

ACT NO. VIII OF 1937.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
4th March, 1937.)

An Act further to amend the Code of Civil Procedure, 1908, for certain purposes.

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

V of 1908.

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1937. Short title and commencement.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

V of 1908.

2. After section 44 of the Code of Civil Procedure, 1908, the following section shall be inserted, namely :— Insertion of new section 44A in Act V of 1908.

“ 44A. (1) Where a certified copy of a decree of any of the superior Courts of the United Kingdom or any reciprocating territory has been filed in a District Court, the decree may be executed in British India as if it had been passed by the District Court. Execution of decrees passed by Courts in the United Kingdom and other reciprocating territory.

(2) Together with the certified copy of the decree shall be filed a certificate from such superior Court stating the extent, if any, to which the decree has been satisfied or adjusted and such certificate shall, for the purposes of proceedings under this section, be conclusive proof of the extent of such satisfaction or adjustment.

(3) The

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- (3) The provisions of section 47 shall as from the filing of the certified copy of the decree apply to the proceedings of a District Court executing a decree under this section, and the District Court shall refuse execution of any such decree, if it is shown to the satisfaction of the Court that the decree falls within any of the exceptions specified in clauses (a) to (f) of section 13.

Explanation 1.—‘Superior Courts’, with reference to the United Kingdom, means the High Court in England, the Court of Session in Scotland, the High Court in Northern Ireland, the Court of Chancery of the County Palatine of Lancaster and the Court of Chancery of the County Palatine of Durham.

Explanation 2.—‘Reciprocating territory’ means any country, or territory, situated in any part of His Majesty’s Dominions or in India, which the Governor General in Council may, from time to time, by notification in the Gazette of India, declare to be reciprocating territory for the purposes of this section; and ‘superior Courts’, with reference to any such territory, means such Courts as may be specified in the said notification.

Explanation 3.—‘Decree’, with reference to a superior Court, means any decree or judgment of such Court under which a sum of money is payable, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty, and

(a) with reference to superior Courts in the United Kingdom, includes judgments given and decrees made in any Court in appeals against such decrees or judgments,

but

(b) in no case includes an arbitration award, even if such award is enforceable as a decree or judgment.”

3. In

of 1937.] *Code of Civil Procedure (Amendment).*

v of 1908.

3. In rule 22 of Order XXI of the First Schedule of the Code of Civil Procedure, 1908, in 1 (b) after the words "party to the decree" the following shall be inserted, namely :—

Amendment
of rule 22 of
Order XXI of
the First
Schedule of
Act V of 1908.

"or where an application is made for execution of a decree filed under the provisions of section 44A".