

The Manipur (Courts) Act, 1955

MANIPUR

India

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Act 56 of 1955

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The Manipur (Courts) Act, 1955 Act No. 56 of 1955 Last Updated 7th February, 2020 An Act to provide for the establishment of Courts in Manipur Be it enacted by Parliament in the Sixth Year of the Republic of India as follows:

Chapter I Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Manipur (Courts) Act, 1955. (2) It extends to the whole of the State of Manipur. (3) It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires—(i) [Omitted] (ii) "civil suit" includes every suit of a civil nature not expressly or impliedly classed otherwise by any law for the time being in force; (iii) "District Court" means the Court of the District Judge and includes the Court of the Additional District Judge; (iii-a) "High Court" means the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura); (iv) "hill area" means such areas in the hill areas of the State of Manipur as the Chief Commissioner may, by notification in the official Gazette, declare to be hill areas; (v) "small causes suit" means a suit of the nature cognizable by a court of small causes under the Provincial Small Cause Courts Act, 1887; (vi) "value" in relation to a suit means the amount or value of the subject-matter of the suit.

Chapter II

Court of the Judicial Commissioner

3. to 15.

Deleted.

Chapter III

Subordinate Courts

16. Classes of subordinate civil courts.

- In addition to the courts of small causes established under the Provincial Small Cause Courts Act, 1887, and the Courts established under any other law for the time being in force, there shall be the following classes of civil courts in the State of Manipur, namely: (i) The District Court; (ii) The Court of Subordinate Judge; (iii) The Court of a Munsiff: Provided that the court of a subordinate Judge shall be established only with effect from such date as the State Government may, by notification in the official Gazette, specify.

17. Civil districts and District Judges.

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

18. Additional District Judges.

(1) When the business pending before the Court of the District Judge requires the aid of an Additional District Judge for its speedy disposal, one or more Additional District Judges may be appointed. (2) The Additional District Judge so appointed shall discharge any of the functions of a District Judge which the District Judge may assign to them and in the discharge of those functions they shall exercise the same powers as the District Judge.

19.

[Omitted].

20. District Court to be principal Court of original jurisdiction.

- The District Court shall be the principal Court of original jurisdiction in the district.

21. Original jurisdiction of District Court.

- Save as otherwise provided by any other law for the time being in force, the district court shall, subject to the provisions of Section 15 of the Code of Civil Procedure, 1908, have original jurisdiction in all civil suits without limits as regards the value.

22. Original jurisdiction of courts of subordinate Judges and Munsiffs.

- The jurisdiction in original civil suits as regards the value to be exercised by a Subordinate Judge or a Munsiff shall be determined by the State Government in such manner as he thinks, fit, after consultation with the High Court: Provided that in no case shall the jurisdiction of a Munsiff be without limit.

23. Local limits of the jurisdiction of courts of subordinate Judges and Munsiffs.

(1) The local limits of the jurisdiction of the courts of a subordinate Judge or a 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 direction to the contrary be the local limits of his jurisdiction.

24. Small causes 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, upon any District Judge, subordinate Judge or Munsiff, the jurisdiction of a Judge of the Court of Small Causes under the Provincial Small Cause Courts Act, 1887, for the trial of suits of the nature cognizable by such courts up to such Value not exceeding five hundred rupees, as he thinks fit and may withdraw any jurisdiction so conferred.

25. Exercise by subordinate Judges and Munsiffs of jurisdiction of District Court in certain proceedings.

(1) The High Court may, by general or special order, authorize any subordinate Judge or Munsiff to take cognizance of, or any District Judge to transfer to a subordinate Judge or a Munsiff under his administrative control, any proceeding or class or class of proceedings specified in such order, under-(a) the Indian Succession Act, 1925; (b) the Guardians and Wards Act, 1890; (c) the Provincial Insolvency Act, 1920. (2) The District Judge may withdraw any such proceeding taken cognizance by, or transferred to, a subordinate Judge or a Munsiff and may either himself dispose of them or transfer it for disposal to any other competent court under his administrative control. (3) Proceedings taken cognizance of by, or transferred to a subordinate Judge or a Munsiff under this section shall be disposed of by the District Judge: Provided that an appeal from an order of the Munsiff in any such proceedings shall lie to the District Judge.

26. Place of sittings of Courts.

(1)The State Government may, by order, fix a 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 section, a court constituted under this Act, may be held at any place within the local limits of the jurisdiction.

27. Administrative control of Courts.

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

28. District Judge's power to distribute business.

- Notwithstanding anything contained in the Code of Civil Procedure, 1908, the District Judge may, by written order, direct any business cognizable by his court and the courts under his control shall be distributed among such courts, and in such manner as he thinks fit:Provided that no direction issued under this section shall empower and deal with any business beyond the limits of its jurisdiction.

29. Seals of Courts.

- Every Court under this Chapter shall use a seal of such form and dimension as are prescribed by the State Government.

30. Ministerial officers of the Court.

(1)Ministerial officers of the District Court shall be appointed by the District Judge.(2)Ministerial officers of the civil court under the administrative control of the District Judge shall be appointed by the District Judge.(3)Every appointment under this section shall be subject to such rules as the High Court may make in this behalf.(4)Any order passed by the District Judge under this section shall be liable to be reversed or notified by the High Court.

