



# The Sindh Civil Courts

AMENDMENT UP TO DATE  
By

# Ordinance, 1962

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**Title:**

**The Sindh Civil Courts Ordinance, 2001**

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# The Sindh/Punjab /KPK/Baluchistan Courts Ordinance, 1962

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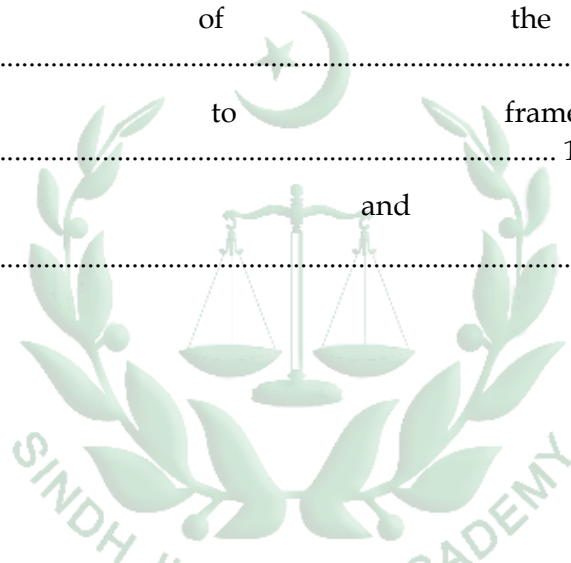
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# The <sup>12</sup>Punjab/Sindh/KPK/Baluchistan Courts Ordinance, 1962

(Ordinance II of 1962)

[8 January 1962]

An Ordinance to amend and consolidate the law

relating to Civil Courts in the province of Punjab/Sindh/KPK/Baluchistan<sup>3</sup>.

Preamble. - WHEREAS it is expedient to amend and consolidate the law relating to Civil Courts in the province of Punjab/Sindh/KPK/Baluchistan.

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and having received the previous instructions of the President, the Governor of West Pakistan is pleased, in exercise of all powers enabling him in that behalf, to make and promulgate the following Ordinance: -

## CHAPTER I PRELIMINARY

**1. Short title, extent and commencement.** - (1) This Ordinance may be called the <sup>4</sup>[Punjab/Sindh/KPK/Baluchistan] Civil Courts Ordinance 1962.

(2) It extends to whole of the <sup>5</sup>Punjab/Sindh/KPK/Baluchistan.

[(3) It shall come into force at once in the Divisions of Bahawalpur, Dera Ismail Khan, Hyderabad, Khairpur, Lahore, Multan, Peshawar, Quetta, Rawalpindi and Sargodha and the District of Karachi and in the remaining parts of the provinces or any specified area or areas thereof it shall come in to force on such date or dates or Government may, by Notification in the Official Gazette appoint in this behalf.

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

[(a) "Government" means Government of the <sup>4</sup>[Provincial Government of the Provinces Concerned];

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<sup>1</sup> Continued in force in Punjab, Sindh, KPK and Baluchistan by Province of West Pakistan (Dissolution) Order) P.O.1 of

<sup>2</sup>)

<sup>3</sup> The words "Punjab, Sindh, KPK and Baluchistan subs by Adaptation of Laws Orders,1975 respectively for West Pakistan.

<sup>4</sup> ibid <sup>4</sup> ibid

<sup>5</sup> Continued in force in the Province of Punjab, Sindh and Baluchistan of West Pakistan (Dissolution) Order) P.O.1 of 1970) Words "Punjab" Sindh" KPK and Baluchistan Subs. By Punjab Laws (Adaptation) Order,1975.

[(b) "High Court" means the High Court of the Province concerned];

(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 agricultural purposes or for purposes subservient to agriculture or for pasture and includes the sites of buildings and other structures on such lands;

(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 or claim cognizable by a court established under the Small Claims and Minor Offences Courts Ordinance, 2002 (XXVI of 2002);]

(g) "unclassed 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

**3. Classes of Courts.** - Besides a court established under the Small Claims and Minor Offences Courts Ordinance, 2002 (XXVI of 2002)], and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts, namely:

-

(a) the Court of the District Judge;

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

(c) the Court of the Civil Judge.

