

# Telangana Small Causes Courts Act, 1330 F

TELENGANA

India

## Telangana Small Causes Courts Act, 1330 F

### Act 6 of 1330

- Published on 1 June 2016
- Commenced on 1 June 2016
- [This is the version of this document from 1 June 2016.]
- [Note: The original publication document is not available and this content could not be verified.]

Telangana Small Causes Courts Act, 1330 F(Act No. 6 of 1330 F)Last Updated 11th January, 2020The Andhra Pradesh (Telangana Area) Small Causes Courts Act, 1330 F in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws (No. 2) Order, 2016, issued in G.O.Ms.No. 46, Law (F) Department, dated 01.06.2016.

## Chapter I Preliminary

### 1. Title, commencement and extent.

- This Act may be called [the Telangana Small Causes Courts Act, 1330 F] [Substituted by G.O.Ms.No. 46, Law (F) Department, dated 01.06.2016.] and shall come into force in [the whole of the State of Telangana] [Substituted by G.O.Ms.No. 46, Law (F) Department, dated 01.06.2016.] from the date of its publication in the Official Gazette.

### 2. Savings.

(1)Where in pursuance of this Act a Court of Small Causes is established, or any Court is invested with the jurisdiction of a Small Causes Court, this Act shall not apply to any proceedings before or after decree in the suits previously instituted.(2)Nothing in this Act shall apply to any special law or to any local law other than the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

### **3. Definition of Court of Small Causes.**

- In this Act, unless there is anything repugnant in the subject or context, "Court of Small Causes" means a Court established under this Act.

## **Chapter II**

### **Establishment and Composition of Court of Small Causes.**

#### **4. Establishment and Composition of Court of Small Causes.**

- The Government may, -(1)establish a Court of Small Causes at any place in the area to which this Act extends and define the local limits of its jurisdiction;(2)appoint a Judge for the Court of Small Causes and if necessary, appoint [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.] or Judges;(3)appoint the place or places at which the Court of such Judge or [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.] or Judges shall be held:Provided that no person shall be appointed as Judge unless he is in the opinion of Government qualified for appointment as a District Judge and no person shall be appointed as a [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.] unless he is in the opinion of Government qualified either to be appointed as an Additional District Judge or as a [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.];(4)When a person is appointed as an [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.] on the ground that in the opinion of Government, he is qualified for appointment as a District Judge, his pecuniary jurisdiction shall be the same as that of a Judge, Small Causes Court, and where a person is appointed as a [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.] on the ground that he is qualified for appointment as a [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.], his pecuniary jurisdiction shall extend to [rupees four thousand] [Substituted by Act No.18 of 1989.] and in either case at the time of his appointment or as soon as possible thereafter, the extent of pecuniary jurisdiction of the [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.] concerned shall be notified in the Official Gazette.

#### **5. Powers of Judge and [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.].**

(1)A [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.] of a Court of Small Causes shall discharge such functions as may be assigned to him by the Judge of that Court and in the discharge of those functions, shall exercise the same powers as the Judge.(2)The Judge of a Court of Small Causes may transfer to himself any case or proceedings pending before a [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.].(3)When the Judge is absent a [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.] may exercise all the powers of the Judge.(4)Nothing contained in this section shall be deemed to authorise a [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No. 29 of 1997.] to exercise powers in excess of his pecuniary jurisdiction.

## Chapter III

### Suits Cognizable by Court of Small Causes

#### 6. Suits cognizable by Court of Small Causes.

(1)A Court of Small Causes shall take cognizance of money-suits arising out of a contract other than a contract of marriage where the value of the suit does not exceed one thousand rupees.But the Government may, at the instance of the High Court, empower such Court to try suits the value of which is upto [rupees ten thousand] [Substituted by Act No.18 of 1989.]:Provided that a Court of Small Causes shall not take cognizance of any suit in which any immovable property or a right therein is affected by a decree.(2)No suit against the Government shall be cognizable by a Court of Small Causes.

#### 7. Return of plaint in suits involving questions of title.

(1)Notwithstanding anything herein contained, when the right of plaintiff and the relief claimed by him in a Court of Small Causes depend upon the proof or disproof of a title to immovable property or any other title which such Court cannot finally determine, the Court may at any stage of the case return the plaint to be presented for the purpose to a Court having jurisdiction to determine the title.(2)When a Court returns a plaint under sub-section (1), it shall comply with the provisions of [sub-rule (2) of Rule 10 of Order 7 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908)] [Substituted for 'sub-section (2) of section 71 of the Hyderabad Civil Procedure Code No.III of 1323 F.' by Andhra Pradesh Adaptation of Laws Order, 1957.] and make such order with respect to costs, as it thinks just and for the purposes of the [Indian] [Now see the Limitation Act, 1963 (Central Act 36 of 1963).] Limitation Act, 1908 (Central Act 5 of 1908) it shall be deemed that the Court was not competent to entertain the suit by reason of a defect of jurisdiction.

