



GOVERNMENT OF MAHARASHTRA  
LAW AND JUDICIARY DEPARTMENT

## **BOMBAY ACT No. XL OF 1948.**

### **THE BOMBAY CITY CIVIL COURT ACT, 1948.**

*(As modified upto the 31st January 2013)*



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## THE BOMBAY CITY CIVIL COURT ACT, 1948.

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**BOMBAY ACT No. XL OF 1948<sup>1</sup>.**

[THE BOMBAY CITY CIVIL COURT ACT, 1948.]

[10th May 1948]

[ *This Act received the assent of the Governor General on the 3rd May 1948 ; assent was first published in the Bombay Government Gazette, on the 10th May 1948. ]*

Amended by Bom. 26 of 1950.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 9 of 1951.

” ” ” 32 of 1954.

” ” Mah. 15 of 1968.

” ” ” 29 of 1968.

” ” ” 46 of 1977(1-1-1978)\*†.

” ” ” 15 of 1979 (1-7-1979)\*

” ” ” 15 of 1987@ (1-5-1992)\*

” ” ” 25 of 2012 (1-9-2012)(1-10-2012)\*\*\$

**An Act to establish an additional Civil Court for Greater Bombay.**

WHEREAS, it is expedient to establish an additional Civil Court for the Greater Bombay : It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay City Civil Court Act, 1948.

(2) It shall come into force on such<sup>2</sup> date as the <sup>3</sup>[State] Government may by notification in the *Official Gazette*, appoint in this behalf.

Short title and commencement.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1948, Part V, page 7.

\*This indicates the date of commencement of the Act.

†Section 19 of Mah. 46 of 1977 reads as follows :—

“ 19. The amendment made by this Act in any of the Acts aforesaid shall not have any effect in respect of and apply to suits, appeals or other proceedings of a civil nature filed and pending before any Court on the date of commencement of this Act, and such proceedings shall be continued and disposed of by that court, as if this Act had not been passed ; and any appeal, revision application or other proceedings of a civil nature in respect of any decree or order passed by any Court before the date of commencement of this Act shall be filed before and heard and disposed of by the Court competent to entertain such proceedings before such commencement, as if this Act had not been passed.”.

Savings.

@This Act came into force *vide* G.N., L. and J.D., No. CCS. 2990/62 (12)/X, dated the 20th August 1991.

\*\*Sections 1, 2, 3, 5, 6 and 7 came into force on 1st September 2012 and section 4 came into force on 1st October 2012 *vide* G.N., L. and J.D., No. CCS. 2991/C.R.-58/D.-19, dated 28th August 2012.

\$ Section 6 of Mah. 25 of 2012 reads as under :—

Mah. XXV of 2012.

“ 6. After the date of coming into force of section 4 of the Bombay City Civil Court (Amendment) Act, 2012, in all the suits and proceedings which are liable to be transferred to the City Court under sub-section (1) of section 4A, in order to obviate the need for service of fresh notice upon the parties, the High Court shall list the matters on its Boards and notify the date on which the concerned matter shall be listed before the City Court. ”.

Transitory provisions.

<sup>2</sup> 16th August 1948 *vide* G.N., H.D., No. 2346/5-(7), dated 14th August 1948.

<sup>3</sup> The word “ State ” was substituted for the word “ Provincial ” by the Adaptation of Laws Orders, 1950.

Definitions. **2.** In this Act, unless there is anything repugnant in the subject or context,—

- (1) “ City Court ” means the court established under section 3 ;
- (2) “ High Court ” means the High Court of Judicature at Bombay ;
- (3) “ institution fee ” means the court fee payable in respect of the plaint or application by which the court fee payable in respect of the plaint or application by which a suit or proceeding is instituted ;
- <sup>1</sup>[(3A) “ intellectual property matters ” means the suits and civil proceedings relating to trade marks, copyright, patents, designs and geographical indications, plant varieties and the rights of farmers and plant breeders and Lay-out design (Topographies) of Integrated Circuits ;]
- (4) “ Small Cause Court ” means the Court of Small Causes of Bombay ;
- (5) “ special law ” means a law applicable to a particular subject.

Constitution  
of City  
Court.

**3.** The <sup>2</sup>[State] Government may, by notification in the *Official Gazette*, establish for the Greater Bombay a court, to be called the Bombay City Civil Court. Notwithstanding anything contained in any law, such court shall have jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature <sup>3</sup>[,not exceeding rupees one crore in value, ] <sup>4</sup>[\* \* \*] arising within the Greater Bombay, except suits or proceedings which are cognizable—

(a) by the High Court as a Court of Admiralty or Vice-Admiralty as a Colonial Court of Admiralty, or as a Court having testamentary, intestate or matrimonial Jurisdiction, or

(b) by the High Court for the relief of insolvent debtors, or

(c) by the High Court under any special law other than the Letters Patent, or

<sup>5</sup>[(c-1) by the High Court under the Parsi Marriage and Divorce Act, 1936 ; or

(c-2) by the High Court in respect of intellectual property matters ; or ]

(d) by the Small Cause Court :

<sup>6</sup>[Provided that, the State Government may, from time to time, after consultation with the High Court, by notification in the *Official Gazette*, enhance the pecuniary jurisdiction of the City Court and correspondingly alter the pecuniary jurisdiction of the High Court.]

