

IV. Appeals to the Judge and the¹[Civil Appellate Court].

Appeals to the Judge.

414. Appeal shall lie to the Judge against the orders of the Commissioner in the following cases, namely:—

- (1) an order declining to remove a shaft or pipe under section 175;
- (2) an order requiring a building to be set forward under section 215;
- (3) an order requiring the owner or occupier to repair, protect or enclose a place found to be dangerous under section 247;
- (4) an order directing the demolition of an insanitary building under section 300;
- (5) an order directing the demolition of an obstructive building under section 303:

Provided that no such appeal shall lie unless it is filed within one month from the date of the order of the Commissioner.

Appeals against demolition orders.

415. (1) On an appeal being made against a demolition order made under section 300 or 303, the Judge may make such order either confirming or quashing or varying the order as he thinks fit, and he may, if he thinks fit accept from an appellant any such undertaking as might have been accepted by the Commissioner, and any undertaking so accepted by the Judge shall have the like effect as if it had been given to and accepted by the Commissioner under section 300:

Provided that the Judge shall not accept from an appellant upon whom such a notice as in mentioned sub-section (1) of section 300 was served an under-taking to carry out any work unless the appellant complied with the requirements of sub-section (2) of that section.

(2) An appeal shall lie to the ¹[Civil Appellate Court] from a decision of the Judge on an appeal under this section, within one month of such decision, when the rateable value entered in the Commissioner's assessment book in accordance with the provisions of this Act, of the premises to which the demolition order appealed against wholly or partially relates, exceeds two thousand rupees.

(3) A decision passed by the Judge under this section, if an appeal does not lie therefrom under sub-section (2), or if no appeal is filed, and, if an appeal is filed, the decision of the ¹[Civil Appellate Court] in appeal shall, be final.

(4) Any order against which an appeal might be brought under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in section 306, and shall be final and conclusive as to any matters which could have been raised on such appeal, and any such order against which an appeal is brought shall, if and so far as it is confirmed by the Judge or the ¹[Civil Appellate Court], become operative as from the date of the final determination of the appeal.

(5) For the purpose of this section, the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the order appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date when the decision of the ¹[Civil Appellate Court] is given, or in a case where no appeal is brought to the ¹[Civil Appellate Court] upon the expiration of the period within which such an appeal might have been brought, or in a case where no appeal lies to the ¹[Civil Appellate Court], on the date when the decision of the Judge is given.

Appeals against decision of the Judge regarding payment of expenses for works executed.

416. (1) An appeal shall lie to the ¹[Civil Appellate Court] from a decision of the Judge regarding the amount or payment of expenses for any work executed, when the amount of the claim in respect of which the decision is given exceeds two thousand rupees:

Provided that no such appeal shall be heard by the ¹[Civil Appellate Court] unless it is filed within one month from the date of the decision of the Judge.

(2) The decision of the Judge regarding the amount or payment of expenses for any work executed, if no appeal is filed under this section, and, if an appeal is filed, the decision of the ¹[Civil Appellate Court] in such appeal shall be final.

1.. These words were substituted for the words "District court" by Guj. 8 of 1968, s. 8 (2).