**4. Civil Districts.** - For the purposes of this Ordinance, Government may, by notification, divide the province into civil districts, fix the limits of such districts and determine the headquarters of each such district.

**5. District Judges.** - 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:

Provided that the same person may be appointed to be District Judge of two or more districts.

**6. Additional District Judges.** - (1) Government may, in consultation 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.

7. **Original jurisdiction of District Judges in suits.** – Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall have jurisdiction in original civil suits without limit as regard the value.

### SINDH AMENDMENT

**For Section 7 Substitute the following:**

7. **Original Jurisdiction of the Court of District Judge.** <sup>6</sup>[Subject to this Ordinance or any law for the time being in force, the original jurisdiction of the Court of the District Judge in civil suits and proceedings shall be without limit of the value thereof excepting in the Karachi Districts where the original jurisdiction in civil suits and proceedings of the value exceeding <sup>7</sup>[sixty five million] shall be exercised by the High Court:

Provided that nothing contained hereinabove shall affect any suit or proceedings pending in the High Court prior to the commencement of the Sindh Civil Courts (Amendment) Act, <sup>8</sup>[2021] and all such suits and proceedings shall continue to be tried and decided by the High Court.

8. **Civil Judges.** – 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.

### **Court Decisions**

**Pecuniary Jurisdiction**-Court passing order having no pecuniary Jurisdiction Such order, held, ultra-wires and set aside. 1980 C L C 589

9. **Pecuniary limits of Jurisdiction of Civil Judges.** – 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.

### **SINDH AMENDMENT**

### **Court Decisions**

**Pecuniary limits of Jurisdiction of Civil Courts** - Decision of the matter beyond pecuniary Jurisdiction - Validity - Where Trial Court had come to the conclusion that the suit was wrongly filed before the Court as the same was beyond its pecuniary Jurisdiction, the Court should have returned the plaint under O.VII, R.10, C.P.C. to the applicant for its presentation before the competent Court having pecuniary Jurisdiction in the matter rather than to dismiss the same -

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<sup>6</sup> Subs.By Sindh Act No. III of 2011, S.2 dated 24<sup>th</sup> Feb,2011.

<sup>7</sup> Word. Subs. by Sindh Act No. XXXIX of 2021, S. 2(a) dated 28<sup>th</sup> Dec, 2021

<sup>8</sup> Word. Subs. by Sindh Act No. XXXIX of 2021, S. 2(b) dated 28<sup>th</sup> Dec, 2021

Suit was dismissed by the Court on merits which had no Jurisdiction in the matter - Lower Appellate Court had rightly observed that the Trial Court should have returned the plaint - Judgment passed by the Lower Appellate Court did not suffer from any illegality or infirmity - High Court refused to interfere, **2001 MLD 1154**

Where Suit was decreed in the favour of the plaintiff and appeal was dismissed by the Lower Appellate Court-Defendant raised the plea of lack of Jurisdiction on behalf of the Courts below\_Validity-From the evidence available on record it was apparent that the subject-matter of the suit pertained to assets worth of several lacs of Rupees much beyond the Jurisdiction of the Trial Court which was only up to Rs.50,000--Subject-matter of the suit was beyond the pecuniary Jurisdiction of the Trial Court and the Trial Court proceeded without Jurisdiction--Judgment and decree passed by the Lower Appellate Court was set aside with costs. **2002 C L C 1382**

AIR 1949 PC 156; PLD 1964 (W.P.) Kar. 149; PLD 1983 Kar. 510; P.L.J.1984 Pesh. 28; NLR 1995 UC 87; 1997 MLD 385; 1998 MLD 3; 1999 MLD 1084; 1999 CLC 195 and 1999 YLR 1788 ref.

Value of suit for purpose of court-fee does not bring a suit within the Jurisdiction of the Court where the subject-matter of the suit exceeds its pecuniary limits of Jurisdiction. **2002 C L C 1382**

PLD 1972 Kar. 251; PLD 1959 Kar. 802; PLD 1964 Kar. 386 and PLD 1971 Kar. 682 ref.

