his functions he shall exercise the same powers as the District Judge.

### **18.**

[Omitted].

### **19. Principal Civil Court.**

- The Court of District Judge shall be the Principal Civil Court of the original jurisdiction in the District.

### **20. Original jurisdiction of civil courts.**

- Save as otherwise provided by any other law for the time being in force the Court of District Judge shall have original jurisdiction in civil suits without limit as regards the value.

## **21. Original limits of Subordinate Judges and Munsiffs.**

(1)The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Subordinate Judge or a Munsiff, shall be determined by the State Government after consultation with the High Court in such manner as he thinks fit.(2)Save as aforesaid the Jurisdiction of a Civil Judge (Junior Division) extends to all like suits of which the value does not exceed one lakh rupees.

## **22. Local limits of jurisdiction of Subordinate Judges or Munsiffs.**

(1)The local limits of the jurisdiction of the Court of a Subordinate Judge or Munsiff shall be such as the State Government may, after consultation with the High Court, by notification in the official Gazette, define.(2)When a Subordinate Judge is posted to a district, the local limits of the district shall, in the absence of any directions to the contrary, be the local limits of his jurisdiction.

## **23. Small cause jurisdiction of Subordinate Judges and Munsiffs.**

- The High Court may, by notification in the official Gazette, confer within such local limits as he thinks fit on a Subordinate Judge or a Munsiff the jurisdiction of a Judge of the Court of the Small Causes under the Provincial Small Causes Courts Act, 1887 (9 of 1887) for the trial of cases and suits up to such value not exceeding rupees five hundred as he thinks fit and may withdraw any jurisdiction so conferred.

## **24. Exercise by Subordinate Judges and Munsiffs of jurisdiction of District Courts in certain proceedings.**

(1)The High Court may, by general or special order, authorise any subordinate Judge or Munsiff to take cognizance of, and any District Judge to transfer to a Subordinate Judge or Munsiff under his control, any proceedings or any class of proceedings, specified in such order under-(a)The Indian Succession Act, 1925 (39 of 1925) if the proceedings cannot be disposed of by the District Judge;(b)The Guardians and Wards Act, 1890 (7 of 1890); or(c)The Provincial Insolvency Act, 1920 (5 of 1920).(2)The District Judge may withdraw any such proceedings taken cognizance of by, or transferred to, a Subordinate Judge or Munsiff under his control, and either himself dispose of them or transfer them to a Court under his control competent to dispose of them.(3)Proceedings taken cognizance of by, or transferred to, a Subordinate Judge or a Munsiff under this paragraph shall be disposed of by him, subject to the rules applicable to like proceedings in the Court of the District Judge.

## **25. Place of sitting of courts.**

(1)The State Government may fix the place or places at which any court constituted under this Chapter is to be held.(2)The place or places so fixed may be beyond the local limits of the jurisdiction of the court.(3)Save as otherwise provided by an order under this paragraph a Court

constituted under this Order may be held at any place within the local limits of its jurisdiction.

## **26. Control of Courts by District Judges.**

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

## **27. District Judge's power to distribute business.**

- Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Act 5 of 1908), a District Judge may, by written order, direct that any civil business cognizable by his court and the courts under his control shall be distributed among such Courts in such manner as he thinks fit: Provided that no direction issued under this paragraph shall empower any court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

## **28. Ministerial officers of Court.**

(1) The ministerial officers of the District Courts shall be appointed by the District Judge. (2) The ministerial officers of the civil courts under the control of the District Judge shall be appointed by the District Judge. (3) Every appointment under this paragraph shall be subject to such rules as the High Court may make in this behalf. (4) Any order passed by a District Judge under this paragraph shall be liable to be reversed or modified by the High Court.

## **29. Delegation of powers of District Judge and District Court.**

- A District Judge may, with the previous sanction of the High Court, delegate to the Judge of any court under his control all or any of the powers conferred on a District Judge by paragraphs 26 and 27 of this Order and on a District Court by Section 24 of the Code of Civil Procedure, 1908 (Act 5 of 1908), to be exercised by such Judge in any specified portion of the districts to the Control of the District Judge.

