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सरकारी राजपत्र OFFICIAL GAZETTE

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन
U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND
DAMAN AND DIU

असाधारण EXTRAORDINARY

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U.T. Administration of Dadra and Nagar Haveli
and Daman and Diu
Department of Law and Justice
Vidyut Bhawan, Nani Daman

NOTIFICATION

No. LAW/U.T. Merge (4) /Adapt. State Law/2022/55

Dated: 30/03/2022

In exercise of the powers conferred by section 19 of the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019 (44 of 2019) and in pursuance of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of Central Law, State Laws and Presidential Regulations) Orders, dated 18th January, 2022 a copy of “**The Dadra and Nagar Haveli and Daman and Diu (Civil Courts and Miscellaneous Provisions) Regulation, 1963 (No. 8 of 1963)**” dated 22/03/2022 is hereby publish in the Official Gazette of this Union territory of Dadra and Nagar Haveli and Daman and Diu for implementation and for general information.

Sd/—
(Rohit P.Yadav)
Secretary Law
Dadra and Nagar Haveli and
Daman and Diu

THE DADRA AND NAGAR HAVELI ¹[AND DAMAN AND DIU](CIVIL COURTS AND MISCELLANEOUS PROVISIONS) REGULATION, 1963
No. 8 of 1963

Promulgated by the President in the Fourteenth Year of the Republic of India.

A Regulation to provide for the constitution of Civil Courts in the Union territory of Dadra and Nagar Haveli ²[and Daman and Diu]for certain other matters.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him: -

1. (1) This Regulation may be called the Dadra and Nagar Haveli³[and Daman and Diu](Civil Courts and Miscellaneous Provisions) Regulation, 1963. **Short title, extent and commencement.**
- (2) It extends to the whole of the Union territory of Dadra and Nagar Haveli⁴[and Daman and Diu].
- (3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

SUBORDINATE COURTS

2. (1) On and from the commencement of this Regulation, in addition to the courts established under any other law for the time being in force, there shall be in the Union territory of Dadra and Nagar Haveli⁵[and Daman and Diu] (which shall be a district for the purpose of this Regulation --
- (a) a court of the District Judge;⁶[*]
(b) ⁷ [a court of the Civil Judge (Senior Division);and
(c) a court of the Civil Judge (Junior Division)]. **Classes of courts.**
- (2) The District Judge and the ⁸[Civil Judges] shall be appointed by ⁹[the Administrator of the Union territory of Dadra and Nagar Haveli] ¹⁰[and Daman and Diu] after consultation with the High Court at Bombay (hereinafter referred to as the High Court).
- 3 The place at which any court under this Regulation **Situation of courts.**

¹Inserted vide the Union territory of Dadra and Nagar Haveli and Daman and Diu (Adaptation of Central Law, State Laws and Presidential Regulations) Order, dated 18th January, 2022, .herein after referred to as the Order, 2022

²Inserted vide Order, 2022

³Inserted vide Order, 2022

⁴Inserted vide Order, 2022

⁵Inserted vide Order, 2022

⁶ The word "and" omitted vide the Amendment Regulation, 2010

⁷ "a Court of the Civil Judge" substituted vide the Amendment Regulation, 2010

⁸ "Civil Judge" substituted vide the Amendment Regulation, 2010

⁹"the Central Government" substituted vide the Amendment Regulation, 2010

¹⁰Inserted vide Order, 2022

shall be held may be fixed and may from time to time be altered by the Administrator of Dadra and Nagar Haveli ¹¹[and Daman and Diu].

- 4 Every court under this Regulation shall use a seal of such form and dimensions as are for the time being prescribed by the Central Government after consultation with the High Court. **Seal of the court.**
5. (1) The court of the District Judge shall be the principal civil court of original jurisdiction in the district within the meaning of the Code of Civil Procedure, 1908. **Jurisdiction of courts of the District Judge and the Civil Judge. (5 of 1908)**
- ¹²[(2) (a)The jurisdiction of the court of the District Judge and the court of the Civil Judge (Senior Division) shall extend to all original suits and proceedings of a civil nature.
- (b) The jurisdiction of the court of the Civil Judge (Junior Division) shall extend to all original suits and proceedings of a civil nature wherein the subject matter does not exceed the value of ¹³[five lakh rupees.]
- (3) The court of the ¹⁴[Civil Judges] shall be subordinate to the court of the District Judge and subject to the general superintendence and control of the High Court, the court of the District Judge shall have general control over the court of the ¹⁵[Civil Judges] and its establishment, and the District Judge may give such directions with respect to matters not provided for by law and he may think necessary.
- ¹⁶[(4) No court other than the court of the Civil Judge (Senior Division) shall receive or register any suit in which the Central Government or the Administrator of the Union territory of Dadra and Nagar Haveli ¹⁷[and Daman and Diu] or any officer of the Government in his official capacity is a party;

