

Ahmedabad City Courts (Amendment) Act, 1980

GUJARAT

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Act 33 of 1980

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An Act further to amend the Ahmedabad City Courts Act, 1961. It is hereby enacted in the Thirty-first Year of the Republic of India as follows:—* (Received the assent of the President on 21st November, 1980 and published in the "Gujarat Government Gazette" on the 27th November, 1980)

1. Short title and commencement.- (1) This Act may be called the Ahmedabad City Courts (Amendment) Act, 1980.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of section ??? Guj. XIX of 1961.- In the Ahmedabad City Courts Act, 1961 (Guj. XIX of 1961) (hereinafter referred to as "the principal Act"), in section 2,-

(a) before clause (1), the following clause shall be inserted, namely:—"(1A) "Amending Act" means the Ahmedabad City Courts (Amendment) Act, 1980 (Guj. 33 of 1980);"; (b) for clause (2), the following clause shall be substituted, namely:—"(2) "City of Ahmedabad" means the areas within the limits of the City of Ahmedabad as constituted under the Corporations Act, immediately before the specified date: Provided that as and when the limits of the City of Ahmedabad as constituted under the Corporations Act, are altered under sub-section (2) of section 3 of that Act, by the inclusion therein, or exclusion therefrom, of any area, the State Government may, by a notification in the Official Gazette, alter the limits of the City of Ahmedabad as defined in this clause by including therein, or excluding therefrom, with effect on and from such date as may be specified in such notification, any such area as is so included in, or excluded from, the limits of the City of Ahmedabad as constituted under the Corporations Act"; (c) for clause (4), the following clause shall be substituted, namely:—"(4) "Corporations Act" means the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949);"; (d) after clause (6), the following clause shall be added, namely:—"(7) "specified date" means the date of the coming into force of the Amending Act."

3. ??? of Chapter III of Guj. of XIX of 1961.- In the principal Act, Chapter III shall be deleted.

4. Amendment of section 17 of Guj. XIX of 1961.- In the principal Act, to section 17, the following provisos shall be added, namely:-

"Provided that-(a)with effect on and from the specified date, it shall also extend to and come into force in those areas, of the City of Ahmedabad as constituted under the Corporations Act, which, were included in the said City under the said Act, after the appointed day, but before the specified date.(b)with effect on and from the date of inclusion in, or exclusion from, the City of Ahmedabad as defined in clause (2) of section 2, of any area, by a notification issued under the proviso to that clause, it shall also extend to and come into force in the area so included in the said City, or, as the case may be, cease to extend to and be in force in the area so excluded from the said City, by such notification:Provided further that the provisions of the Bombay General Clauses Act, 1904 (Bom. I of 1904) shall, save as otherwise expressly provided in this Act, apply to such cesser in any area as aforesaid as if it were a repeal of an enactment."

5. Amendment of section 19 of Guj. XIX of 1961.- In the principal Act, to section 19, the following provisos shall be added, namely:-

"Provided that the said Bombay Civil Courts Act, 1869 (Act XIV of 1869) and the Provincial Small Cause Courts Act, 1887 (Act IX of 1887) and all rules, notifications and orders made thereunder shall-(a)with effect on and from the specified date cease to apply to or be in force in those areas of the City of Ahmedabad as constituted under the Corporations Act which were included therein under the said Act, after the appointed day, but before the specified date;(b)with effect on and from the date of inclusion in, or exclusion from, the City of Ahmedabad as defined in clause (2) of section 2 of any area by notification issued under the proviso to that clause, cease to apply to or be in force in the areas so included in the said City, or apply to or be in force in the areas so excluded from the said City, by such notification;Provided further that the provisions of the Bombay General Clauses Act, 1904 (Bom. I of 1904), shall save as otherwise expressly provided in this Act, apply to such cesser in any area as aforesaid as if it were a repeal of an enactment."

6. Amendment of section 21 of Guj. XIX of 1961.- In the principal Act, in section 21, the words and figures "the Code of Criminal Procedure, 1898" shall be deleted.

7. Insertion of new sections 22 and 23 in Guj. XIX of 1961.- In the principal Act, after section 21, the following sections shall be inserted, namely:-

"22. Construction of reference to City of Ahmedabad in Acts.- Except where the context otherwise requires, any reference to the City of Ahmedabad in any law for the time being in force other than the Corporations Act shall, in so far as such law relates to the jurisdiction, powers and procedure of

civil courts within the limits of the City of Ahmedabad, be deemed to be a reference to the City of Ahmedabad as defined in clause (2) of section 2.

