

**THE SMALL CAUSE COURTS LAWS
(GUJARAT AMENDMENT) BILL, 2020.**

GUJARAT BILL NO. 6 OF 2020.

A BILL

further to amend the Presidency Small Cause Courts Act, 1882 in its application to the City of Ahmedabad and the Provincial small Cause Courts Act, 1887 in its application to the State of Gujarat.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Small Cause Courts Laws (Gujarat Amendment) Act, 2020.

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 to the City of Ahmedabad (hereinafter referred to as "the Presidency Small Cause Courts Act"), in section 18, for the words "ten lacs rupees" wherever they occur, the words "twenty-five lacs rupees" shall be substituted. **XV of 1882.**
- Amendment of section 20 of XV of 1882.** 3. In the Presidency Small Cause Courts Act, in section 20, for the words "ten lacs rupees" wherever they occur, the words "twenty-five lacs rupees" shall be substituted.
- Amendment of section 22 of XV of 1882.** 4. In the Presidency Small Cause Courts Act, in section 22, in clause (b), for the words "ten lacs rupees", the words "twenty-five lacs rupees" shall be substituted.
- Amendment of section 41 of XV of 1882.** 5. In the Presidency Small Cause Courts Act, in section 41, for the words "ten lacs rupees", the words "twenty-five lacs rupees" shall be substituted.
- Amendment of section 15 of IX of 1887.** 6. In the Provincial Small Cause Courts Act, 1887, in its application to the State of Gujarat, in section 15, in sub-section (3), for the words "ten lacs rupees", the words "twenty-five lacs rupees" shall be substituted. **IX of 1887.**
- Transfer of pending cases.** 7. All suits and applications of a civil nature wherein the subject matter exceeds in amount or value ten lacs rupees but does not exceed twenty-five lacs rupees pending in the Courts of City Civil, Ahmedabad or, as the case may be, in any district court immediately before the commencement of the Small Cause Courts Laws (Gujarat Amendment) Act, 2020 shall after such commencement, stand transferred to and be disposed of by the Judge, Court of Small Cause, Ahmedabad or, as the case may be, Judge, Small Cause Court, within the local limit of his ordinary jurisdiction. **Guj.of 2020.**

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Presidency Small Cause Courts Act, 1882 and the Provincial Small Cause Courts Act, 1887, the pecuniary jurisdiction of the Small Cause Court is rupees ten lacs since 2015. 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 twenty-five lacs in 2020. 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 time, it is considered necessary to raise such jurisdiction of the Small Cause Courts from ten lacs rupees to twenty-five lacs rupees. *Clauses 2, 3,4,5,6 and 7* of the Bill provide for the same.

This Bill seeks to amend both the said Acts 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.

Dated the 19th March, 2020.

PRADEEPSINH JADEJA.

*ANNEXURE***EXTRACT FROM THE PRESIDENCY SMALL CAUSE COURTS ACT,
1882.****(XV OF 1882)**

**Suits in
which Court
has
jurisdiction.**

18. Subject to the exceptions in section 19, the Small Cause Court shall have jurisdiction to try all suits of a civil nature-

when the amount or value of the subject-matter does not exceed ten lacs rupees; and -

(a) the cause of action has arisen, either wholly or in part, within the local limits of the jurisdiction of the Small Cause Court, and the leave of the Court has, for reasons to be recorded by it in writing, been given before the institution of the suit; or

(b) all the defendants, at the time of the institution of the suit, actually and voluntarily reside, or carry on business or personally work for gain, within such local limits; or

(c) any of the defendants at the time of the institution of the suit, actually and voluntarily resides, or carries on business or personally works for gain, within such local limits, and either the leave of the Court has been given before the institution of the suit, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution:

Provided that where the cause of action has arisen wholly within the local limits aforesaid, and the Court refuses to give leave for the institution of the suit, it shall record in writing its reasons for such refusal.

Explanation I.- When in any suit the sum claimed is, by a set-off admitted by both parties, reduced to a balance not exceeding "ten lacs rupees", the Small Cause Court shall have jurisdiction to try such suit.

Explanation II.- Where a person has a permanent dwelling at one place and also a lodging at another place for a temporary purpose only, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary lodging.

Explanation III.- A Corporation or Company shall be deemed to carry on business at its sole or principal office in India, or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

20. When the parties to a suit, which, if the amount or value of the subject-matter thereof did not exceed ten lacs rupees, would be cognizable by the Small Cause Court, have entered into an agreement in writing that the Small Cause Court, shall have jurisdiction to try such suit, the Court shall have jurisdiction to try the same, although the amount or value of the subject-matter thereof may exceed ten lacs rupees.

Court may by consent try suits beyond pecuniary limits of jurisdiction.

Every such agreement shall be filed in the Small Cause Court, and, when so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.

22. In any suit instituted in the Ahmedabad City Civil Court, other than a suit to which section 21 applies, if the Judge who tries it is of opinion that it ought to have been instituted in the Small Cause Court, then-

Costs when plaintiff sues in Ahmedabad City Civil Court in other cases cognizable by Small Cause Court.

(a) XXX XXX XXX

(b) if the plaintiff obtains a decree for any matter of an amount or value less than ten lacs rupees no costs shall be allowed to the plaintiff.

**Summons
against
person
occupying
property
without
leave.**

41. When any person has had possession of any immovable property situate within the local limits of the Small Cause Court's jurisdiction and of which the annual value at a rack-rent does not exceed ten lacs rupees,

as the tenant, or by permission, or another person, or of some person through whom such other person claims, and such tenancy or permission has determined or been withdrawn,

and such tenant or occupier or any person holding under or by assignment from him (hereinafter called the occupant) refuses to deliver up such property in compliance with a request made to him in this behalf by such other person,

such other person (hereinafter called the applicant) may apply to the Small Causes Court for a summons against the occupant, calling upon him to show cause, on a day therein appointed, why he should not be compelled to deliver up the property.

ANNEXURE

**EXTRACT FROM THE PROVINCIAL SMALL CAUSE COURTS ACT,
1887.**

(IX OF 1887)

**Cognizance
of suits by
Courts of
Small
Causes.**

15. (1) and (2)

XXX

XXX

XXX

(3) Subject as aforesaid, the State Government may, by order in writing, direct that all suits of a civil nature of which the value does not exceed ten lacs rupees shall be cognizable by a Court of Small Causes mentioned in the order.

GUJARAT LEGISLATURE SECRETARIAT

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further to amend the Presidency Small Cause Courts Act, 1882 in its application to the City of Ahmedabad and the Provincial small Cause Courts Act, 1887 in its application to the State of Gujarat.

**[SHRI PRADEEPSINH JADEJA,
MINISTER OF STATE FOR LAW]**

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**D.M.Patel,
Secretary,
Gujarat Legislative Assembly.**