SCAN TO VERIFY
LAW DEPARTMENT
GOVERNMENT OF SINDH
www.sindhlaws.gov.pk

WEST PAKISTAN ORDINANCE NO.II OF 1962.

THE SIND CIVIL COURTS ORDINANCE, 1962.

[8th January, 1962.]

AN ORDINANCE

to amend and consolidate the la relating to Civil Courts in the Province of [1][Sind]

[PREAMBLE,] Omitted by the Sind Repealing and Amending Act, 1975 (Sind XVII of 1975), s, 3, Sch.II, Pt.III.

CHAPTER I
PRELIMINARY

Short title, extent and commence-ment.

1. (1) This Ordinance may be called the [1][Sind] Civil Courts Ordinance, 1962.

[2][(2) It extends to the whole of the Province of Sind.]

[3][(3) It shall come into force at once.]

Definitions.

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say--

(a) "Government" means the Government of [1][Sind];

(b) "High Court" means the High Court of [4][Sind and Baluchistan];

(c) "Land" means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agriculture purposes or purposes subervient to agriculture or for pasture, and including the sites of buildings and other structures on such lands;

---

1. Subs. by the Sindh Adaptation of Laws Order, 1975, Art.2, Sch., Pt.III, FOR "West Pakistan".
2. The original sub-section (2) has been amended by W.P.A.O., 1964, Art.2, Sch., Pt.VIII and the Sind Adaptation o Laws Order, 1975, Art.2, Sch., Pt.III, to read as above.
3. Subs. by Sind Act XVII of 1975, s.3, Sch.II Pt.III, for original sub-section (3).
4. Subs. by the Sind Adaptation of Laws Order, 1975, Art.2, Sch., Pt.III, for "West Pakistan".

(d) "Land suit" means a suit relating to land or to any right or interest in land;

(e) "Prescribed" means prescribed by rules made under this Ordinance;

(f) "Small cause" means a suit of the nature cognizable by a Court of Small Causes under the Provincial Small Cause Courts Act, 1887;

(g) "Un-classed suit" means a suit which is neither a small cause nor a land suit; and

(h) "Value" used with reference to a suit means the amount or value of the subject matter of the suit.

CHAPTER II
CIVIL COURTS.

Classes of Courts.

3. Besides the Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887, and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts, namely: -- IX of 1887

(a) the Court of the District Judge;

(b) the Court of the Additional District Judge; and

(c) the Court of the Civil Judge.

Civil District.

4. For the purposes of this Ordinance, Government may, by notification,[1] divide the Province into civil districts, fix the limits of such districts and determine the headquarters of each such district. IX of 1887.

District Judges.

5. Government shall, in consultation with the High Court, appoint as many persons as it thinks necessary to be District Judges and post a District Judge to each district:

Additional District Judges.

6. (1) Government may, in consulta-tion with the High Court, appoint as many Additional District Judges as may be necessary.

(2) An Additional District Judge shall discharge such functions of a District Judge as the District Judge may assign to him, and in the discharge of those functions he shall exercise the same powers as the District Judge.

[1]For notification dividing the Province into civil districts, etc., *see Gazette of West Pakistan*, 1963, Part I, p.14.

[1][7. Subject to any law for the time being in force, the original jurisdiction of the Court of District Judge in Civil Courts and proceedings shall be without limit of the value thereof excepting in the Karachi District where the original jurisdiction in civil suits and proceedings of the value exceeding one lac of rupees shall be exercised by the High Court.]

[2][Provided that the Civil Suits and proceedings of the value not exceeding one lac of rupees in respect of Karachi District pending in the High Court immediately before the commencement of the Sind Civil Courts (Amendment) Ordinance, 1981 shall be disposed of by the High Court except the suits and proceedings which on coming into force of the afore-mentioned Amendment Ordinance, stood transferred to the District Court and have already been decided by the said Court.]

Original jurisdiction of District Judges in suits.

8. Government may, in consultation with the High Court—

(a) fix the number of Civil Judges to be appointed;

(b) make rules prescribing qualifications for recruitment of persons as Civil Judges; and

(c) appoint as many Civil Judges as may be deemed necessary.