Actual price at which land was sold was less than pecuniary Jurisdiction of trial Court when suit was instituted--Not proved from record that market value of land was more than-the amount of actual sale nor any such issue was framed nor parties were given any opportunity to lead evidence on this point--Value of subject-matter if increased, during pendency of suit, Court, held, would not lose Jurisdiction--Jurisdiction once assumed was not taken away by increase in value of subject-matter and Court could proceed with adjudication of suit--Mere fact that land was shown to have been sold at a larger amount, would not necessarily mean that it was its market value - **1986 M L D 342**

P L D 1965 Lah.359 and P L D 1962 Dacca 14 rel.

Where Trial Court had come to the conclusion that the suit was wrongly filed before the Court as the same was beyond its pecuniary jurisdiction, the Court should have returned the plaint under O.VII, R.10, C.P.C. to the applicant for its presentation before the competent Court having pecuniary jurisdiction in the matter rather than to dismiss the same – Suit was dismissed by the Court on merits which had no jurisdiction in the matter – Lower Appellate Court had rightly observed that the Trial Court should have returned the plaint – 2001 MLD 1154

**Pecuniary jurisdiction of courts. Lahore High Court, Lahore, Notification No. 131/Legis/XXI.C.35, dated 11-05-2016.**

In exercise of the powers conferred by section 9 of the Punjab Civil Courts Ordinance, 1962 and in suppression of the previous Notification No. 114/Rules/XXI.C.35, dated 21-03-2000 issued in this behalf, the Hon'ble Chief Justice and Judges are pleased to order that the following classes of Civil Judges shall exercise the pecuniary jurisdiction in respect of original civil suits and proceedings, throughout the province of Punjab as noted against each:---

Civil Judge Class II: to exercise jurisdiction in original civil suit or proceedings wherein the subject matter in amount or value does not

exceed Rs. 5,000,000/- (Rs. five million)

Civil Judge Class III: to exercise jurisdiction in original civil suit or proceedings wherein the subject matter in amount or value does not exceed Rs. 1,000,000/- (Rs. one million)

**By order of the Chief Justice and Judges**

(Tariq Iftikhar Ahmad)

Registrar

Endst. No. 11281/Legis/XXI.C.35, dated Lahore the 11 May, 2016. Copy is forwarded for information: ---

1. The Chief Secretary, Government of the Punjab, Lahore.
2. The Secretary, Government of Pakistan, Ministry of Law, Justice & Parliamentary Affairs (Justice Division), Islamabad.

**10. Local limits of jurisdiction.** – (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.

**Court Decisions**

Ordinarily local limits of jurisdiction of Civil Judge posted in District to be co-extensive with local limits of that District but in case of any direction to contrary, local limits to be in accordance with such direction. **PLJ 1984 Lah. 306.**

**11. Power to invest Civil Judges with Small Causes Courts Jurisdiction.** 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 Causes 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.

**PUNJAB AMENDMENT**

[11. \* \* \* \* \*] Omitted

**Court Decisions**

Value of suit for purpose of court-fee does not bring a suit within the Jurisdiction of the Court where the subject-matter of the suit exceeds its pecuniary limits of Jurisdiction. **2002 C L C 1382**

Acharya Davendra Prasad Ji and 2 others v. Tirthdas and 10 others PLD 1972 Kar. 251; Imamuddin and another v. Abdul Ghani PLD 1959 Kar. 802; S. Zafar Ahmed v. Abdul Khaliq PLD 1964 Kar. 386 and Muhammad Sadiq v. Haji Ahmed & Company and Badrul Islam v. Qamarul Islam and 4 others PLD 1971 Kar. 682 ref.

**12. Exercise by Civil Judges of Jurisdiction of District Courts in certain proceedings.-** (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 nothing 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.

**13. Places of sitting of Courts. -** (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.

**14. Control of Courts and Presiding Officers. -** (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.

**15. Power to distribute business.-** Notwithstanding anything contained in the Code of Civil Procedure, 1908, every 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.

**16. Delegation of powers by District Judges.-** 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

**17. Appeals from District Judges or Additional District Judges.** – (1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of 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.

**18. Appeals from Civil Judges.** – (1) Save as aforesaid, an appeal from a decree or order of a Civil Judge, shall lie–

(a) to the High Court if the value of the original suit in which the decree or order was made exceeds [fifty million] 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 preceding sub-section has been assigned to an Additional District Judge, the appeal may be preferred to the Additional District Judge.