8. Amendment of Schedule to Guj. XIX of 1961.- In the Schedule to the principal Act-

(1)in the entries relating to the amendments to the Presidency Small Cause Courts Act, 1882 (Act XV of 1882) in its application to the City of Ahmedabad-(a)for entry 1, the following shall be substituted, namely:-"1. After section 1, the following section shall be inserted, namely:-"1A. Extent and commencement in the City of Ahmedabad.- This Act shall extend to, and come into force in the City of Ahmedabad on the date on which the Ahmedabad City Courts Act, 1961 (Guj. XIX of 1961) comes into force:Provided that-(a)with effect on and from the date of the commencement of the Ahmedabad City Courts (Amendment) Act, 1980 (Guj. 33 of 1980) it shall also extend to and come into force in those areas of the City of Ahmedabad as constituted under the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) which were included in the said City under the latter Act after the appointed day, but before the date of the commencement of the former Act,(b)with effect on and from the date of inclusion of or exclusion from, the City of Ahmedabad as defined in clause (2) of section 2 of the Ahmedabad City Courts Act, 1961 (Guj. XIX of 1961) of any area by a notification issued under that clause, it shall also extend to and come into force in the area included in the said City, or as the case may be, cease to extend to and be in force in the area excluded from the said City by such notification:Provided further that the provisions of the Bombay General Clauses Act, 1904 (Bom. I of 1904) shall, save as otherwise expressly provided in the Ahmedabad City Courts Act, 1961 (Guj. XIX of 1961), apply to such cesser in any area as aforesaid as if it were repeal of an enactment.";(b)in entry 2 relating to section 4, clause (2) shall be deleted;(2)the heading "Amendment to the Code of Criminal Procedure, 1898 in its application to the City of Ahmedabad", and the entry thereunder shall be deleted.

23. ??? provisions pending proceeding on inclusion area.- (1) All suits and proceedings (other than appeals or revision applications) cognizable by the City Court which may be pending immediately before the specified date or as the case may be, the date of inclusion in the City of Ahmedabad, of any area by a notification under the proviso to clause (2) of section 2 (hereinafter in this section referred to as "the date of inclusion") in a District Court or the court of a Civil Judge shall stand transferred to the City Court.

(2)All suits and proceedings cognizable by the Small Cause Court which may be pending immediately before the specified date or, as the case may be, the date of inclusion, in the Court of a Civil Judge shall stand transferred to the Small Cause Court.(3)An appeal or revision application against any judgment, decision, decree or order passed before the specified date or as the case may be, the date of inclusion by a Civil Court in the exercise of jurisdiction over any area within the limits of the City of Ahmedabad as defined in clause (2) of section 2 as amended by the Amending Act shall-(i)if it was pending immediately before the specified date or, as the case may be, the date of

inclusion in any District Court or Court of any Civil Judge, other than City Court, stand transferred to the City Court, and(ii)if before the specified date or, as the case may be, the date of inclusion it has not been preferred within the period of limitation to a competent Court, lie within that period to the City Court.(4)A proceeding, appeal or revision application transferred to any court under the foregoing provisions of this section shall be disposed of by such Court, as if it were the Court from which such proceeding, appeal or revision application was so transferred.

24. Special provision for transfer or continuance of pending proceeding ??? exclusion of area.- (1) All suits and proceedings of a civil nature which may be pending in the City Court or the Small Cause Court immediately before the date of exclusion of any area from the City of Ahmedabad as defined in clause (2) of section 2 by a notification under the proviso to that clause (hereinafter in this section referred to as "the date of exclusion") but which would, after such date of exclusion, become cognizable by a District Court, a Court of Civil Judge or the Small Cause Court as a result of the exclusion of such area from the City of Ahmedabad as so defined shall stand transferred to such District Court or, such Court of the Civil Judge, or as the case may be, Small Cause Court.

(2)A proceeding, appeal or revision application transferred to any Court under the foregoing provisions of this section shall be disposed of by such Court, as if it were the court from which such proceeding, or appeal or revision application was so transferred.

25. Removal of doubt.- For the removal of doubts it is hereby declared that the Court established for the City of Ahmedabad under section 3 shall be deemed to be a Court established for the City of Ahmedabad as defined in clause (2) of section 2 as amended by the Amending Act and that the Judges of the said Court, appointed as such Judges and holding office as such immediately before the specified date shall be deemed to have been appointed for the City of Ahmedabad so defined."