Provided that the Administrator of the Union territory of Dadra and Nagar Haveli ¹⁸[and Daman and Diu] may, by general or special order notified in the Official Gazette, direct that the provisions of this sub-section shall not apply to any suit or class or category of suit of

¹¹Inserted vide Order, 2022

¹²Substituted vide the Amendment Regulation, 2010

¹³“one lakh rupees” substituted vide the Amendment Regulation, 2019

¹⁴“Civil Judge” substituted vide the Amendment Regulation, 2010

¹⁵“Civil Judge” substituted vide the Amendment Regulation, 2010

¹⁶Inserted vide the Amendment Regulation, 2010

¹⁷Inserted vide Order, 2022

¹⁸Inserted vide Order, 2022

the nature referred to in that order.

(5) Nothing contained in sub-section (4) shall apply to a suit against the administration of a Government Railway.]

6. (1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of the court of the District Judge shall lie to the High Court. **Appeal**

(2) An appeal from a decree or order of the court of the Civil Judge shall lie -

(a) to the court of the District Judge where the value of the original suit in which or in any proceeding arising out of which the decree or order has been made, does not exceed ¹⁹[ten lakh rupees]; and

(b) to the High Court in any other case.

7. (1) The High Court may invest any court of the Civil Judge with the jurisdiction of a Judge of the court of Small Causes under the Provincial Small Cause Courts Act, 1887, for the trial of small causes suits up to such value, as it may deem proper, not exceeding in the case of the court of the Civil Judge (Senior Division)²¹[twelve thousand rupees] and in the case of the court of the Civil Judge (Junior Division) ²²[Six thousand rupees]. **Small cause jurisdiction of court of the Civil Judge.**

9 of 1887

(2) The High Court may, whenever it thinks fit, withdraw such jurisdiction from any court of the Civil Judge so invested.]

8. (1) The High Court may, by general or special order, authorize the court of the ²³[Civil Judge (Senior Division)] to take cognizance of and the court of the District Judge to transfer to the court of the ²⁴[Civil Judge (Senior Division)], any proceeding or any class of proceedings specified in such order, under -- **Exercise by court of Civil Judge of jurisdiction of court of District Judge in certain proceedings.**

(a) *the Guardians and Wards Act, 1890, or*
 (b) *the Provincial Insolvency Act, 1920, or*
 (c) *the Indian succession Act, 1925.*

8 of 1890.

5 of 1920.

39 of 1925.

(2) The District Judge may withdraw any such proceeding

¹⁹Substituted for the words "ten thousand rupees" in the Regulation 1963, with "fifty thousand rupees" by Amendment Regulation, 1986, with "one lakh rupees" by the Amendment Regulation, 2010 and with "ten lakh rupees" by the Amendment Regulation, 2019

²⁰Substituted by Amendment Regulation, 2010

²¹"three thousand rupees" substituted vide Amendment Regulation, 2019.

²²"one thousand and five hundred rupees" substituted vide Amendment Regulation, 2019

²³"Civil Judge" substituted vide Amendment Regulation, 2010

²⁴"Civil Judge" substituted vide Amendment Regulation, 2010

taken cognizance of by, or transferred to, the court of the ²⁵[Civil Judge (Senior Division)] and may dispose of it himself.

- (3) Proceedings taken cognizance of by, or transferred to, the court of the ²⁶[Civil Judge (Senior Division)] shall be disposed of by it subject to the rules applicable to like proceedings in the court of the District Judge.

- 9 In the event of the death of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties or of his absence from the station in which his court is held the ²⁷[Civil Judge (Senior Division) or in his absence the Civil Judge (Junior Division)] shall, without interruption to his ordinary duties, assume charge of the District Judge's office and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of processes and the like, and shall continue to be in charge of the office until the same is resumed or assumed by an officer duly appointed thereto.

Temporary discharge of duties of District Judge.

- 10 The ministerial officers of the courts of the District Judge and the ²⁸[Civil Judges] shall be appointed by the District Judge.

