

The Suits Valuation (Punjab Amendment) Act, 1938

HARYANA

India

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Act 1 of 1938

- Published on 30 April 1938
- Commenced on 30 April 1938
- [This is the version of this document from 30 April 1938.]
- [Note: The original publication document is not available and this content could not be verified.]

The Suits Valuation (Punjab Amendment) Act, 1938 Punjab Act 1 of 1938 Statement of Objects and Reasons. - "This Bill gives effect to a recommendation by a Division Bench of the High Court at Lahore in January, 1937, that section 4 of the Suits Valuation Act, 1887, should be amended in such a way as to bring it in line with Article 22 in Schedule II of the Court Fees Act, 1870. This Article, which was inserted in Schedule II by the Court Fees (Punjab Amendment) Act, 1922, deals with complaints or memoranda of appeal in suits by reversioners under the Punjab Customary Law for a declaration in respect of an alienation of ancestral land. Prior to 1922 such declaratory suits were governed by Article 17 of Schedule II and were in consequence covered by section 4 of the Suits Valuation Act, 1887. The High Court have now held that so long as Article 22 is not expressly inserted in section 4, no rule framed under section 3 can be referred to in order to determine the jurisdictional value of suits under it. The present measure is designed to remove the defect pointed out by the Honourable Judges. At the same time the opportunity is being taken to delete the headings of the various parts of the Act, which have been found to be misleading. (vide Punjab Government Gazette Extraordinary, 1938, page 11). Received the assent of His Excellency the Viceroy and Governor General on the 30th April, 1938, and was first published in the Punjab Gazette Extraordinary, dated the 28th May, 1938. An Act to Amend the Suits Valuation Act, 1887, in its application to the Punjab. Preamble. - Whereas it is expedient to amend the Suits Valuation Act, 1887, in its application to the Punjab in order to provide for the valuation for jurisdictional purpose of suits brought by reversioners under the Punjab Customary Law for a declaration in respect of alienation of ancestral and; it is hereby enacted as follows :-

1. Short title and extent.

(1) This Act may be called the Suits Valuation (Punjab Amendment) Act, 1938. (2) It extends to [Punjab] [See Adaptation of Laws, Order, 1950.].

2.

[Omitted.] [Section 2 omitted by Punjab Act 13 of 1942, section 2.]

3. Amendment of section 4 of Suits Valuation Act, 1887.

- In section 4 of the Suits Valuation Act, 1887, after the word and figures "Article 17" the word and figures "or 22" shall be deemed to be inserted.