

# Gujarat Morning and Evening Family Court Rules, 2013

GUJARAT

India

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### Rule

### GUJARAT-MORNING-AND-EVENING-FAMILY-COURT-RULES-2013 of 2013

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Gujarat Morning and Evening Family Court Rules, 2013Published vide Notification No. Gujarat Government Gazette, Extraordinary, Part 4-C, No. 3, dated 16.1.2014Last Updated 5th November, 2019Whereas Department of Law and Justice has proposed a number of initiatives for improvement of justice delivery system; the first being increasing the working hours of the Courts, using the existing infrastructure by holding Morning or Evening or Shift Court;And whereas Section 21 of the Family Courts Act, 1984, empowers the High Court to make rules providing for holding of sittings of Family Courts on holidays and outside normal working hours and the High Court has decided to hold the sittings of Family Courts beyond the normal working hours;Now, therefore in exercise of the powers conferred by the proviso under Articles 309, 227 and 235 of the Constitution of India and Section 23 of the Family Courts Act, 1984, and of all the other powers enabling her in this behalf, the Governor of Gujarat, in consultation with the High Court of Gujarat, hereby makes the following Rules for holding sittings of the Family Courts in the Mornings and Evening, and the matters connected therewith and incidental thereto, namely:-

#### 1. Short title, commencement and application.

- (i) These Rules may be called, "Gujarat Morning and Evening Family Court Rules, 2013".(ii)These Rules shall come into force on the date of publication in the Official Gazette,(iii)These Rules shall apply to the Family Courts, established in the State of Gujarat under Section 3 of the Family Courts Act, 1984,

## **2. Definitions.**

- In these Rule, unless the context otherwise requires,(a)"Act" means the Family Courts Act, 1984;(b)"District Court" means the Principal Court of original civil jurisdiction, established under Section 5 of The Bombay Civil Courts Act, 1869, in the district, where a Family Court has been established, under Section 3 of the Act and in relation to Family Court, Ahmedabad, it means City Civil Court, Ahmedabad;(c)"Morning Family Court" means the Court notified under Rule 3 of these Rules;(d)"Morning Family Court Judge" means a Judge appointed under Rule 4 of these rules to preside over the Morning Family Court;(e)"Evening Family Court" means the Court notified under Rule 3 of these Rules;(f)"Evening Family Court Judge" means a Judge appointed under Rule 4 of these rules to preside over the Evening Family Court;(g)"High Court" means the High Court of Gujarat;(h)"Judge" means the Judge or, as the case may be, the Principal Judge of a Family Court;(i)"Principal District Judge" means the Principal District Judge of the District Court in the district, where a Family Court has been established under Section 3 of the Act and includes the Principal Judge, City Civil Court, Ahmedabad, in the case of Family Court, Ahmedabad.(j)"Government" means the Government of Gujarat,(k)"Governor" means the Governor of Gujarat;(l)"Staff" means any person or employee working on the establishment of the Family Court or District Court engaged under Section 6 of the Act and The Gujarat Family Courts Rules, 2001.

## **3. Establishment of Morning and Evening Family Courts.**

- The High Court may, by notification, establish as many Morning or Evening Family Courts as it may deem necessary:Provided that the High Court may, having regard to the number of pending cases, Courts, infrastructure, and situation of the Court at. the particular station, establish either a Morning or Evening Court or both:Provided further that the number of Morning or Evening Family Courts, as the case may be, shall not exceed the number of such respective Courts sanctioned by the Government, from time to time.

## **4. Appointment of Judges.**

(1)The High Court may appoint any Principal Judge/Judge of a Family Court to preside over a Morning or evening Family Court, as the case may be, established thereat.(2)The High Court may, by a general order, authorize the Principal Judge of the Family Court to depute the Judge/s of the Family Court to preside over the Morning or Evening Family Court, as the case may be, established thereat, turn by turn.(3)The Government may, in consultation with the High Court, appoint any retired Judicial Officer, in the cadre of District Judge, as Morning or Evening Family Court Judge:Provided that no Judge shall be appointed as or hold the post of a Morning or Evening Family Court Judge after he has attained the age of sixty two years.(4)No in-Service Judicial Officer shall work in the Morning Family Court as well as -Evening Family Court on any single working day meaning thereby, no Judicial Officer shall work both in Evening and Morning Family Court on any single working day.(5)The Principal Judge, and where there is no Principal Judge, the Senior most Judge of the Court, may, from time to time, make such arrangements as he may deem, fit for the distribution of the business of the Court among the Judges of the Court and Morning and Evening

Family Courts, as the case may be, established thereat.