31. Delegation of powers of District Judges and District Court in certain cases.

- The District Judge may, with the previous sanction of the High Court, delegate to the Judge of any court under his administrative control all or any of the powers conferred on a District Judge by Section 27 and Section 28 of this Act and on a District Court by Section 24 of the Code of Civil Procedure, 1908 to be exercised by the Judge in any specified portion of the district subject to the control of the District Judge.

32. Appeals from original decree.

- Save as otherwise provided by any law for the time being in force, appeals from decrees or orders of the courts exercising original jurisdiction shall be as follows:(a)from a decree or order of a Munsiff in any suit and of a subordinate Judge in a suit the value of which does not exceed fifty thousand rupees, to the court of a District Judge; and(b)in all other cases, to the High Court.

33.

[Omitted]

34.

[Omitted]

35.

[Omitted]

36. Temporary vacancy in the office of the District Judge.

- In the event of death of a District Judge or of his being prevented from performing his duties by illness or other cause or of his absence from the civil district on leave, the Additional District Judge, if any, in the district or where there is no Additional District Judge, the senior-most subordinate Judge or, as the case may be, the senior-most Munsiff in the district shall assume the charge of the District Court without interruption of his ordinary jurisdiction and being so in charge shall perform the duties of the District Judge with respect to the filing of suit and appeal, receiving pleadings, execution of processes, return of writs and the like, and shall be designated to the Additional District Judge or the subordinate Judge or the Munsiff, 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 by him or assumed by an officer duly appointed thereto.

37. Delegation of powers of District Judge.

- Any District Judge leaving headquarters and proceeding on duty to any place in the district may delegate to the Additional District Judge, if any, where there is no such Additional District Judge to a subordinate Judge or, as the case may be, to a Munsiff at the headquarters, the power of performing such duties enumerated in Section 36 as may be emergent; and such officer shall be designated as the District Judge or the subordinate Judge or the Munsiff, as the case may be, in charge of the headquarters.

38. Temporary vacancy in the office of a subordinate Judge and Munsiff.

- In the event of death, suspension or temporary absence of a subordinate Judge or a Munsiff, the District Judge may empower any other subordinate Judge or Munsiff of the same civil district to continue the duties either at the place of such court or of his own court; but in every such case the registers and the records of the court shall be kept distinct.

Chapter IV

Supplement and Miscellaneous Provisions

39. Power to confer powers of civil courts on officers in Hill areas and procedure before the court of such officers.

(1)The State Government after consultation with the High Court may, by notification in the official Gazette, invest, by name or in virtue of office on any officer in the Hills areas with the powers of any civil court under this Act, and upon such investment the provisions of this Act shall, so far as they can be made applicable, apply to him as if he were a Judge of the court with the powers of which he is invested.(2)Where the place at which the court or an officer invested with powers under sub-section (1) is to be held, has not been fixed under Section 36, the court may be held at any place within the local limits of its jurisdiction.(3)The Code of Civil Procedure, 1908, shall apply to all suits and proceedings before the court of an officer invested with powers under sub-section (1) subject to the following exceptions, namely:(a)a defendant in a suit may, instead of filing a written statement make an oral statement of his defence which shall be recorded by the Court;(b)all applications by parties in any suit or proceedings may be made only before court;(c)no appearance, application or act in or to the court, required or authorised by law to be made or done by a party in such court shall be made or done by a pleader (as defined in the Code of Civil Procedure, 1908) save with the permission of the Court;(d)it shall be sufficient for the court to make a memorandum of the substance of the evidence of any witness examined by it and it shall not be necessary for the court to take down evidence of any witness in writing at length unless the court is, on the application of any party or otherwise, satisfied that there is any special reason for so doing.

40.

[Omitted]

41. Presiding officers of Courts, not to try suits and cases in which they are interested.

(1)The presiding officer of a court shall not try any suit, proceeding or other case, or hear any appeal to which he is a party or in which he is personally interested.(2)No presiding officer shall hear an appeal from any judgement, decree, sentence or order passed or made by himself.(3)Where any such suit, proceeding, case or appeal as is referred to in sub-section (1) or sub-section (2), comes

before any such officer, he shall transmit forthwith the record of such suit, proceeding, case or appeal, as the case may be, to the court to which he is immediately subordinate with the report of the circumstances attending the reference.(4)The superior court may transfer the suit, proceeding, case or appeal either to itself or to any other court under its administrative control competent to decide it.

42. Certain decisions to be according to custom or personal law.

(1)Where in any suit or proceeding, it is necessary for any court under this Act to decide any question regarding succession, inheritance, marriage or caste or any religious usage or institution, any custom (if such there be) having the force of law or any personal law, governing the parties, or the properties of the parties to such suit or proceeding shall form the rule of decision except in so far as such custom or personal law has, by legislative enactment, been altered or abolished.(2)In cases not provided for by sub-section (1) or by any other law for the time being in force, the court shall decide the suit or proceeding according to justice, equity and good conscience.

43. Holidays.

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

44. Pending proceedings.

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

45. Repeal and savings.

(1) Manipur State Courts Act, 1947 as amended by the Manipur State Courts (Amendment) Order, 1950, is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken (including any appointment or delegation made, order, instrument or direction issued, rule or regulation made under this Act) shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or any action taken under the relevant provisions of this Act.

46.

[Omitted]