

(3) When an appeal is filed under sub-section (1) in respect of a decision regarding the amount or payment of expenses for any work executed, the Commissioner shall defer proceedings for the recovery of the amount determined under the said section to be due pending the decision of the ¹[Civil Appellate Court] and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby determined to be due.

²[416A. The State Government may from time to time, by notification in the *Official Gazette*, prescribe what fee, if any, shall be paid for an appeal to the ¹[Civil Appellate Court] under section 411, 415 or 416:

Fees in appeals before ¹[Civil Appellate Court].

Provided that the ¹[Civil Appellate Court] may, whenever it thinks fit, receive an appeal by or on behalf of a poor person, without payment or on a part payment of the prescribed fees:

Provided further that whenever an appeal made to the ¹[Civil Appellate Court] is settled by agreement of the parties before the hearing, half the amount of the fees paid up shall be repaid by the ¹[Civil Appellate Court] to the party by whom the same may have been paid.]

V. Proceedings before Judge.

417. (1) If the owner of any building or land is prevented by the occupier thereof from complying with any provision of this Act or of any rule, regulation or by-law or with any requisition made under this Act or under any such rule, regulation or by-law in respect of such building or land, the owner may apply to the Judge.

Remedy of owner of building or land against occupier who prevents his complying with any provisions of this Act.

(2) The Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for complying with the said provision or requisition, or to vacate the premises temporarily if the said provision or requisition relates to any action under section 264, involving the safety or convenience of such occupier, and may also, if he thinks fit, direct that the cost of such application and order be paid by the occupier.

(3) After eight days from the date of such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid or to vacate the premises temporarily as shall be prescribed in the said order, and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

(4) Nothing in this section shall affect the powers of the Commissioner under any provision of this Act to cause any premises to be vacated.

418. (1) For the purposes of any inquiry or proceeding under this Act, the Judge may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of a Court of Small Causes by or under ³[the relevant Small Cause Courts Act] and in all matters relating to any such inquiry or proceeding the Judge shall be guided generally by the provisions of the said Act so far as the same are applicable.

Power to summon witnesses and compel production of documents.

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the Judge may hear and determine the case in his absence.

(3) The costs of every such inquiry or proceeding as determined by the Judge, shall be payable by such parties and in such proportions as the Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of a Court of Small Causes constituted under ³[the relevant Small Cause Courts Act]:

Provided that, if such inquiry or proceeding relates to a dispute regarding expenses declared to be improvement expenses by or under any provision of this Act, the amount of the costs directed by the Judge to be paid by the owner or occupier of the premises in

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

2. This section was inserted by Bom. 45 of 1954, s. 2.

3. These words were substituted for the words and figures "the Provincial Small Cause Courts Act, 1887" by Guj. 8 of 1968, s. 8 (4).