

The Continuance of Legal Proceedings Act, 1948

UNION OF INDIA

India

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Act 38 of 1948

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An Act to provide for the continuance of certain legal proceedings by or against the Secretary of State. WHEREAS it is expedient to provide for the continuance of certain legal proceedings by or against the Secretary of State in respect of any right of India or any part of India which were pending immediately before the 15th day of August, 1947; It is hereby enacted as follows:-

1. Short title and extent.-

(1) This Act may be called the Continuance of Legal Proceedings Act, 1948. (2) It extends to 2 [the whole of India except 3 [the territories which, immediately before the 1st November, 1956, were comprised in Part B States.]]

2. Interpretation.-

In this Act, "the appointed day" means the 15th day of August, 1947.

3. Continuance of legal proceedings.-

Any legal proceedings which, immediately before the appointed day, - (a) were pending by or against the Secretary of State in any Court within the territories which as from the appointed day became the territories of India by virtue of sub-section (1) of section 2 of the Indian Independence Act, 1947, (10 and 11 Geo. 6, c. 30), and (b) were in respect of any right of India or any part of India, shall - (i) if the right in question was that of the Governor General in Council be continued by or against the Dominion of India; (ii) if the right in question was that of the former Province of Bengal or the Punjab, be continued by or against the Province of West Bengal or East Punjab, as the case may be; and (iii) if the right in question was that of any Governor's Province other than Bengal, the Punjab, the North-West Frontier Province or Sind, be continued by or against that Province.

4. Exclusion of time in computing period of limitation.-

In computing the period of limitation prescribed for any appeal or application to a Court in respect of any such proceedings as aforesaid, the period from the appointed day up to the 28th day of May, 1948 shall be excluded.

5. Repeal.-

(1)The Continuance of Legal Proceedings Ordinance, 1948 (12 of 1948), is hereby repealed.(2)Anything done or any action taken in exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 28th day of May, 1948.

1. This Act, except s. 1 (2), is to remain unmodified by the A.O. 1950.

2. Subs. *ibid.*, for "all the Provinces of India".

3. Subs. by the Adaptation of Laws (No. 3) Order, 1956, for "Part B States".