

# **The Code Of Civil Procedure (West Bengal Amendment) Act, 1988**

WEST BENGAL

India

## **The Code Of Civil Procedure (West Bengal Amendment) Act, 1988**

### **Act 15 of 1988**

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The Code Of Civil Procedure (West Bengal Amendment) Act, 1988 West Bengal Act 15 of 1988 [5th November, 1988.] Assent of the President of India was first published in the Calcutta Gazette, Extraordinary, of the 5th November, 1988. An Act to amend the Code of Civil Procedure, 1908, in its application to West Bengal. Whereas it is expedient to amend the Code of Civil Procedure, 1908, in its application to West Bengal, for the purpose and in the manner hereinafter appearing; It is hereby enacted as follows :-

### **1. Short title and commencement. -**

(1) This Act may be called the Code of Civil Procedure (West Bengal Amendment) Act, 1988. (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

### **2. Application of the Act. -**

The Code of Civil Procedure, 1908 (hereinafter referred to as the principal Act) shall, in its application to West Bengal, be amended for the purpose and in the manner hereinafter provided.

### **3. Insertion of new section 115A in Act 5 of 1908. -**

In Part VIII of the principal Act, after section 115, the following section shall be inserted :- "115A. District Court's powers of revision. - (1) A District Court may exercise all or any of the powers which may be exercised by the High Court under section 115. (2) Where any proceeding by way of revision is commenced before a District Court in pursuance of the provisions of sub-section (1), the provisions of section 115 shall, so far as may be, apply to such proceeding and references in the said section to

the High Court shall be construed as references to the District Court.(3)Where any proceeding for revision is commenced before the District Court, the decision of the District Court on such proceeding shall be final and no further proceeding by way of revision shall be entertained by the High Court or any other Court.(4)If any application for revision has been made by any party either to the High Court under section 115 or to the District Court under this section, no further application by the same party shall be entertained by the other of them.(5)A Court of an Additional Judge shall have and may exercise all the powers of a District Court under this section in respect of any proceeding which may be transferred to it by or under any general or special order of the District Court.".