(3) The High Court may, by notification, direct that appeals lying to the District Judge 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.

#### SINDH AMENDMENT.

For subsection (1). The following shall be substituted.

(1) Save as aforesaid, an appeal from a decree or order of a civil judge shall be to the district judge.

Subs. by Ord., 30 of 2002, S.3 (w.e.f. 18-09-2002)

#### BALUCHISTAN AMENDMENT

In section 18. In sub-section (1), in clause (a) for the words “fifty thousand” the word “five hundred thousand” shall be substituted.

Subs. by Baluchistan Act, 20 of 1994.

#### PUNJAB AMENDMENT

In section 18 in sub-section (1), in clause (a) for the words “ fifty” the words :Two hundred” shall be substituted.

Subs. by Punjab Act, 5 of 1986 (w.e.f. 14-06-1986)

In section 18 in sub-section (1), in clause (a) for the words "Two" the words "twenty-five" shall be substituted.

Subs. by Punjab Ord., 55 of 2002, (w.e.f. 01-07-2002)

#### **K.P.K AMENDMENT**

**In section 18, in subsection (1), in clause (a)** for the words "five hundred thousand rupees" the words "one million rupees" shall be substituted.

Subs. by NWFP Act, 7 of 2003, S.2, (w.e.f. 21-06-2003)

#### **Court Decisions**

**Forum of appeal-Determination of** - For ascertaining the forum of appeals in such suit under S.18 of the West Pakistan Civil Courts Ordinance, 1962, value of the original suit as determined under the rules framed under S.3 of Suits Valuation Act, 1887, for purposes of jurisdiction is the determining factor and not the market value. **2001 Y L R 1859**

**Forum of appeal**--On appeal filed by plaintiff-appellant against order of trial Court partially rejecting his plaint, first appellate Court, finding value of subject-matter in dispute beyond its pecuniary Jurisdiction and returning memorandum of appeal to appellate for presentation to proper Court--Appellant who clubbed his two claims i.e. claim of specific performance and claim of recovery of a certain amount in alternative, bifurcating same for purpose of forum of appeal when value of original suit alone formed basis and which showed that appeal lay to High Court only and not to District Judge--View taken by First appellate Court, held, was unexceptionable. **1986 C L C 126**

**Jurisdictional value**-Land assessed to land revenue-Market value, held, cannot be jurisdictional value for determining forum of appeal-P L D 1967 Kar. 468 held not applicable . **1980**

**C L C 1059** P L D 1960 Lab. 1088 ; P L D 1964 Pesh. 228 AND P L D 1976 Lah.. 1 P L D 1967 Kar. 468 . ref

Land assessed to land revenue-Market value, held, cannot be Jurisdictional value for determining forum of appeal. **1980 C L C 1059** Mumtaz Begum v. Zulfiqar Ali P L D 1960 Lab. 1088 and Muqarrab Khan v. Muhammad Anwar Khan P L D 1964 Pesh. 228 and Sadar Din v. Elahi Bakhah P L D 1976 Lah. 1 ref

Leave to appeal granted to consider whether the decision of S.C in IILah.i Bakhsh acid others v. Mst. Bilqees Begum P L D 1985 S C 393 would not govern the present case. **P L D 1987 S.C 284** Ilahi Bakhsh and others v. Mst. Bilqees Begum P L D 1985 S C 393 rel.

Market value, cannot be jurisdictional value for determining forum of appeal[Muhammad Siddiq v. Haji Ahmad & Co. P L L 1967 Kar. 468 held not applicable . **1980 C L C 1059** P L D 1960 Lab. 1088 ; P L D 1964 Pesh. 228 AND P L D 1976 Lah.. 1 P L D 1967 Kar. 468 . ref

**Non obstante clause in S. 14 of Act, 1964**-Meaning and scope-Expression "non obstante" means "notwithstanding" or "in spite of"-Object of opening words in S. 14 of West Pakistan Family Courts, 1964 is (i) to exclude application of Suits Valuation Act, 1887 which determines value of suit for purpose of jurisdiction, and (ii) Punjab Civil Courts Ordinance (II of 1962), S. 18 which

determines forum of appeal-Determination of pecuniary jurisdiction by appellate Court with reference to Suits Valuation Act, 1887 and Punjab Civil Courts Ordinance, 1962 was therefore erroneous -Appellate Court, held, could hear appeal-Case remanded to appellate Court to hear appeal and decide on merits according to law within specified time. **P L D 1985 Lah. 491** P L D 1972 Kar. 401 ; P L D 1981 S C 454 and P L D 1979 Lah. 603 ref.