## **5. Appointment of Members of Staff.**

(1)The Principal Judge/Senior most Judge of the Court may depute any member of the staff on the establishment of such Court to be a member of the staff of the Morning or Evening Family Court.(2)The Principal District Judge may depute any member of the staff on the establishment of the District Court to a Morning or Evening Family Court.(3)The Principal Judge/Senior most Judge of the Court, may engage any person who has since retired as a staff of the Subordinate Court, to be the member of the staff of the Morning or Evening Family Court:Provided that no person shall be appointed, or continue to work, as a member of the staff of the Morning or Evening Family Court after he has attained the age of sixty five years.

## **6. Services of Marriage Counselor.**

(1)The High Court may, by a general order, direct that one or more Marriage Counselor attached to any Family Court shall also be attached to the Morning or Evening Family Court, as the case may be, established thereat.(2)Subject to the order of the High Court under sub-rule (1), the Principal Judge/Senior most Judge, may from time to time, depute one or more Marriage Counsel or to work with a Morning or Evening Family Court, as the Case may be, turn by turn:Provided that a Marriage Counsellor shall not be deputed to work with a Morning or Evening Family Court for a period of more than a month at a stretch:Provided further that no Marriage Counsellor shall work in the Morning Family Court as well as Evening Family Court on any single working day.

## **7. Jurisdiction of Morning and Evening Family Court.**

- The Morning and Evening Family Court shall have jurisdiction to entertain, try and dispose of all suits or proceedings, as may be assigned to it by the Principal Judge/Senior most Judge of the Court. Preference shall be accorded to the cases of working and gainfully employed persons for listing of cases in Morning and Evening Court.

## **8. Sitting of Morning Family Court.**

- The Morning Family Court shall hold sitting on every Monday, Wednesday and Friday of all months.

## **9. Working hours for Morning Family Court.**

- The Morning Family Court shall hold its sitting from 08.30 a.m. to 10.30 a.m. on all working days notified for the Court at the station.

## **10. Sitting of Evening Family Court.**

- The Evening Family Court shall hold sitting on every Tuesday, Thursday and on all working Saturdays of all-months.

## **11. Working hours for Evening Family Court.**

- The Evening Family Court shall hold its sitting from 06.30 pm to 08.30 p.m on all working days notified for the Court at the station.

## **12. Remuneration for services in Morning or Evening Family Court.**

(1)Where an in-service Judicial Officer is appointed or deputed to preside over the Morning or Evening Family Court, he shall be paid twenty five percent of his basic pay, as revised from time to time, as additional pay.(2)Where a retired Judicial Officer is appointed as judge of the Morning or Evening Family Court, he shall be paid twenty five per cent of his last drawn basic pay.(3)Where an in-service staff member is appointed, or deputed to work in a Morning or Evening Family Court, he shall be paid twenty per cent of his basic pay, as revised from time to. time, as additional pay.(4)Where a retired member of subordinate judicial staff is appointed to work in a Morning Or Evening Family Court, he shall be paid twenty per cent of his last drawn basic pay.

## **13. Discontinuation of Service.**

- The services of the Morning and Evening Family Court Judge appointed under sub-rule (3) of Rule 4, and a member of staff, appointed under sub-rule (3) of Rule 5 to work in Morning and Evening Family Court, as the case may be, may be discontinued by the appointing authority at any time without notice and without assigning any reason and upon such discontinuation, he shall immediately cease to hold such office:Provided that such discontinuation of service shall neither be treated as a stigma nor carry any disqualification.

## **14. Supervision and Control.**

- Subject to the over all control of the High Court, the Principal Judge/Senior most Judge of the Court, as the case may be, shall have control over, and supervise and monitor the functioning of the Morning and Evening Family Court.

## **15. Savings.**

(1)The law in force, as applicable to the Family Court, shall also be applicable to the Morning and Evening Family Courts established under these rules.(2)The jurisdiction of the Morning and Evening Family Courts to deal- with the suits or proceedings specified in Rule 7 of these rules shall be concurrent with the Family Court.