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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE PRESIDENCY SMALL CAUSE COURTS

(GUJARAT AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 3 OF 2015.

A BILL

further to amend the Presidency Small Cause Courts Act, 1882 in its application to the City of Ahmedabad, for the purposes hereafter appearing.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Presidency Small Cause Courts (Gujarat Amendment) Act, 2015. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 18 of XV of 1882. 2. In the Presidency Small Cause Courts Act, 1882, in its application **XV of 1882.** to the City of Ahmedabad (hereinafter referred to as "the principal Act"), in

section 18, for the words "two lacs rupees" wherever they occur, the words "ten lacs rupees" shall be substituted.

Amendment of section 20 of XV of 1882. 3. In the principal Act, in section 20, for the words "two lacs rupees" wherever they occur, the words "ten lacs rupees" shall be substituted.

Amendment of section 22 of XV of 1882. 4. In the principal Act, in section 22, in clause (b), for the words "two lacs rupees", the words "ten lacs rupees" shall be substituted.

Amendment of section 41 of XV of 1882. 5. In the principal Act, in section 41, for the words "two lacs rupees", the words "ten lacs rupees" shall be substituted.

Substitution of section 71 of XV of 1882. 6. In the principal Act, for section 71, the following section shall be substituted, namely:-

Court-fees. "71. The Court-fees leviable in suits, appeals and applications under this Act shall be the same as are leviable under Chapter II of the Gujarat Court-fees Act, 2004 and the provisions of that Act shall, *mutatis mutandis*, apply to the recovery of such court-fees."

Guj. 4 of 2004.

Substitution of section 72 of XV of 1882. 7. In the principal Act, for section 72, the following section shall be substituted, namely:-

Process fees. "72. Save as otherwise provided by or under any provision of this Act, the fees chargeable for serving and executing any processes issued by the Small Cause Court, Ahmedabad shall be the same as are prescribed by the High Court of Gujarat under section 32 of the Gujarat Court-fees Act, 2004."

Guj. 4 of 2004.

Transfer of pending cases. 8. All suits and applications of a civil nature wherein the subject matter exceeds in amount or value two lacs rupees but does not exceed ten lacs rupees pending in the Courts of City Civil, Ahmedabad immediately before the commencement of the Presidency Small Cause Courts (Gujarat Amendment) Act, 2015 shall after such commencement, stand transferred, to and be disposed of by the Judge, Court of Small Cause, Ahmedabad within the local limit of his ordinary jurisdiction. **Guj.of 2015.**

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Presidency Small Cause Courts Act, 1882, the pecuniary jurisdiction of the Small Cause Court is rupees two lacs since 2002. The pecuniary jurisdiction of Civil Judge whose cadre is lower than that of the Judge of the Small Cause Court has been raised upto rupees ten lacs in 2014. Considering this aspect and in view of the fall in the purchase value of the rupee and the substantial appreciation in value of immovable property in the recent times, it is considered necessary to raise such jurisdiction of the Small Cause Court from two lacs rupees to ten lacs rupees. *Clauses 2, 3, 4, 5 and 8* of the Bill provide for the same.

At present court-fees in suits, appeals and applications, filed in the Small Cause Courts and fees for process are leviable as per the provisions of the Gujarat Court-fees Act, 2004. Therefore, sections 71 and 72 of the said Act of 1882 are proposed to be amended suitably. *Clauses 6 and 7* of the Bill provide for the same.

This Bill seeks to amend the said Act to achieve the aforesaid object.

PRADEEPSINH JADEJA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Gandhinagar,
Dated the 12th February, 2015.

PRADEEPSINH JADEJA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 12th February, 2015

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.