On appeal filed by plaintiff-appellant against order of trial Court partially rejecting his plaint, first appellate Court, finding value of subject-matter in dispute beyond its pecuniary jurisdiction and returning memorandum of appeal to appellate for presentation to proper CourtAppellant who clubbed his two claims i.e. claim of specific performance and claim of recovery of a certain amount in alternative, bifurcating same for purpose of forum of appeal when value of original suit alone formed basis and which showed that appeal lay to High Court only and not to District Judge-View taken by First appellate Court, held, was unexceptionable. **1986 C L C 126**

**Pecuniary Jurisdiction of District Judge ...Pre-emption suit..Agricultural land.Suit was valued on the basis of land revenue...Value in the plaint was fixed at Rs. 4,052 being 30 times of the Land Revenue assessed...Validity...District Judge was competent to entertain such appeal and to decide the same accordingly. 2000 Y L R 610 , PLD 1985 SC 393 ref.**

#### **CHAPTER IV SUPPLEMENTAL PROVISIONS**

- 19. Continuance of powers of officers.** – 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.
- 20. Provisions regarding petition-writers.** – The High Court, in consultation with the Board of Revenue, <sup>9</sup>[West Pakistan], may make rules consistent with this Ordinance and any other enactment for the time being in force, –
- (a) declaring what persons shall be permitted to act as petition-writers in Courts;
  - (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.
- 21. Temporary vacancy of office of District Judge.**– 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 incharge shall perform the duties

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<sup>9</sup> Words “Punjab” Sindh” KPK and Baluchistan Subs. By (Adaptation) of Laws Order,1975, respectively for West Pakistan.

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.

### Court Decisions

Defendant being served in Jail, applied for leave to appear and defend within 10 days of service effected. Petition filed before Addll ; Distt: Judge as Distt: Judge was on leave. Distt : Judge dismissed application as not filed within specified time and before proper forum. Distt : Judge forgot that under his own orders passed with reference to section 21 and 22 of Civil Courts Ordinance, 1962. he had already delegated his powers to Additional District Judge who was fully authorised and empowered to receive all such documetns in his behalf. Powers exercised by such delegatee are not confined to any normal or summary powers exercised by District Judge but are related to powers exercised by District Judge simpliciter. All powers exercised under Order 37 CPC are powers of District Judge and do fall under C.P.C. and thus can with all convenience be delegated with reference to section 21 and 22 of Civil Courts Ordinance. Orders of District Judge are patently wrong and he has failed to exercise Jurisdiction vested in him. **P.L.J.1996 Pesh. 305 = 1996 MLD 2167.**

**22. Delegation of powers of the District Judge.-** Any District Judge, leaving the headquarters and proceeding 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.

### Court Decisions

Defendant being served in Jail, applied for leave to appear and defend within 10 days of service effected. Petition filed before Addll ; Distt: Judge as Distt: Judge was on leave. Distt : Judge dismissed application as not filed within specified time and before proper forum. Distt : Judge forgot that under his own orders passed with reference to section 21 and 22 of Civil Courts Ordinance, 1962. he had already delegated his powers to Additional District Judge who was fully authorised and empowered to receive all such documetns in his behalf. Powers exercised by such delegatee are not confined to any normal or summary powers exercised by District Judge but are related to powers exercised by District Judge simpliciter. All powers exercised under Order 37 CPC are powers of District Judge and do fall under C.P.C. and thus can with all convenience be delegated with reference to section 21 and 22 of Civil Courts Ordinance. Orders of District Judge are patently wrong and he has failed to exercise Jurisdiction vested in him. **P.L.J.1996 Pesh. 305 = 1996 MLD 2167.**

**23. Temporary vacancy of office of Civil Judge.-** In the event of the death, suspension or temporary absence of 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 of his own Court, but in every such case the register and records of the two Courts shall be kept separately.

