



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ९, अंक ४३]

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असाधारण क्रमांक ७५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay City Civil Court (Amendment) Bill, 2023 (L. A. Bill No. XXXVII of 2023), introduced in the Maharashtra Legislative Assembly on the 28th July 2023, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,

Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XXXVII OF 2023.

A BILL

further to amend the Bombay City Civil Court Act, 1948.

Bom.
XL of
1948.

WHEREAS it is expedient further to amend the Bombay City Civil Court Act, 1948, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Bombay City Civil Court (Amendment) Short title. Act, 2023.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

(१)

Amendment
of section 3 of
Bom. XL of
1948.

2. In section 3 of the Bombay City Civil Court Act, 1948 (hereinafter referred to as “the principal Act”),—

Bom.
XL of
1948.

(i) for the words “, not exceeding rupees one crore in value,” the words “, not exceeding rupees ten crore in value,” shall be substituted;

(ii) the proviso shall be deleted.

Amendment
of section 4A
of Bom. XL of
1948.

3. In section 4A of the principal Act, in sub-section (1), for the words, figures and brackets “section 4 of the Bombay City Civil Court (Amendment) Act, 2012” the words, figures and brackets “section 2 of the Bombay City Civil Court (Amendment) Act, 2023” shall be substituted.

Mah. XXV
of 2012.
Mah.
of 2023.

Power to
remove
difficulty.

4. (1) If any difficulty arises in giving effect to the provisions of the Bombay City Civil Court Act, 1948, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything, not inconsistent with the provisions of the Bombay City Civil Court Act, 1948, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Bom.
XL of
1948

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The Bombay City Civil Court Act, 1948 (Bom. XL of 1948) was enacted to establish an additional Civil Court for Greater Bombay having jurisdiction to receive, try and dispose of all suits and proceedings of a civil nature arising within Greater Bombay except the suits and proceedings cognizable by the High Court and the Small Cause Court as mentioned in section 3 of the said Act. The said law was enacted with a view to reduce the burden of the Bombay High Court as the principal Civil Court of original jurisdiction for the City of Greater Bombay so that the jurisdiction of the High Court in respect of certain civil matters would be conferred on the City Civil Court.

2. Since 2012, the pecuniary jurisdiction of the Bombay City Civil Court to receive, try and dispose of all suits and other proceedings of a civil nature is not exceeding rupees one crore in value. Over the period of more than ten years, the value of properties in Mumbai has escalated sharply. Due to sharp escalation in the value of properties, the valuation of civil suits relating to properties in Mumbai have also been increased, resulting in filing of more number of suits in the High Court instead of the Bombay City Civil Court. In order to reduce the work load of the Bombay High Court, it is necessary to increase the pecuniary jurisdiction of the Bombay City Civil Court upto rupees ten crores. As a result of proposed amendment, 8672 civil suits pending before the Bombay High Court, will be transferred to the Bombay City Civil Court which will help in speedy disposal of those suits. This will also be convenient to the litigants. It is, therefore, considered expedient to amend section 3 of the Bombay City Civil Court Act, 1948, suitably.

3. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 27th July 2023.

DEVENDRA FADNAVIS,
Deputy Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely:—

Clause 1(2).—Under this clause, power is taken to the State Government to bring the Act into force on such date as it may, by notification in the *Official Gazette*, appoint.

Clause 4.—Under this clause, power is taken to the State Government to remove, by an order published in the *Official Gazette*, any difficulty which may arise, within a period of two years from the date of commencement of this Act, in giving effect to the provisions of the said Act, as amended by this Act.

2. The above-mentioned proposals for delegation of legislative power are of the normal character.