Ministerial officers of courts.

11. (1) The courts of the District Judge and the ²⁹[Civil Judges] shall have holidays on Sundays ³⁰[****] and such other days as may be sanctioned by the High Court.

Holidays and vacation.

- (2) The High Court may also permit the said courts to adjourn from time to time for periods not exceeding in the whole six weeks in each year.

12. (1) The Advocates Act, 1961, as amended by sub-section (2), shall extend to, and come into force in, the Union territory of Dadra and Nagar Haveli³¹[and Daman and Diu]:

Extension of the Advocates Act, 1961.

Provided that the provisions of the said Act which havenot been brought into force immediately

²⁵ "Civil Judge" substituted vide Amendment Regulation, 2010

²⁶ "Civil Judge" substituted vide Amendment Regulation, 2010

²⁷ "Civil Judge" substituted vide Amendment Regulation, 2010

²⁸ "Civil Judge" substituted vide Amendment Regulation, 2010

²⁹ "Civil Judge" substituted vide Amendment Regulation, 2010

³⁰ "New Year's Day, Good Friday and Christmas Day" omitted vide Order, 2022

³¹ Inserted vide Order, 2022

before the commencement of this Regulation in the areas to which the said Act extends shall come into force only on such date or dates as the Central Government may, by notification under sub-section (3) of section 1 of the said Act, appoint.

- (2) In sub-section (1) of section 3 of the said Act, -
- (i) in clause (a), the word "Maharashtra" shall be omitted;
- (ii) after clause (c), the following clause shall be inserted, namely: -
- "(cc) for the State of Maharashtra and the Union territory of Dadra and Nagar Haveli³²[and Daman and Diu], to be known as the Bar Council of Maharashtra;"

13. (1) Any proceedings of a civil nature pending in a court immediately before the commencement of this Regulation shall, on such commencement, be deemed to be transferred to the court exercising jurisdiction under this Regulation or the High Court in which the proceedings would have lain if it had been instituted after such commencement, and the court to which the proceedings is transferred or the High Court shall proceed to try, hear and determine the matter as if it had been pending therein.
- (2) Any appeal from a decree or order passed by a court and not appealed against before the commencement of this Regulation shall lie to the court exercising jurisdiction under this Regulation or the High Court to which such appeal would have lain if it had been preferred after such commencement.
- (3) Any decree or order passed before the commencement of this Regulation by any court shall be deemed for the purpose of execution to have been passed by the court exercising jurisdiction under this Regulation which corresponds, so far as may be, to the jurisdiction of the court which passed the decree or order or, as the case may be, by the High Court:

Pending proceedings.

Provided that nothing in sub-section (1) or sub-

³²Inserted vide Order, 2022

section (2) shall be construed as extending the period of limitation to which any suit or appeal or application may be subject.

³³[13A

On the commencement of the Dadra and Nagar Haveli (Civil Courts and Miscellaneous Provisions) Amendment Regulation, 2019,-

Transfer of pending suits and appeals.

(1) all suits in which the amount or value of the subject matter does not exceed rupees five lakhs and which are pending before the Court of Civil judge (Senior Division), immediately, before such commencement, shall stand transferred to the concerned Court of Civil Judge (Junior Division) and such court may deal with such suit from the stage which was reached before such transfer or from any earlier stage or *de-novo* as such court may deem fit;

(2) all appeals in which the amount or value of the subject matter does not exceed rupees ten lakhs and pending before the High Court immediately before such commencement, shall stand transferred to the concerned District Court and such District Court may deal with such appeal from the stage which was reached before such transfer or from any earlier stage or *de-novo* as such court may deem fit;

Provided that, this decision shall not apply to any suits and appeals which are pending before the Court of Civil Judge (Senior Division) or as the case may be, before the High Court, which are statutorily provided under the relevant enactment before such Court.].

14.

If any difficulty arises in giving effect to the provisions of this Regulation, the Central Government may, by order in the Official Gazette, make such provisions as appear to it to be necessary or expedient for the removal of the difficulty.

Power to remove difficulties.

By order and in the name of the Administrator of U.T. of Dadra & Nagar Haveli and Daman & Diu.

Secretariat,
Daman.

Sd/—
(Rohit P.Yadav)
Law Secretary

Department of Law & Justice

Dated: 22nd March, 2022

³³Inserted vide Amendment Regulation, 2019