**24. Civil Courts having unlimited jurisdiction regarding value to try suits against the State and its servants in their official capacity.** – (1) No Civil Court not having jurisdiction in original suits without limit as regards value and no Court of the Small Causes 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, in his official capacity is a party.

<sup>10</sup>[\*\*\*\*\*]

(2) In every such case the plaintiff shall be referred to the Court of the Civil Judge having jurisdiction in original suits without limit as regard 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.

<sup>11</sup>[(2-A) Notwithstanding anything contained in sub-sections (1) and (2) in the Karachi District, any such suit, if the value thereof does not exceed [five lakh rupees] may be instituted in and be tried by the Court of the District Judge, the Additional District Judge or Civil Judge of the First Class and where the value of the suit exceeds [five lakh rupees] it shall be instituted in and be tried by the High Court.

<sup>12</sup>(2-B). The High Court may transfer any civil suit, whether instituted, before or after the coming into force of the Civil Courts (Amendment) Act,1963, and weather pending before it or in any other Court, which under the provisions of sub-section(2-A) may be tried by a Civil Court

<sup>11</sup>  
<sup>12</sup>

constituted under this ordinance, to such Civil Court, and, such suit thereupon be tried by such Civil Court.

(3) Nothing in this section shall be deemed to apply to a suit relating to the affairs of a Government Railway or to any suit merely because a public officer is a party thereto, in his capacity as–

(a) a member of a local authority; or

(b) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration of exercise of powers under–

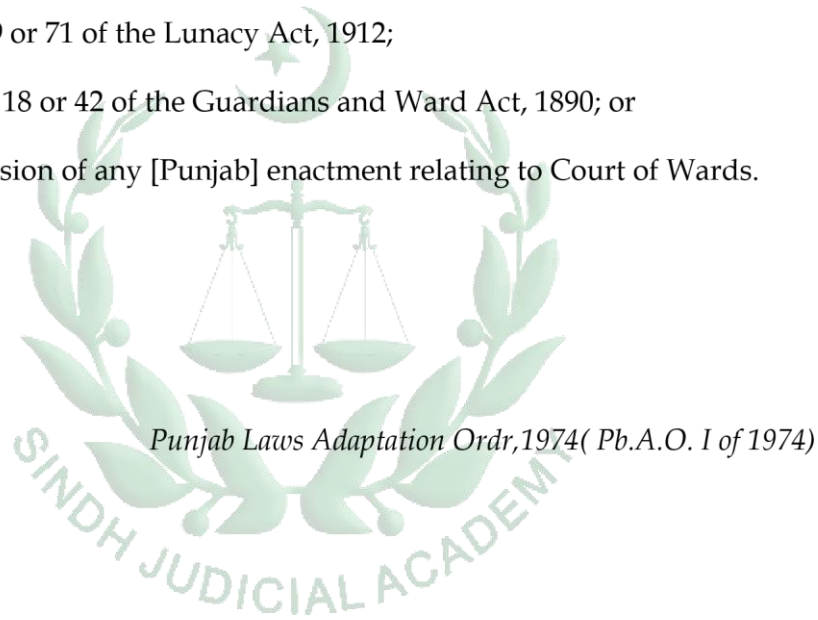
(i) Order XXXII rule 4(4) of the Code of Civil Procedure, 1908, (ii)

section 195 of the Succession Act, 1925;

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<sup>10</sup> Proviso deleted by the Punjab Laws (Adaptation) order,1974(Pb. A.O I of 1974).

- (iii) section 69 or 71 of the Lunacy Act, 1912;
- (iv) section 7, 18 or 42 of the Guardians and Ward Act, 1890; or
- (v) any provision of any [Punjab] enactment relating to Court of Wards.



#### AMENDMENT:

Subsections (2A) and (2B) shall be deleted.

#### SINDH AMENDMENT: -

For the words “One Lac of rupees” wherever occurring the words “**five lack of rupees**” shall be substituted.

