

SIND ORDINANCE NO.XIII OF 1971

THE WEST PAKISTAN CIVIL COURTS (SIND AMENDMENT) ORDINANCE, 1970

[8th December, 1971]

An Ordinance to amend the West Pakistan Civil Courts Ordinance, 1962, in its application to the Province of Sind.

WHEREAS it is expedient to amend the West Pakistan Civil Courts Ordinance, 1962, in its application to the Province of Sind, in the manner hereinafter appearing; **Preamble.**

NOW, THEREFORE, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the Governor of Sind and Martial Law Administrator, Zone 'D', is pleased to make and promulgate the following Ordinance: -

1. This Ordinance may be called the West Pakistan Civil Courts (Sind Amendment) Ordinance, 1971 **Short title.**

2. In the West Pakistan Civil Courts Ordinance, 1962, in its application to the Province of Sindh, in section 24, for sub-section (1), (2) and (2-A), the following sub-sections shall be substituted, namely: - **Amendment of section 24 of West Pakistan Ordinance II of 1962.**

“(1) (a) No civil court not having jurisdiction in original suits without limit as regards value;

(b) no court of small causes;

(c) no civil court lower than the Court of the District Judge or the Additional District Judge in a suit sought to be filed by a Government servant relating to his service or matters pertaining thereto;

shall received, 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 (Act V of 1908) in his official capacity is a party:

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Provided that in the Karachi District—

- (a) any such suit not being a suit specified in clause (c), if the value thereof does not exceed fifty thousand rupees, may be instituted in the Court of the District Judge the Additional District Judge or a Civil Judge of the First Class and in the High Court where the value of the suit exceeds fifty thousand rupees;
 - (b) A suit as specified in clause (c) may be instituted in the Court of the District Judge or the Additional District Judge if the value thereof does not exceed fifty thousand rupees; and in the High Court where the value exceeds fifty thousand rupees.
- (2)
- (a) In every such case except a suit as specified in clause (c) of sub-section (1), the plaintiff shall be referred to the Court of the Civil Judge having jurisdiction in original suits without limit as regards 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.
 - (b) In every such case as specified in clause (c) of sub-section (1), the plaintiff shall be referred to the Court of the District Judge having jurisdiction and such suit shall be instituted only in the Court of such District Judge.
- (2-A) Notwithstanding anything contained in sub-sections (1) and (2) in the Karachi District—
- (a) any such suit not being a suit specified in clause (c) of sub-section (1), the value whereof does not exceed fifty thousand rupees may be instituted in and tried by the Court of the District Judge, the Additional

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District Judge or the Civil Judge of the First Class, and where the value of the suit exceeds fifty thousand rupees, it shall be instituted in and be tried by the High Court;

- (b) a suit as specified in clause (c) of sub-section (1) the value whereof does not exceed fifty thousand rupees may be instituted in and tried by the Court of the District Judge or the Additional District Judge, and where the value of the suit exceeds fifty thousand rupees, it shall be instituted in and be tried by the High Court."

3. All suits specified in clause (c) of sub-section (1) of section 24 of the West Pakistan Civil Courts Ordinance, 1962 (West Pakistan Ordinance II of 1962), pending in the Courts of the Civil Judge immediately before the commencement of this Ordinance, shall on such commencement, stand transferred to the Court of the District Judge having jurisdiction. **Transfer of suits.**