Pecuniary limits of jurisdiction of Civil Judges.

9. The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Civil Judge shall be determined by the High Court either by including him in a class or otherwise as it thinks fit.

Local limit of jurisdiction.

10. (1) The local limits of the jurisdiction of a Civil Judge shall be such as the High Court may define.

(2) When the High Court posts a Civil Judge to a district, the local limits of the district shall in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

X of 1887.

Power to invest Civil Judges with Small Cause Court jurisdiction.

11. The High Court may, by notification, within such local limits as it thinks fit, confer upon any Civil Judge the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, for the trial of suits, cognizable by such Courts, up to such value not exceeding one thousand rupees as it thinks fit.

XXXIX 1925.

Exercise by Civil Judges of jurisdiction of District Courts in certain proceedings.

12. (1) Notwithstanding anything contained in the Succession Act, 1925, the High Court may, by general or special order, authorise any Civil Judge to take cognizance of or any District Judge to transfer to a Civil Judge under his control, any proceedings or class of proceedings under the said Act.

(2) The District Judge may withdraw any such proceedings taken cognizance of by or transferred to a Civil Judge, and may either himself dispose of them or transfer them to a Court under his control competent to dispose of them:

Provided that noting herein contained shall empower a District Judge to withdraw such proceedings as have been specifically transferred from his Court by The High Court.

(3) Proceedings taken cognizance of by or transferred to a Civil Judge as the case may be, under this section, shall be disposed of by him subject to the rules applicable to like proceedings when disposed of by the District Judge.

Place of sitting of Courts.

13. (1) The High Court may fix the place or places at which any Court under this Ordinance is to be held.

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(3) Except as may be otherwise provided by any order under this section, a Court under this Ordinance may be held at any place within the local limits of its jurisdiction.

Control of Courts and Presiding Officers.

14. (1) All Civil Courts in the areas to which this Ordinance extends shall be subordinate to the High Court, and, subject to the general superintendence and control of the High Court, the District Judge shall have control over all Civil Courts within the local limits of his jurisdiction.

(2) The posting of Civil Judges shall be made by the High Court.

Power to distribute business

V of 1908

15. Notwithstanding anything contained in the Code of Civil Procedure, 1908every District Judge may by written order direct that any civil business cognizable by his Court and the Courts under his control shall be distributed among such Courts in such manner as he thinks fit:

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its jurisdiction.

Delegation of powers by District Judges.

V of 1908

16. A District Judge may, with the previous sanction of the High Court, delegate, in respect of any specified portion of the district, to any Civil Judge in the district, his powers under sections 14 and 15 of this Ordinance and the powers of the District Court under section 24 of the Code of Civil Procedure, 1908, and such powers may be exercised by such Civil Judge subject to the general control of the District Judge.

CHAPTER III

JURISDICTION IN CIVIL APPEALS.

Appeals from District Judges OR Additional District Judges.

17. (1) Save as otherwise provided by any enactment or the time being in force, an appeal from a decree or order of a District Judge or Additional District Judge exercising original jurisdiction shall lie to the High Court.

(2) An appeal shall not lie to the High Court from a decree or order of an Additional District Judge in any case in which, if the decree or order had been made by the District Judge, an appeal would not lie to that Court.

"(1) Save as aforesaid, an appeal from a decree or order of a Civil Judge shall lie to the District Judge."

eals from Judges.

the original suit in which the decree or order was made exceeds twenty five thousand rupees; and

(b) to the District Judge in any other case.

(2) Where the function of receiving any appeal which lie to the District Judge under the last proceeding sub-section has been assigned to an Additional District Judge, the appeals may be preferred to the Additional District Judge.

(3) The High Court may, by notification, direct that appeals lying to the District from all or any of the decrees or orders passed in any original suit by any Civil Judge shall be referred to such other Civil Judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly, and the Court of such Civil Judge shall be deemed to be a District Court for the purposes of all appeals so preferred.

CHAPTER IV

SUPPLEMENTAL PROVISIONS

Continuance of powers of officers.