<sup>1</sup> Clause (3A) was inserted by Mah. 25 of 2012, s.2.

<sup>2</sup> The word “ State ” was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

<sup>3</sup> These words were inserted by Mah. 25 of 2012, s.3(a).

<sup>4</sup> The words “ not exceeding fifty thousand rupees in value, and ” were deleted by Mah. 15 of 1987, s.2.

<sup>5</sup> Clauses (c-1) and (c-2) were inserted by Mah. 25 of 2012, s.3(b).

<sup>6</sup> This proviso was substituted for the existing proviso, *ibid.*, s.3(c).

4. [Power of <sup>2</sup>[State] Government to enhance jurisdiction of City Court.] Deleted by Mah. 46 of 1977. s. 3.

<sup>1</sup>[(<sup>4A</sup>. <sup>2</sup>[(1) Notwithstanding anything contained in section 9 of the Bombay City Civil Court and the Bombay Court of Small Causes (Enhancement of Pecuniary Jurisdiction and Amendment) Act, 1986, all suits and proceedings cognizable by the City Court under section 3, and pending in the High Court on the date of coming into force of section 4 of the Bombay City Civil Court (Amendment) Act, 2012, not being suits or proceedings falling under clauses (a) to (d) of section 3, shall stand transferred to the City Court.]

Mah.  
XV of  
1987.

Mah.  
XXV  
of  
2012.

<sup>3</sup>[Transfer of suits and proceedings cognizable under section 3, to City Court.]

(2) Any suit or proceeding so transferred shall be heard and disposed of by the City Court and the City Court shall have all the powers and jurisdiction in respect thereof as if it had been originally instituted in that Court.

(3) In any such suit or proceeding institution fees shall be paid credit being given to any Court-fee levied in the High Court and cost incurred in the High Court till the date of transfer shall be assessed by the City Court in such manner as the <sup>4</sup>[State] Government may, after consultation with the High Court, determine by rules.]

<sup>5</sup>[4B. The High Court may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.]

Power to make rules.

5. The City Court shall be deemed to be a court subordinate to and subject to the superintendence of the High Court within the meaning of the Letters Patent of the High Court and of the Code of Civil Procedure, 1908.

V of  
1908.

Subordination to and superintendence by High Court.

6. The <sup>4</sup>[State] Government may, by notification in the *Official Gazette*, appoint as many persons as it thinks fit to be Judges of the City Court.

Appointment of Judges.

7. When the City Court consists of more than one Judge—

(a) each of the Judge may exercise all or any of the powers conferred on the Court by this Act or any other law for the time being in force ;

Powers of Judges when City Court consists of more than one Judge.

<sup>1</sup> This section was inserted by Bom. 26 of 1950, s. 3.

<sup>2</sup> Sub-section (1) was substituted by Mah. 25 of 2012, s. 4(a).

<sup>3</sup> This Marginal note was substituted, *ibid.*, s. 4(b).

<sup>4</sup> The word "State" was substituted for the word "Provincial" by Bom. 9 of 1951, s. 3, Second Schedule.

<sup>5</sup> Section 4B was inserted by Mah. 25 of 2012, s. 5.

(b) the <sup>1</sup>[State] Government may appoint any one of the Judges to be the principal Judge <sup>2</sup>[and any two other Judges to be called the additional principal Judges] ;

(c) the principal Judge may from time to time make such arrangements as he may think fit for the distribution of the business of the court among the various Judges thereof ;

<sup>3</sup>[ (d) <sup>4</sup>[any additional principal Judge] may exercise all or any of the powers conferred on the principal Judge by this Act or any other law for the time being in force, as the High Court may, from time to time, direct].

<sup>10</sup>[Registrars.]

8. (1) The <sup>1</sup>[State] Government may appoint an officer to be called the Registrar of the City Court. He shall be the chief ministerial officer of the court ; and shall exercise such powers and discharge such duties of a ministerial nature as the Judge of the City Court, or when the court consists of more than one Judge, the principal Judge may, from time to time, by rules direct. <sup>5</sup>[The State Government may also appoint <sup>6</sup>[two officers to be called the additional Registrars] of the City Court. <sup>7</sup>[Any additional Registrar] shall exercise all or any of the powers and discharge all or any of the duties of the Registrar as the principal judge may, from time to time, 15 of 1979 by rules direct].

(2) The <sup>1</sup>[State] Government may, with the previous approval of the High Court invest the Registrar and <sup>8</sup>[any additional Registrar] <sup>9</sup>[with all or any of the following powers of the Judge of the City Court, namely :—

(a) the power to hear and dispose of all applications for permission to sue or defend as paupers or for dispaupering Plaintiff's or Defendants permitted to sue or defend as paupers ;

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<sup>1</sup> The word " State " was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

<sup>2</sup> These words were substituted for the words " and any other Judge to be the additional principal Judge " by Mah. 15 of 1979, s. 2(a).

