THE KERALA CIVIL COURTS (AMENDMENT) BILL, 2012

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BILL

further to amend the Kerala Civil Courts Act, 1957.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Civil Courts Act, 1957 for the purposes hereinafter appearing ;

BE it enacted in the Sixty-third Year of the Republic of India as follows:—

1.   *Short title and commencement.*—(1) This Act may be called the Kerala Civil Courts (Amendment) Act, 2012.

(2)   It shall come into force at once.

2. *Amendment of section 11.*—In sub-section (2) of section 11 of the Kerala Civil Courts Act, 1957 (1 of 1957) (hereinafter referred to as the principal Act), for the words "one lakh rupees", the words "seven lakh and fifty thousand rupees" shall be substituted.

3. *Amendment of section 13.*—In sub-section (1) of section 13 of the principal Act, for the words "two lakh rupees", the words "twenty lakh rupees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

As per sub-section (2) of section 11 of the Kerala Civil Courts Act, 1957 the pecuniary jurisdiction of Munsiff Court is one lakh rupees and as per sub-section (1) of section 13 of the said Act, the appellate pecuniary jurisdiction of District Court is two lakh rupees. The High Court of Kerala proposed amendments to the said provisions so to enhance the pecuniary jurisdiction of the Munsiff Court and the appellate pecuniary jurisdiction of the District Court on account of exorbitant hike in the price of land. Government have accepted

the proposal of the High Court and decided to amend sub-section (2) of Section 11 and sub-section (1) of Section 13 of the Kerala Civil Courts Act, 1957.

The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would not involve any expenditure out of the Consolidated Fund of the State.

THIRUVANCHOOR RADHAKRISHNAN

EXTRACT FROM THE KERALA CIVIL COURTS ACT, 1957

(1 OF 1957)

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11. *Jurisdiction of District Court and Subordinate Judge's Court in original suits.*—(1) The jurisdiction of a District Court or a Subordinate Judge's Court extends, subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908) to all original suits and proceedings of a civil nature.

(2) The jurisdiction of a Munsiff's Court extends to all like suits and proceedings not otherwise exempted from its cognizance of which the amount or value of the subject-matter does not exceed one lakh rupees.

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13. *Appellate Jurisdiction of District Court and Subordinate Judge's Court.*—(1) Appeals from the decrees and orders of a Munsiff's Court and where the amount, or value of the subject-matter of the suit does not exceed two lakh rupees from the original decrees and orders of a Subordinate Judge's Court shall, when such appeals are allowed by law, lie to the District Court:

Provided that whenever a Subordinate Judge's Court is established in any District at a place other than the place where the District Court is stationed, appeals from the decrees or orders of the Munsiff's Courts within the local limits of the jurisdiction of such Subordinate Judge's Court may be preferred in such Subordinate Judge's Court.

Provided further that the District Court may remove to itself from time to time appeals so preferred and dispose of them itself or may, subject to the orders of the High Court, refer any appeals from the decrees and orders of Munsiff's Courts preferred in the District Court to any Subordinate Judge's Court within the district.

(2) The provisions of sub-section (1) shall apply to original decrees and orders of a Subordinate Judge's Court passed after the commencement of the Kerala Civil Courts (Amendment) Act, 1959, notwithstanding the fact that the suits in respect of which such decrees and orders have been passed were instituted before such commencement.

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