

ACT No. III OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 11th February, 1920.)

An Act to modify certain provisions of the United Provinces Town Improvement Act, 1919.

U. P. Act  
VIII of 1919.

WHEREAS it is expedient to modify the provisions of the United Provinces Town Improvement Act, 1919, so as to provide in certain cases for an appeal to the High Court from the awards of the Tribunal constituted under that Act; It is hereby enacted as follows:—

1. This Act may be called the United Provinces Short title.  
Town Improvement (Appeals) Act, 1920.

2. In this Act—

Definitions.

(1) "High Court" means, in Agra, the High Court of Judicature at Allahabad, and in Oudh, the Court of the Judicial Commissioner of Oudh; and

U. P. Act  
VIII of 1919.

(2) "Tribunal" has the same meaning as in the United Provinces Town Improvement Act, 1919.

U. P. Act  
VIII of 1919.

3. (1) Notwithstanding anything contained in the United Provinces Town Improvement Act, 1919, and subject to the provisions of sub-section (2), an appeal shall lie to the High Court in any of the following cases, namely:—

Appeals from awards of the Tribunal.

(a) where the decision is that of the President of the Tribunal sitting alone in pursuance of clause (b) of section 64 of the said Act;

(b) where the decision is that of the Tribunal, and—

(i) the

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- (i) the President of the Tribunal grants a certificate that the case is a fit one for appeal, or
- (ii) the High Court grants special leave to appeal:

Provided that the High Court shall not grant such special leave unless the President has refused to grant a certificate under sub-clause (i) and the amount in dispute is not less than five thousand rupees.

(2) An appeal under clause (b) of sub-section (1) shall only lie on one or more of the following grounds, namely:—

- (i) the decision being contrary to law or to some usage having the force of law;
- (ii) the decision having failed to determine some material issue of law or usage having the force of law;
- (iii) a substantial error or defect in the procedure provided by the said Act which may possibly have produced error or defect in the decision of the case upon the merits.

Procedure in such appeals.

4. Subject to the provisions of section 3, the provisions of the Code of Civil Procedure, 1908, with respect to appeals from original decrees shall, so far as may be, apply to appeals under this Act. V of 1908.

Execution of orders of High Court.

5. Every order passed by the High Court on appeal under this Act shall be enforced, on application, by a Court of Small Causes within the local limits of whose jurisdiction the award or order appealed against was made, as if it were a decree of that Court.

Period of limitation for such appeals.

6. An appeal under section 3 shall be deemed to be an appeal under the Code of Civil Procedure, 1908, within the meaning of Article 156 of the First Schedule to the Indian Limitation Act, 1908. IX of 1908.