

स्पष्टीकरण दो,—इस धारा के प्रारम्भ होने के पूर्व या पश्चात् ऐसे मूलवादों या संस्थित अन्य कार्यवाहियों के प्रारम्भ के पूर्व पारित आदेश पर भी इस धारा के उपबन्ध लागू होंगे।”

स्पष्टीकरण तीन,—इस धारा के प्रारम्भ होने के पूर्व, उच्च न्यायालय में दायर किये गये पुनरीक्षणों पर इस धारा के उपबन्ध लागू नहीं होंगे।

आज्ञा से,

यू० सी० ध्यानी,
सचिव।

No. 691/Vidhayee & Sansadiya Karya/2006

Dated Dehradun, March 16, 2006

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the President is pleased to order the publication of the following English translation of the Code of Civil Procedure (Uttaranchal Amendment) Bill, 2005 (Uttaranchal Adhiniyam Sankhya 01, of 2006).

As passed by the Uttaranchal Legislative Assembly and assented to by the President on 28.02.2006.

THE CODE OF CIVIL PROCEDURE
(UTTARANCHAL AMENDMENT) ACT, 2005

(UTTARANCHAL ACT No. 01 OF 2006)

*further to amend the Code of Civil Procedure, 1908 in its application to
Uttaranchal.*

AN

ACT

Be it enacted by the State Assembly of Uttaranchal in the Fifty-sixth Year of the
Republic of India as follows :--

1. (1) This Act may be called the Code of Civil Procedure (Uttaranchal Amendment) Act, 2005;

(2) It shall extend to the whole of Uttaranchal.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. For section 115 of the Code of Civil Procedure, 1908, hereinafter referred to as the principal Act, the following section shall be substituted, namely --

“115 (1) A superior court may revise an order passed in a case decided in an original suit or other proceeding by a subordinate court where no appeal lies against the order and where the subordinate court has--

(a) exercised a jurisdiction not vested in it by law; or

(b) failed to exercise a jurisdiction so vested; or

(c) acted in exercise of its jurisdiction illegally or with material irregularity.

(2) A revision application under sub-section (1), when filed in the High Court, shall contain a certificate on the first page of such application, below the title of the case, to the effect that no revision in the case lies to the district court but lies only to the High Court either because of valuation or because the order sought to be revised was passed by the district court.

Short title,
Extent and
Commencement

Substitution of
Section 115 of
Act no. 5 of
1908 Revision

(3) The superior court shall not, under this section, vary or reverse any order made except where--

(i) the order, if it had been made in favour of the party applying for revision, would have finally disposed of the suit or other proceeding; or

(ii) the order, if allowed to stand, would occasion a failure of justice or cause irreparable injury to the party against whom it is made.

(4) A revision shall not operate as a stay of suit or other proceeding before the court except where such suit or other proceeding is stayed by the superior court.

Explanation I,--In this section--

(i) the expression 'superior court' means--

(a) The district court, where the valuation of a case decided by a court subordinate to it does not exceed five lakh rupees;

(b) the High Court, where the order sought to be revised was passed in a case decided by the district court or where the value of the original suit or other proceedings in a case decided by a court subordinate to the district court exceed five lakh rupees;

(ii) the expression "order" includes an order deciding an issue in any original suit or other proceedings.

Explanation II,--The provisions of this section shall also be applicable to orders passed, before or after the commencement of this section, in original suits or other proceedings instituted before such commencement."

Explanation III,--The provisions of this section shall not be applicable to the revisions already filed in the High Court before the commencement of this section.

By Order,

U. C. DHYANI,
Secretary.