

THE FIRST SCHEDULE – *Repealed by section 2 and Schedule I of the Amending Act, 1891 (Act No. XII of 1891).*

THE SECOND SCHEDULE

SUITS EXCEPTED FROM THE COGNIZANCE OF A COURT OF SMALL CAUSES

(*See section 15*)

- (1) A suit concerning any act done or purporting to be done by or by order of the ¹[Government];
- (2) a suit concerning an act purporting to be done by any person in pursuance of a judgment or order of a Court or of a judicial officer acting in the execution of his office;
- (3) a suit concerning an act or order purporting to be done or made by any other officer of the Government in his official capacity, or by a Court of Wards, or by an officer of a Court of Wards in the execution of his office;
- (4) a suit for the possession of immoveable property other than a suit for ejectment of a tenant unless, any other Court or officer has exclusive jurisdiction in the matter or for the recovery of an interest in such property;
- (5) a suit for the partition of immoveable property;
- (6) except in the case of simple mortgage, a suit by a mortgagee of immoveable property for the foreclosure of the mortgage or for the sale of the property, or by a mortgagor of immoveable property for the redemption of the mortgage;
- (7) a suit for the assessment, enhancement, abatement or apportionment of the rent of immoveable property;
- (8) [*Omitted by section 5 of the Provincial Small Cause Courts (Amendment) Ordinance, 1962 (Act No. LI of 1962).*]

¹ The word “Government” was substituted, for the words and comma “Central Government, Government representative or the Provincial Government” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(9) a suit concerning the liability of land to be assessed to land-revenue;

(10) a suit to restrain waste;

(11) a suit for the determination or enforcement of any other right to or interest in immoveable property;

(12) a suit for the possession of an hereditary office or of an interest in such an office, including a suit to establish an exclusive or periodically recurring right to discharge the functions of an office;

(13) a suit to enforce payment of the allowance or fees respectively called *malikana* and *hakk*, or of cesses of other dues when the cesses or dues are payable to a person by reason of his interest in immoveable property or in an hereditary office or in a shrine or other religious institution but nothing in this article shall apply to any claim for money based on contract in writing;

(14) a suit to recover from a person to whom compensation has been paid under the ²[Land Acquisition Act, 1894], the whole or any part of the compensation;

(15) a suit for the specific performance or rescission of a contract;

(16) a suit for the rectification or cancellation of an instrument;

(17) a suit to obtain an injunction;

(18) a suit to enforce a trust, including a suit to make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust, and a suit by a co-trustee to enforce against the estate of a deceased trustee a claim for contribution;

² The words, comma and figure “Land Acquisition Act, 1894” were substituted, for the words, comma and figure “Land Acquisition Act, 1870” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(19) a suit for a declaratory decree, not being a suit instituted under³[Order XXI, rules 63 and 100 of the Code of Civil Procedure, 1908];

(20) [Omitted by section 5 of the Provincial Small Cause Courts (Amendment) Ordinance, 1962 (Ordinance No. LI of 1962).]

(21) a suit to set aside an attachment of immoveable property by a Court or a revenue-authority, or a sale, mortgage, lease or other transfer of immoveable property by a Court or a revenue-authority or by a guardian;

(22) a suit for property which the plaintiff has conveyed while insane;

(23) a suit to alter or set aside a decision, decree or order of a Court or of a person acting in a judicial capacity;

(24) a suit to contest an award;

(25)-(26) [Omitted by section 5 the Provincial Small Cause Courts (Amendment) Ordinance, 1962 (Ordinance No. LI of 1962).]

