

The M.P. Civil Courts (Amendment and Validation) Act, 1980

MADHYA PRADESH

India

The M.P. Civil Courts (Amendment and Validation) Act, 1980

Act 7 of 1980

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The M.P. Civil Courts (Amendment and Validation) Act, 1980 No. 7 of 1980 [Dated 12th August, 1980] Received the assent of the Governor on the 12th August, 1980; assent first published in the "Madhya Pradesh Gazette" (Extraordinary) dated the 12th August, 1980. An Act further to amend the Madhya Pradesh Civil Courts Act, 1958 Be it enacted by the Madhya Pradesh Legislature in the Thirty-first Year of the Republic of India as follows

1. Short title.

- This Act may be called The Madhya Pradesh Civil Courts (Amendment and Validation) Act, 1980

2. to 3.

- Amendments made by these sections are already incorporated in the principal Act, hence not reproduced.

4. Validation of appointment of additional Judges and constitution of certain Courts etc.

- Notwithstanding any judgement decree or order of any Court, -(i) every Additional Judge to the Court of District Judge and every Additional Judge to the Court of an Additional District Judge, appointed or purported to have been appointed prior to 22nd day of April, 1980 shall be and shall always be deemed to have been validly appointed in accordance with the provisions of sub-section (1) of Section 8 of the Principal Act, as substituted by Section 3 of this Act, and accordingly -(a) such additional Judge to the Court of the District Judge or such Additional Judge to the Court of an Additional District Judge shall continue to function as such after such commencement; and (b) any judgement, decree or order passed or any proceeding commenced, taken or continued by such

additional Judge to the Court of the District Judge or such additional Judge to the Court of an Additional District Judge, prior to the 22nd day of April, 1980 shall be and shall always be deemed to have been validly passed or commenced, taken or continued, as the case may be, and the validity of any judgement or decree or order passed or any proceeding commenced, taken or continued shall not be questioned on the ground that such Additional Judge to the Court of the District Judge or such Additional Judge to the Court of the Additional District Judge had no jurisdiction to hear, decide, entertain, take, commence or continue such proceedings or on any other ground pertaining to any other defect in his appointment as additional Judge to the Court to which he was appointed or on both;(ii)Every Court of Additional District Judge which was functioning prior to the 22nd day of April, 1980 in excess of the number of such Courts in Civil District notified under Section 5 of the Principal Act shall be and shall always be deemed to have been validly established in accordance with law as if the notification under the aforesaid section fixing the number of Courts had been so amended as to enhance the said number to cover the Courts established in excess of the number so fixed and accordingly any judgement or decree or order passed or any proceeding commenced, taken or continued by such Additional District Judge shall not be questioned on the ground that the Court was not constituted in accordance with the provisions of the Principal Act.

5. Repeal.

- The Madhya Pradesh Civil Courts (Amendment and Validation) Ordinance, 1980 (No. 7 of 1980), is hereby repealed.