## **8. Suits cognizable by Court of Small Causes shall not be tried by other Courts.**

- Save as expressly provided by this Act or by any other law for the time being in force, suits cognizable by a Court of Small Causes shall not, in places where a Court of Small Causes has been established, be tried by any other Court.

## **Chapter IV Procedure.**

### **9. Provisions of Code of Civil Procedure apply.**

(1)A Court of Small Causes shall, in the trial of suits cognizable by it and in proceedings ancillary thereto, as far as possible, follow the provisions of the Code of Civil Procedure 1908, (Central Act 9 of 1908) except those specified in the Schedule annexed hereto:Provided that where a person files an application to set aside a decree passed ex-parte or for a review of judgment, he shall, along with the application, either deposit in the Court the amount due under the decree or in pursuance of the judgment or give such security to the satisfaction of the Court for the execution of the decree or compliance with the judgment, as the Court may direct.(2)Where a person has become liable as surety under sub-section (1), the security may be realised from him in accordance with the provisions of section 145 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

### **10. Powers of chief ministerial officer.**

- When the Judge and the [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.] (if any) of a Court of Small Causes are absent, the chief ministerial officer of the Court may exercise all the powers of the Judge other than the powers of passing judgments and execution of decrees.

### **11. Appeal from certain orders.**

- Where an order specified in clause (h) of sub-section (1) of section 104 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) is made by a Court of Small Causes, an appeal therefrom shall lie to the High Court.

### **12. Revisional powers of the High Court.**

- The High Court may call for and inspect any file of a Court of Small Causes, and pass such order thereon as it thinks fit.

### **13. Finality of decrees and orders of a Court of Small Causes.**

- Subject to the provisions herein contained, every decree or order made under this Act by Court of Small Causes shall be final.

## **Chapter V**

### **. Miscellaneous Provisions.**

### **14. Court of Small causes to be subordinate to District Court and High Court.**

(1)All Courts of Small Causes in the area to which this Act extends shall be subordinate to and subject to the general supervision of the High Court.(2)A Court of Small Causes shall,-(a)keep such registers, books and accounts as the High Court may from time to time prescribe;(b)when requisitioned by the District Court the High Court or the Government, send files, returns and statements as directed.

### **15. Seal.**

- A Court of Small Causes shall use a seal of such form as may be prescribed by Government.

### **16. Other work also may be assigned to Judge of Court of Small Causes.**

(1)Nothing in this Act shall prevent the assigning of the work of a Civil Court to a Judge or [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.] of a Court of Small Causes or the conferring upon him the powers of a Magistrate of any Class or his appointment to any other public office.(2)When a Judge or [Senior Civil Judge] [Throughout the Act for the words 'Additional Judge or Subordinate Judge' wherever they occur the words 'Senior Civil Judge' substituted by Act No.29 of 1997.] is invested with powers under sub-section (1), the ministerial staff of the Court shall be deemed to have been appointed to aid him in the work.

### **17. [ [Repealed (section 17) by Act No.19 of 1972 (vide. section 34 (1)).]**

[XXX]]

### **18. Court invested with jurisdiction of Court of Small Causes to have status of two Courts.**

- Where a Court is invested with the jurisdiction of a Court of Small Causes, such Court shall, for the purposes of this Act and the Code of Civil Procedure, 1908, (Central Act 5 of 1908) be deemed to be a Court of Small Causes with respect to the exercise of that jurisdiction and with respect to the suits which are not cognizable by a Court of Small Causes, a different Court.

## **19. Modification of provisions of Code of Civil Procedure so applied.**

- Notwithstanding anything contained in sections 17 and 18,-(a)when in any Court invested with the jurisdiction of a Court of Small Causes in exercise of that jurisdiction sends a decree for execution to itself as a Court which does not exercise the jurisdiction of a Court of Small Causes, or(b)when a Court in suits which are not cognizable by a Court of Small Causes sends a decree for execution to itself as a Court exercising the jurisdiction of a Court of Small Causes,the documents, specified in rule 6 of Order 21 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) shall not be required to be sent with the decree unless the Court, by order in writing, requires them to be sent.