⁴[(27) a suit under sections 360 and 361 of the Succession Act, 1925, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets];

(28) a suit for a legacy or for the whole or a share of a residue bequeathed by a testator, or for the whole or a share of the property of an intestate;

(29) a suit—

(a) for a dissolution of partnership or for the winding up of the business of a partnership after its dissolution;

(b) for an account of partnership transactions; or

(c) for a balance of partnership-account, unless the balance has been struck by the parties or their agents;

³ The words, letter, commas and figure “Order XXI, rules 63 and 100 of the Code of Civil Procedure, 1908” were substituted, for the words and figures “section 283 or section 332 of the Code of Civil Procedure” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁴ Item (27) was substituted, for item (27) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(30) a suit for an account of property and for its due administration under decree;

(31) any other suit for an account, including a suit by a mortgagor, after the mortgage has been satisfied, to recover surplus collections received by the mortgagee, and a suit for the profits on immoveable property, but not including suit, for mesne profits, belonging to the plaintiff which have been wrongfully received by the defendant;

(32) a suit for a general average loss or for salvage;

(33) a suit for compensation in respect of collision between ships;

(34) a suit on a policy of insurance or for the recovery of any premium paid under any such policy;

(35) a suit for compensation–

- (a) for loss occasioned by the death of a person caused by actionable wrong;
- (b) for wrongful arrest, restraint or confinement;
- (c) for malicious prosecution;
- (d) for libel;
- (e) for slander;
- (f) for adultery or seduction;
- (g) for breach of contract of betrothal or promise of marriage;
- (h) for inducing a person to break a contract made with the plaintiff;
- (i) for obstruction of an easement or diversion of a water-course;

⁵[(ii) for an act which is, or, save for the provisions of Chapter IV of the
⁶[Penal Code], would be, an offence punishable under Chapter XVII
of the said Code;]

- (j) for illegal, improper or excessive distress, attachment or search, or for trespass committed in, or damage caused by, the illegal or improper execution of any distress, search or legal process;
- (k) for improper arrest under ⁷[provisions of the Code of Civil Procedure, 1908,] or in respect of the issue of an injunction wrongfully obtained under Chapter XXXV of that Code; or
- (l) for injury to the person in any case not specified in the foregoing sub-clauses of this clause;

(36) a suit by a ⁸[Muslim] for exigible (mu'ajjal) or deferred (mu'wajjal) dower;

(37) a suit for the restitution of conjugal rights, for the custody of a minor, or for a divorce;

(38) a suit relating to maintenance, except where a claim for maintenance is based on contract in writing;

(39) a suit for arrears of land-revenue, village-expenses or other sums payable to the representative of a village-community or to his heir or other successor in title;

(40) a suit for profits payable by the representative of a village-community or by his heir or other successor in title after payment of land-revenue, village-expenses and other sums;

⁵ Sub-clause (ii) was inserted by section 2 of the Provincial Small Cause Courts (Amendment) Act, 1914 (Act No. VI of 1914).

⁶ The words “Penal Code” was substituted, for the words “Pakistan Penal Code” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁷ The words and commas “provisions of the Code of Civil Procedure, 1908,” were substituted, for the words “Chapter XXXIV of the Code of Civil Procedure” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁸ The word “Muslim” was substituted, for the word “Muhammadan” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(41) a suit for contribution by a sharer in joint property in respect of a payment made by him of money due from a co-sharer, or by a manager of joint property, or a member of an undivided family in respect of a payment made by him on account of the property or family;

(42) a suit by one of several joint mortgagors of immoveable property for contribution in respect of money paid by him for the redemption of the mortgaged property;

(43) a suit against the Government to recover money paid under protest in satisfaction of a claim made by a revenue-authority on account of an arrear of land-revenue or of a demand recoverable as an arrear of land-revenue;

(43A) a suit to recover property obtained by an act which is, or, save for the provisions of Chapter IV of the ⁹[Penal Code], would be, an offence punishable under Chapter XVII of the said Code;

(44) a suit the cognizance whereof by a Court of Small Causes is barred by any enactment for the time being in force.

THIRD SCHEDULE

(See section 27A)

In the Court of Small Cause.....
A. B. (Plaintiff)

versus
C. D. (defendant).

A. B. of, in the town of, makes oath (or affirms) and says that C. D., of, is justly indebted to, in the sum of Tk., for arrears of rent of the house and premises No., situate at, the house and premises No., situate at, in the town of, due for months, to wit, from to, at the rate of Tk..... per mensem.

Sworn or affirmed before me theday of 19

Judge (or Registrar).

⁹ The words "Penal Code" were substituted, for the words "Pakistan Penal Code" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).