

City of Bombay Municipal (Supplementary) Act, 1888

MAHARASHTRA

India

City of Bombay Municipal (Supplementary) Act, 1888

Act 12 of 1888

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For Statement of Objects and Reasons, see Gazette of India, 1888, Part V, page 70 ; and for Proceedings in Council see Gazette of India, 1888, Part VI, pages 99 and 107. The short title was given by Bombay 2 of 1921. An Act to supplement certain provisions of the City of Bombay Municipal Act, 1888 [* * * *] Whereas it is expedient to supplement by legislation in the Council of the Governor General for making Law's and Regulations certain provisions of the [City of Bombay Municipal Act, 1888] [* * * *]; It is hereby enacted as follows:-

1. Confirmation of the City of Bombay Municipal Act, 1888, so far as regards Benches, Magistrates and Courts of Small Causes.-

The [City of Bombay Municipal Act, 1888][* * * *] shall, so far as regards -(a)the jurisdiction thereby conferred upon Appellate Benches of Municipal Authorities and upon Presidency and other Magistrates and Courts of Small Municipal Causes or any Judge of such a Court and (b)the decisions, orders and other proceedings of those Benches, Magistrates and Courts or of any such Judge, be as valid as if they had been passed by the [Central Government] at a meeting for the purpose of making Laws and Regulations.

2. [Reference of questions by the Chief Judge of the Bombay Small Cause Court to the Bombay High Court.] Repealed Bombay LXXVI of 1948.

3. Appeal to the Bombay High Court from certain orders of the Chief Judge of the Bombay Small Cause Court.-

(1)An appeal shall lie to the High Court of Judicature at Bombay from a decision passed by the Chief Judge of the Court of Small Causes of [Bombay under section 503 or section 504]of the [City of Bombay Municipal Act, 1888], when the amount of the claim in respect of which the decision is passed exceeds two thousand rupees.(2)The provisions of the [Code of Civil Procedure] with respect

to appeals from original decrees shall, so far as they can be made applicable, apply to appeals under sub-section (1) and orders passed therein by the High Court may, on application to the Chief Judge of the Court of Small Causes, be executed by him as if they were decrees made by himself.(3)A decision passed by the Chief Judge of the Court of Small Causes of [Bombay under section 503 or section 504] of the [City of Bombay Municipal Act, 1888], shall, if an appeal does not lie therefrom under sub-section (1), be final.

4. Appeal to the Bombay High Court from orders of Presidency Magistrates in Bombay.-

(1)An appeal shall lie to the High Court of Judicature at Bombay from an order passed by a Presidency Magistrate under section 515 of the [City of Bombay Municipal Act, 1888].(2)The High Court may, from time to time, make rules for regulating the admission of appeals under sub-section (1) and the procedure to be followed in the adjudication thereof.(3)When an appeal has been preferred to the High Court under this section, the Municipal Commissioner for the [City of Bombay] shall defer action upon the order of the Presidency Magistrate until the appeal has been disposed of.(4)But, when the appeal has been disposed of, he shall forthwith give effect to the order passed therein by the High Court or if the order of the Presidency Magistrate has not been disturbed by the High Court, then to his order.(5)When disposing of an appeal under this section, the High Court may direct by whom the costs of the appeal are to be paid and whether in the whole or in what part or proportion.(6)Costs so directed to be paid may, on application to a Presidency Magistrate, be recovered by him, in accordance with the direction of the High Court, as if they were a fine imposed by himself.

5. Period of limitation for appeals to the Bombay High Court under the two last foregoing sections.-

An appeal to the High Court of Judicature at Bombay under either of the two last foregoing sections shall, for the purposes of No. 156 of the Second Schedule to the [Indian Limitation Act, 1877]be deemed to be an appeal under the Code of Civil Procedure in a case not provided for by No. 151 and No. 153 of that Schedule.