## **20. Proceedings in cases where Court has ceased to have jurisdiction of Court of Small Causes.**

- Where a Court of Small Causes or a Court invested with the jurisdiction of a Court of Small Causes, has for any cause, ceased to have that jurisdiction, any proceeding in relation to the case instituted whether before or after decree, in the Court which would have jurisdiction in respect of that case, if that case had been instituted on the date of institution of the proceedings:Provided that such Court shall try the case in the same manner as the case instituted in that Court.

## **21. [ Vacation. [Sections 21 and 22 added with marginal headings by Act No.15 of 2005.]**

- The High Court may by notification permit a Court of Small Causes to adjourn from time to time for such period not exceeding in aggregate two months in each year.

## **22. Appointment of vacation Civil Judges.**

(1)Notwithstanding anything contained in this Act or in the Code of Civil Procedure, 1908, (Central Act V of 1908). the High Court may for the duration of the adjournment of any Court of Small Causes in summer vacation, appoint for such Court of Small Causes a Vacation Civil Judge not below the rank of a Chief Judge or Additional Chief Judge.(2)(a)The local limits of the jurisdiction of the Vacation Civil Judge shall be the same as that of Chief Judge of the Small Causes Court;(b)the jurisdiction of the vacation Civil Judge shall extend to all suits, appeals and other proceedings pending in, or cognizable by, any small Causes Courts (whether a Court of Chief Judge, a Court of Additional Judge (Senior Civil Judge) or Rent Controller (Junior Civil Judge) in the unit of Court of Small Causes when such Court are adjourned for summer Vacation.(3)The place at which the Court of the Vacation Civil Judge shall be held, shall the same as the place at which the Court of Chief Judge, Small Causes Court concerned may be held. The Vacation Civil Judge shall have such administrative control over the staff of the Courts in the Unit of Small Causes Courts as the High Court may, by general or special order determine.(4)Notwithstanding the appointment of the Vacation Civil Judge, every Court in the Unit of Small Causes Courts shall during the period it is adjourned for summer vacation, be deemed to be closed for the purposes of section 4 of the Limitation Act, 1963.(5)On the reopening of the Court of Chief Judge, Additional Judge (Senior Civil

Judge) or the Rent Controller (Junior Civil Judge) after the Summer Vacation, all suits, appeals and other proceedings pending in the Court of the Vacation, Civil Judge which, but for this section would have been instituted or pending in such Court of Chief Judge, Court of Additional Judge (Senior Civil Judge) or Rent Controller (Junior Civil Judge) as the case may be, shall stand transferred to the Court concerned and any judgment, decree, order or proceeding, passed by the vacation judge shall, after such transfer, be deemed to be a judgment, decree, order or proceeding passed by the court concerned. (6) Notwithstanding the provisions of sub-section (5), any appeal from the judgment, decree or order of the Court of Vacation Judge, shall, when such appeal is allowed by law, lie to the High Court.]

## **Schedule**

The provisions of the Code of Civil Procedure, 1908, (Central Act 5 of 1908). as specified below shall not apply to Courts of Small Causes and to the Courts invested with the jurisdiction of a Court of Small Causes.

- 1. Provisions relating to the suits which are not cognizable by Court of Small Causes.**
- 2. Provisions relating to the execution of decrees in respect of immovable property or provisions relating to execution of a decree in respect of the right of a partner in a partnership property.**
- 3. Provisions relating to framing of issues.**
- 4. [ Section 9, Rule 1 of Order 2, Rule 2 of Order 10, Rules 1 and 10 of Order 39 and section 92. [Substituted for clauses (4), (5), (6), (8) and (9) by the Andhra Pradesh Adaptation of Laws Order, 1957.]**
- 5. Order 15 except that portion of rule 4 of the said Order which relates to the pronouncement of judgment at once.**
- 6. Rule 5 and Rules 10 to 18 of Order 18.**
- 7. [ [XXX]]**
- 8. Sections 96, 97, 99, 100, 105, 106 and sub-section (2) of section 107 and Orders 41, 42, 43 and 44.**

## **9. Rules 2, 3 and 5 to 7 of Order 47.]**

Note:- Section 6 of [The] [Published in Gazette Extraordinary No.46 dated 22nd October, 1951.] Hyderabad Small Causes Court (Amendment) Act No. XXX of 1951 is as follows:-Notwithstanding anything contained in this Act all suits and proceedings of a Small Causes Court nature pending in any competent Court immediately before the commencement of this Act may be continued and disposed of as if this Act has not been passed.