

ACT No. IV OF 1906.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 21st
March, 1906.)

An Act further to amend the Presidency
Small Cause Courts Act, 1882.

WHEREAS it is expedient further to amend the
Presidency Small Cause Courts Act, 1882; It
is hereby enacted as follows:—

1. This Act may be called the Presidency Small Cause Courts Act, 1906. Short title.

2. In section 28 of the Presidency Small Cause Courts Act, 1882, after the words "such decree" the words "and for the purpose of deciding all questions arising in the execution of such decree" shall be inserted. Amendment of section 28, Act XV, 1882.

3. In section 39 of the said Act, for sub-section (2) the following shall be substituted, namely:— Amendment of section 39 of same Act.

"(2) Unless the Judge is of opinion that the application has been made solely for the purpose of delay, the applicant shall be entitled to such order as of right:

"Provided that the removal directed by such order shall, unless the Judge otherwise directs, be conditional upon the applicant giving security, to the approval of the Judge, within a reasonable time to be prescribed in the order, for the payment of the amount claimed and of the costs which may become payable by him to the plaintiff in respect of the said suit."

4. For section 69 of the said Act the following shall be substituted, namely:— Substitution of new section for section 69 of same Act.

"69. (1) If two or more Judges of the Small Cause Court sit together in any suit, or in any proceeding under Chapter VII of this Act, and differ in their Reference when compulsory.

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their opinion as to any question of law or usage having the force of law or the construction of a document, which construction may affect the merits, or

if in any suit or any such proceeding, in which the amount or value of the subject-matter exceeds five hundred rupees, any such question arises upon which the Court entertains reasonable doubt, and either party so requires,

the Small Cause Court shall draw up a statement of the facts of the case and the point on which there is a difference of opinion or on which doubt is entertained, and refer such statement with its own opinion on the point for the opinion of the High Court; and the provisions of sections 619 to 621 of the Code of Civil Procedure shall, so far as they are applicable, be deemed to apply as if such reference had been made under section 617 of the said Code.

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(2) When the Small Cause Court refers any question for the opinion of the High Court as provided in sub-section (1), it shall either reserve judgment or give judgment contingent upon such opinion."

Amezdment
of second
schedule,
Act XV,
1877.

5. In No. 11 of the second schedule to the Indian Limitation Act, 1877, after the words "the Code of Civil Procedure," the following shall be inserted, namely:—" or section 28 of the Presidency Small Cause Courts Act, 1882."

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