*Sindh Civil Courts (Amendment) Act, 1991, S.4 (w.e.f.22-02-1992).*

For the words “five Lac of rupees” wherever occurring the words “**thirty lack of rupees**” shall be substituted.

*Sindh Ord.NoXXX of 2002, S.4(w.e.f.18-09-2002)*

In section 24, for the words “thirty lacs of rupees” wherever occurring the words “**fifteen million of rupees**” shall be substituted.

*Sindh Act. III of 2011, S.3(w.e.f.02-03--2011)*

In section 24, for the words “**“fifteen million of rupees”**” wherever occurring the words “**sixtyfive million**” shall be substituted.

*Sindh Act. XXXIX of 2021, S.3(w.e.f.28-12-2021)*

#### Court Decisions

---S. 24---Civil Procedure Code (V of 1908), S.21---Ordinance being a special law will displace the general provisions of Civil Procedure Code, 1908---Language of S.24(1) of the Ordinance is preemptory and prohibitive---Provisions of Ordinance are manifestly based on public policy, it would, therefore, not be permissible to permit the parties by their act of omission or commission to avoid its observance or to defeat its object.

---S.24---Administrator through whom the Town Committee was sued, satisfied the definition of "public officer"---Provisions of S.24 of the Ordinance were MAL attracted to the case. **P L D 1990 Supreme Court 792.**

**25. List of holidays.**— (1) Subject to such general orders as may be made by Government, the High Court shall prepare a list of days to be observed in each year as holidays in the Civil Courts.  
(2) Every such list shall be published in the official Gazette.

**26. Seal of the Court.**— Every Court shall have and use, as the occasion may arise, a circular seal two inches in diameter bearing round its circumference the title of the Court in English and Urdu script and in the centre a device and impression of a crescent moon with the horns pointing upwards surmounted by a star, and the said seal shall be delivered to and kept in the custody of the presiding officer of the Court.

**27. Power to frame rules.**— (1) The High Court may, with the approval of Government, frame rules for the purposes of carrying into effect the provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, the High Court may, with the approval of Government, frame rules for all or any of the following purposes, namely:—

- (a) the supervision of all Civil Courts and their visitation and inspection;
- (b) the exercise by the District Judges of the general control vested in them over the Civil Courts in their respective districts;
- (c) the places and times for the holding of Civil Courts;
- (d) the fees to be charged for processes issued by the Civil Courts or by any officer of any such Courts;
- (e) the fees payable in any suit or proceeding in any Civil Court by any party in respect of the fees of the pleader of any other party; and
- (f) the manner in which the proceedings of the Civil Courts shall be kept and recorded, the manner in which the paper books for the hearing of appeal shall be prepared and the granting of copies.

**28. Repeal and Saving.**—(1) The enactments specified in the schedule are hereby repealed to the extent mentioned in the fourth column thereof.

(2) The Districts and Headquarters of Districts existing for the purpose of civil justice when this Ordinance comes into force shall be deemed to have been made and determined under this Ordinance.

(3) On the commencement of this Ordinance if any suit or appeal is pending in the High Court or any other Civil Court, which under this Ordinance is to be tried or heard by some other Court, such suit or appeal shall stand transferred to the Court competent under this Ordinance to try or hear the same.

- (4) (i) The District Judge;
- (ii) The Additional Judges, (the Joint Judges and the Assistant Judges); and
- (iii) The First Class Sub-ordinate Judges, the Second Class Sub-ordinate Judges the Joint Sub-ordinate Judges and Civil Judges, appointed under any of enactments repealed under sub-section (1) shall, on the commencement of this Ordinance, become District Judge, Additional District Judges and Civil Judges, respectively under this Ordinance, and exercise powers and jurisdiction as such.

(5) Notwithstanding the repeal of the enactments mentioned in the schedule everything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceedings commenced, officers appointed or person authorised, jurisdiction or power conferred, rules made and order issued under any of the provisions of the said enactments shall, if not inconsistent with the provisions of this Ordinance, continue in force and so far as may be deemed to have been respectively done, taken, incurred, commenced, appointed, authorised, conferred, made or issued under this Ordinance.

**PUNJAB AMENDMENT**

28. [\*\*\*\*\*] OMITTED