# **Chapter IV**

## **Appellate and Revisional Jurisdiction in Civil Cases**

## **30. Appeals from original decrees.**

- Save as otherwise provided by any law for the time being in force, appeals from decrees of court exercising original jurisdiction shall lie as follows: (a) to the District Judge where the value of the original suit in which or in any proceedings arising out of which the decree or order was made did not exceed five lakh rupees, and (b) in all other cases to the High Court: Provided that the High Court, with the previous sanction of the State Government, by notification in the official Gazette, direct the appeals lying to the Courts of the District Judge from all or any of the decrees passed by a Munsiff

shall be preferred to such Subordinate Judge as may be mentioned in the notification, and the appeal shall thereupon be preferred accordingly, and the court of a District Judge for the purpose of all appeals preferred.

**31.**

[Omitted].

**32. Finality of appellate decrees of District Court.**

- Subject to the provisions of Section 100 of the Code of Civil Procedure, 1908, an appellate decree of a District Court shall be final.

**33.**

[Omitted].

**34.**

[Omitted].

**35.**

[Omitted].

## **Chapter V Supplemental Provisions**

**36. Seal.**

- Every court constituted under this Order shall use a seal of such form and design as are prescribed by the State Government in consultation with the High Court.

**37. Temporary vacancy of office of District Judge.**

- In the event of the death of a District Judge or of his being prevented from performing his duties by illness or other cause of his absence from the civil district on leave, the Additional District Judge, if any, in the District, and where there is no such Additional District Judge, the first in rank of the subordinate Judge shall assume of the District Court without interruption to his ordinary jurisdiction and while so in charge, shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated as the Additional District Judge, or the Subordinate Judge, as the case may

be, in charge of the District and shall continue in such charge until the office of the District Judge has been resumed, or assumed, by an officer duly appointed thereto.

### **38. Delegation of powers of District Judge.**

- Any District Judge leaving the headquarters and proceeding on duty to any place within his District, may delegate to the Additional Judge, if any, and where there is no such Additional District Judge, to a Subordinate Judge at the headquarters, the power of performing such duties, enumerated in paragraph 37 as may be emergent; and such officer shall be designated as the Additional District Judge or the Subordinate Judge, as the case may be, in charge of the headquarters.

### **39. Temporary vacancy of the office of Subordinate Judge or Munsiff.**

- In the event of the death, suspension or temporary absence of any Subordinate Judge or Munsiff the District Judge may empower the Judge of any Subordinate Court or the Court of Munsiff of the same Civil District to perform the duties of the Judge of the vacated Subordinate Court or the Court of the Munsiff, either at the place of such Court or of his own Court; but in every such court the registers and records of the two courts shall be kept distinct.

### **40. Continuance of the powers of the Officers.**

- Whenever any person holding an office in the service of the Government of Tripura who has been invested with any powers made under this Order throughout any local area is transferred or posted to any equal or higher office of the same nature within a like local area, he shall, unless the State Government otherwise directs, exercise the same powers in the local area to which he is so transferred or posted.

### **41.**

[Omitted].

### **42. Vacations.**

(1) Subject to the approval of the Government, the High Court shall prepare a list of days to be observed in each year as closed holidays in the Civil Court subordinate to that Court. (2) The list shall be published in the official Gazette. (3) A judicial act done by a Civil Court on a day specified in the list shall not be invalid by reason only of its having been done on that day.

### **43. Pending proceedings.**

(1) Any proceeding pending in a court immediately before the commencement of this Order shall, upon the commencement of this Order, be deemed to be transferred to the Court exercising the

jurisdiction under this Order which corresponds, as far as may be, to the jurisdiction of the court in which the proceeding was pending, and the court to which the proceeding transferred shall proceed to try, hear and determine the matter as if it had been pending in that court.(2)Any appeal from a decree, sentence or order passed by a court and not appealed against before the commencement of the Order shall lie in the court exercising the jurisdiction under this Order which corresponds, as far as may be, to the jurisdiction of the court to which appeal would have laid if this Order had not been made.(3)Any decree, sentence or order passed before the commencement of this Order by any court shall be deemed for the purpose of execution to have been passed by a court constituted by this Order which corresponds, as far as may be, to the court which passed the decree, sentence or order, as the case may be:Provided that nothing contained in sub-paragraph (1) or sub- paragraph (2) shall be construed as extending the period of limitation to which any suit, appeal or application may be subject.