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JOINT/SELECT COMMITTEE REPORTS OF LEGISLATIVE ASSEMBLY - 1926

The Code of Civil Procedure (Amendment) Bill

3624 (4)
30-3 17

Act & Bills section

FB-60, PLB

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1926.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Indian Naturalization (Amendment) Bill.	28.1.26.	
2.	The Insolvency (Amendment) Bill.	2.2.26.	
3.	The Indian Registration (Amendment) Bill by Dewan Bahadur T. Rangachariar.	9.2.26.	
4.	The Code of Civil Procedure (Amendment) Bill (Section 102 and 103).	9.2.26.	
5.	The Legal Practitioners (Amendment) Bill.	9.2.26.	
6.	The Hindu Religious and Charitable Trusts Bill by Dr. Hari Singh Gour.	10.2.26.	
7.	The Coparceners Liability Bill. by Dr. Hari Singh Gour.	19.2.26.	<i>Copy not available.</i>
8.	The Indian Tariff (Amendment) Bill.	23.2.26.	
9.	The Transfer of Property (Amendment) Bill by Sir Hari Singh Gour.	4.3.26.	
10.	The Indian Factories (Amendment) Bill.	8.3.26.	
11.	The Indian Income-tax (Amendment) Bill.	8.3.26.	
12.	The Indian Bar Councils Bill.	18.8.26.	

LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill further to amend the Code of Civil Procedure, 1908, was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

We are equally divided in opinion as to the advisability of retaining the provisions of clauses 2 and 3 of the Bill which raise from five hundred rupees to one thousand rupees the limit fixed by section 102 of the Code of Civil Procedure, 1908, for the purpose of determining whether a suit of the nature cognizable by Courts of Small Causes shall be subject to a second appeal or not. The decision of the Committee in accordance with sub-order (S) of Standing Order 40 is that no substantial relief will be given to the High Court by this alteration; that in the majority of cases the second appeal

can be dismissed summarily; but that in exceptional cases it would be unwise to take away the right of appeal which now exists. On the other hand, the opinion of the official members of the Committee is that the recommendation of the Civil Justice Committee is one of definite value and that the proposed alteration is nothing more than a logical consequence of the fall in the value of money which has taken place since the original provision was enacted.

2. We have retained the provisions of clause 4, now clause 2, of the Bill with an amendment of what we think was a slight defect in drafting.

3. The Bill was published in the Gazette of India, dated the 29th August, 1925.

4. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

A. P. MUDDIMAN.

T. RANGACHARIAR.

H. TONKINSON.

HARCHANDRAI VISHINDAS.

The 9th February, 1926.

[AS AMENDED BY THE SELECT COMMITTEE.]

(Words printed in italics indicate the amendments suggested by the Committee.)

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BILL

Further to amend the Code of Civil Procedure, 1908.

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purpose **V** of 1908. hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1926.
Short title.

2. In section 103 of the Code of Civil Procedure, 1908, for the words "but not **V** of 1908. determined by the lower appellate Court" the words "which has not been determined by the lower appellate Court or *which has been wrongly determined by such Court by reason of any illegality, omission, error or defect such as is referred to in sub-section (1) of section 100*" shall be substituted.
Amendment of section 103, Act V of 1908.

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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

Report of the Select Committee on the
Bill further to amend the Code of Civil
Procedure, 1908.

(With Bill as amended.)