

THE RAJASTHAN CIVIL COURTS LAWS (EXTENSION) ACT, 1956

(Act No. 2 of 1957)

[Received the assent of the Governor on the 2nd day of January, 1957]

An Act to provide for the extension of the Rajasthan Civil Courts and Small Cause Courts Ordinances to the Abu, Ajmer and Sunel areas.

WHEREAS, with a view to securing uniformity of laws with regard to the constitution and powers of Civil Courts and Courts of Small Causes in the State of Rajasthan as formed by section 10 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), it is expedient to provide for the extension of the Rajasthan Civil Courts Ordinance, 1950 (Rajasthan Ordinance VII of 1950) and the Rajasthan Small Cause Courts Ordinance, 1950 (Rajasthan Ordinance VIII of 1950) as in force in the pre-reorganisation State of Rajasthan to the Abu, Ajmer and Sunel areas of the State and for that purpose to make suitable modifications in the said Ordinances;

BE it enacted by the Rajasthan State Legislature in the Seventh Year of the Republic of India as follows:-

1. Short title.- This Act may be called the Rajasthan Civil Courts Laws (Extension) Act, 1956.

2. Definitions.- In this Act, unless the subject or context otherwise requires,-

- (i) "Abu area" means the territory comprised in the Abu Road taluka of Banaskantha District in the State of Bombay as it existed immediately before the first day of November, 1956;
- (ii) "Ajmer area" means the territory of the State of Ajmer as it existed immediately before the first day of November, 1956;
- (iii) "appointed day" means the first day of December, 1956;
- (iv) "pre-reorganisation" used with reference to the State of Rajasthan means the State of Rajasthan as it existed in pursuance of the Covenant or under the Constitution immediately before the first day of November, 1956;
- (v) "State" means the State of Rajasthan as formed by section 10 of the State Reorganisation Act, 1956 (Central Act 37 of 1956);
- (vi) "Sunel area" means the territory comprised in the Sunel tappa of Bhanpura tehsil of Mandsaur District in the State of Madhya Bharat as it existed immediately before the first day of November, 1956.

3. Extension and amendment of Rajasthan Courts Ordinances.- As from the appointed day, the Rajasthan Ordinances specified in the Schedule shall be amended in the manner and to the extent therein specified and shall extend to whole of the State of Rajasthan including the Abu, Ajmer and Sunel areas.

4. Reference to authorities.- Any reference, by whatever form of words, in any law for the time being in force in any part of the State to any authority competent to exercise any powers or discharge any functions in that part shall, where a corresponding new authority has been constituted by or under any of the Rajasthan Ordinances specified in the Schedule, have effect as if it were a reference to that new authority.

5. Repeal and Savings.- Any law corresponding to the Rajasthan Ordinances specified in the Schedule in force in the Abu area or Ajmer area or Sunel area immediately before the appointed day shall stand repealed:

Provided that anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of the relevant Rajasthan Ordinance specified in the Schedule and shall continue to be in force accordingly.

¹[Provided further that-

- (a) until other provision is made, all courts constituted, appointments and orders made and jurisdiction and powers conferred under any law so repealed shall, ²[x x x] be deemed to have respectively been constituted, made and conferred under such relevant Rajasthan Ordinance, and
- (b) any person holding office as a subordinate judge immediately before the appointed day, shall on and from that day, be deemed to have been designated as a Civil Judge, notwithstanding the fact that in official records his designation may not have been so altered.]

6. Power to remove difficulties.- If any difficulty arises in giving effect in the Abu, Ajmer or Sunel area to the provisions of any of the Rajasthan Ordinances specified in the Schedule, the State Government may, by order notified in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty.

1 Added and shall be deemed always to have been added by section 2 of Rajasthan Act No. 15 of 1957, published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 6-6-57.

2 Omitted by section 6 of the Rajasthan Act No. 29 of 1957, published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 20-11-1957.

7. Interpretation.- The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) shall, until that Act is extended to the whole of the State and as far as may be, apply *mutatis mutandis* to this Act and to the Rajasthan Ordinances specified in the Schedule.

¹[xxx]

¹ "THE SCHEDULE" has been repealed vide 1st Schedule of Rajasthan Act No. 21 of 1962, published in Rajasthan Gazette, Part IV A, Extraordinary, dated 15-12-1962.