19. Whenever any person holding an office in the service of the State who has been invested with any powers under this Ordinance throughout any local area is transferred or posted at any subsequent time to an equal or higher office of the same nature within a like local area, he shall, unless the High Court otherwise directs or has otherwise directed, exercise the same powers in the local area to which he is so transferred or posted.

Provisions regarding petition writers.

20. The High Court in consultation with the Board of Revenue, [1][Sind] may make rules consistent with this Ordinance and any other enactment for the time being in force——

(a) declaring what persons shall b permitted to act as petition writers in Courts;

---

1. Subs. by Sindh Adaptation Order, 1975, Art.2, sch. Pt.III, for "West Pakistan.

2 Sub by Sindh Ordinance No. XXX of 2002 dt. 18-9-2002.

(b) Regulating the issue of licences to such persons, the conduct of business by them and the scale of fees to be charged by them; and

(c) Determining the authority by which breaches of such rules shall be investigated and the penalties which may be imposed.

Temporary vacancy of office of District Judge.

21. In the event of the death of a District Judge or of his being prevented from performing his duties by illness or other cause, the Additional District Judge, if any, or in the absence of the Additional District Judge from the district, the senior most of the Civil Judges at the headquarters, shall assume charge of the district without interruption of his ordinary jurisdiction, and while so in charge shall perform the duties of the District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes and the like and shall be designated Additional District Judge or Civil Judge, as the case may be, in charge of the district and shall continue in such charge until the office of the District Judge has been resumed or assumed by an officer duly appointed thereto.

Delegation of powers of the District Judge.

22. Any District Judge, leaving the headquarters and proceedings on duty to any place within his jurisdiction or in the event of his absence from the district on leave may delegate to the Additional District Judge or in the absence of an Additional District Judge to the Senior most of the Civil Judges at the headquarters, the powers of performing any of the duties enumerated in section 21 that may be emergent; and such officer shall be designated Additional District Judge or Civil Judge, as the case may be, in charge of the district.

Temporary vacancy of office of Civil Judge.

23. In the event of the death, suspension or temporary absence or any Civil Judge, the District Judge may empower any other Civil Judge of the District to perform the duties of the Judge of the vacated Civil Court, either at the place of such Court or his own Court, but in every such case the registers and records of the two Courts shall be kept separately.

24. [1][(1) (a) No civil court not having jurisdiction in original suits without limit as regards value;

(b) no court of small causes;

[2](c) no civil court lower than the Court of the District Judge or the Additional District Judge in a suit sought to be filed by a Government servant relating to his service or matters pertaining thereto shall receive, entertain or register, any suit in which Pakistan or any of its Provinces or any public officer as defined in clause (17) of section 2 of the Code of Civil Procedure, 1908 (Act V of 1908) in this official capacity is a party:

Provided that in the Karachi District——

(a) any such suit not being a suit specified in clause (c), if the value thereof does not exceed ~~fifty thousand~~ Thirty Lacs of rupees, may be instituted in the Court of the District Judge, the Additional District Judge or a Civil Judge of the First Class, and in the High Court where the value of the suit exceeds ~~fifty thousand~~ Thirty Lacs of rupees;

(b) a suit as specified in clause (c) may be instituted in the Court of the District Judge or the Additional District Judge if the value thereof does not exceed ~~fifty thousand~~ Thirty Lacs of rupees; and in the High Court where the value exceeds ~~fifty thousand~~ Thirty Lacs of rupees.

(2) (a) In every such case except a suit as specified in clause (c) of sub-section (1), the plaintiff shall be referred to the Court of the Civil Judge having jurisdiction in original suits without limit as regards value and such suit shall be instituted only in the Court of such Civil Judge and shall be heard at the headquarters of the district.

(b) In every such case as specified in clause (c) of sub-section (1), the plaintiff shall be referred to the Court of the District Judge having jurisdiction and such suit shall be instituted only in the Court of such District Judge.

1- Words substituted by Ordinance No. XXX of 2002 dt. 18/9/2002.

(2-A) Notwithstanding anything contained in sub-section (1) and (2) in the Karachi District—

(a) any such suit not being a suit specified in clause (c) of sub-section (1), the value whereof does not exceed ~~fifty~~ thousand rupees may be instituted in and tried by the Court of the District Judge,