<sup>3</sup> Clause (d) was added by Mah. 29 of 1968, s.2(b).

<sup>4</sup> These words were substituted for the words " the additional principal Judge " by Mah. 15 of 1979, s. 2(b).

<sup>5</sup> This portion was added by Mah. 29 of 1968, s. 3(a).

<sup>6</sup> These words were substituted for the words " an officer to be called the additional Registrar " by Mah. 15 of 1979, s. 3(a)(i).

<sup>7</sup> The words " Any additional Registrar " were substituted for the words " The additional Registrar ", *ibid.*, s. 3(a)(ii).

<sup>8</sup> The words " any additional Registrar " were substituted for the words " the additional Registrar ", *ibid.*, s. 3(b).

<sup>9</sup> This portion was substituted for the words " with any powers of the Judge of the City Court other than powers of trying suits and proceedings " by Mah. 15 of 1968, s. 2.

<sup>10</sup> This word was substituted for the word " Registrar " by Mah. 29 of 1968, s. 3(c).

(b) the power to hear and dispose of all interlocutory applications or matters necessary for the progress of any suit or other proceedings ;

V of  
1908.

(c) the power to hear and dispose of all applications for execution of decrees (but in the case of any application referred to in Rule 22 of Order XXI in the First Schedule to the Code of Civil Procedure, 1908, only when the person to whom the notice thereunder is served does not appear or offer any objections to the execution) ;

(d) the other powers of the said judge, not being powers of trying suits and proceedings ].

9. Save as otherwise provided in this Act all questions which arise in suits or other proceedings under this Act in the City Court shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

Questions arising in suits, etc., under Act to be dealt with according to law administered by High Court.

10. (1) The High Court shall, from time to time, with the sanction of the <sup>1</sup>[State] Government prescribe and regulate the fees to be taken for any process issued by the City Court or by any officer of such court.

Fees for process.

(2) Table of the fees so prescribed shall be published in the *Official Gazette*.

11. [ *Repayment of institution fee under certain circumstances.* ] Deleted by Mah. 15 of 1968, s.3.

12. Notwithstanding anything contained in any law, the High Court shall not have jurisdiction to try suits and proceedings cognizable by the City Court :

High Court jurisdiction barred except in certain cases.

Provided that the High Court may, for any special reason, and at any stage remove for trial by itself any suit or proceeding from the City Court.

13. [ *Costs to be disallowed when plaintiff sues in High Court instead of in City Court.* ] Deleted by Mah. 15 of 1987, s. 3.

14. When any suit or proceeding is removed for trial to the High Court from the City Court under section 12—

Allowance for fees paid in City Court in cases removed to High Court.

(a) it shall be heard and disposed of by the High Court in the exercise of its original civil jurisdiction and the said Court shall have all the powers and jurisdiction in respect thereof as if it had been originally instituted in such Court ;

(b) court fee on the scale for the time being in force in the High Court as a court of original civil jurisdiction shall be payable in that court in respect of the suit or proceeding therein :

Provided that in the levy of any such fee which, according to the practice of the court, is credited to the '[State] Government, credit shall be given for the institution fee already paid in the City Court.

<sup>1</sup>This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Appeals and  
limitation.

**15.** (1) An appeal shall lie to the High Court from—

(a) every decree passed by the Judge of the City Court, and

(b) such orders passed by the said Judge as are specified in and to the extent provided for by section 104 of the Code of Civil Procedure, V of 1908.

(2) The period of limitation for an appeal from a decree or order of the City Court shall be thirty days from the day of such decree or order :

<sup>1</sup>[Provided that the High Court may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period.]

Seal of City  
Court.

**16.** The City Court shall use a seal of such form and dimensions as may be for the time being prescribed by the <sup>2</sup>[State] Government.

Holidays  
and  
vacations.

**17.** (1) The Judge of the City Court, or, when the Court consists of more than one Judge, the principal Judge, shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the court, and shall submit the same for the approval of the High Court.

(2) Such list, when it has received such approval, shall be published in the *Official Gazette*, and the said holidays and vacations shall be observed accordingly.

Transfer of  
suits  
pending in  
High Court.

**18.** (1) All suits and proceedings cognizable by the City Court and pending in the High Court, in which issues have not been settled or evidence has not been recorded on or before the date of the coming into force of this Act, shall be transferred to the City Court and shall be heard and disposed of by the City Court and the City Court shall have all the powers and jurisdiction thereof as if they had been originally instituted in that Court.

(2) In any suit or proceeding so transferred institution fee shall be paid, credit being given to any court fee levied in the High Court, and costs incurred in the High Court till the date of the transfer shall be assessed by the City Court in such manner as the <sup>2</sup>[State] Government may, after consultation with the High Court, determine by rules.

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<sup>1</sup>This proviso was inserted by Bom. 32 of 1954, s.3.

<sup>2</sup>This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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