



## The Mizoram Civil Courts Act, 2005

Act 11 of 2005

**Keyword(s):**

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# CIVIL COURTS ACT

## THE MIZORAM CIVIL COURTS ACT. 2005

Assembly Bill No 13 of 2005  
Act of 11 of 2005  
Passed on 30.9.2005

### CHAPTER I PRELIMINARY

1. Short title, extent and commencement :-
  - (1) This Act may be called the MIZORAM CIVIL COURTS ACT, 2005
  - (2) It extends to the whole of the State of Mizoram.
  - (3) It shall come into force on such date as the Governor may, by notification in the Official Gazette, appoint.
02. Definitions:- In this Act unless the context otherwise requires.
  - (a) "appointed date" means the date appointed under sub-section(3) of section 1;
  - (b) "Civil courts" means a court of a District Judge, a court of the Senior Civil Judge, a court of a Civil Judge or a court of a small causes;
  - (c) "Code" means the Code of Civil Procedure, 1908 (5 of 1908);
  - (d) "district" means a revenue district or such local area as the High Court may, from time to time, notify to be a district for the purposes of this Act;
  - (e) "Governor" means the Governor of Mizoram;
  - (f) "Government" means the Government of Mizoram.

### CHAPTER-II

#### ESTABLISHMENT AND CONSTITUTION OF SUBORDINATE COURTS

3. Classes of Civil Courts  
In addition to the Courts established under any other law for the time being in force, there shall be following classes of Civil Courts in the State :-
  - (a) Court of a District Judge;
  - (b) Court of a Senior Civil Judge;
  - (c) Court of a Civil Judge.
  - (d) Court of small causes.

04. **Establishment of courts of District Judges :-**

- (1) There shall be established by the High Court, by notification in each district a court of the District Judge and such members of court of the District Judge as may be fixed by the High Court in consultation with the Government.
- (2) Each court of a District Judge shall be presided over by the senior most Judge to be called as Principal District Judge.
- (3) i) When the business pending before a court of a District Judge so requires, the High Court may, in consultation with the Government appoint to that court one or more judges to be called as Additional District Judges, for such period as is deemed necessary.  
ii) An Additional District Judge so appointed shall, subject to the general or special orders of the High Court, discharge all or any of the functions of a District Judge under this Act or any other law for the time being in force which the Principal District Judge may assign to him and in the discharge of those functions he shall exercise all the powers of the court of District Judge.

05. **Establishment of Courts of Senior Civil Judges.**

- 1) There shall be established by the High Court, in consultation with the Government, by notification, a Court of Senior Civil Judge for each district and such numbers of the Court of Senior Civil Judge shall be fixed.  
Provided that the High Court may, in consultation with the Government, establish a Court of Senior Civil Judge for part of a district and specify the local limits of its jurisdiction.
- 2) Each Court of a Senior Civil Judge shall be presided over by a Judge to be called as Principal Senior Civil Judge.
- 3) (i) When the business pending before a Court of a Senior Civil Judge so acquires, the High Court may in consultation with the Government, by notification, fix the number of Judges to be appointed to that Court to be called as Additional Senior Civil Judges, for such period as is deemed necessary.  
ii) An Additional Senior Civil Judge so appointed shall, subject to the general or special orders of the Principal District Judge, discharge all the functions of a Senior Civil Judge under this Act which the Principal Senior Civil Judge may assign to him and in the discharge of those functions, he shall exercise all the powers conferred on a court of Senior Civil Judge by this Act or any other law for the time being in force.

**06. Establishment of Courts of Civil Judge.**

- (1) There shall be established by the High Court, by Notification in each District and such Member of Court of the Civil Judge as may be fixed by the High Court, in consultation with the Government and specify the local limits of jurisdictions of each such Court.
- (2) Each Court of a Civil Judge shall be presided over by a Judge to be called as Principal Civil Judge
- (3) When the business pending before a Court of a Civil Judge so requires, the High Court, in consultation with the Government, fix by Notification the number of Judges to be appointed to that Court to be called as Additional Civil Judge for such period as is deemed necessary.
- (4) An Additional Civil Judge so appointed shall, subject to the general or special orders of the Principal District Judge, discharge all the functions of a Civil Judge under this Act which the Principal Civil Judge may assign to him and in the discharge of those functions, he shall exercise all the powers conferred on a Court of a Civil Judge by this Act or any other law for the time being in force.

**07. Establishment of courts of small causes :-**

- (1) The High Court may establish by notification, a court of small causes at any place in the State in consultation with the Government and specify the local limits of its jurisdiction and such number of the Court of small causes.
- (2) Court of small causes shall be presided over by a Judge to be called as Principal Judge of Court of Small Causes.
- (3) (i) When the business pending before a court of small causes so requires, the High Court may in consultation with the Government, by notification fix the number of additional judges of Small Causes for such period as is deemed necessary.  
  
(ii) An Additional Judge of Court of Small Causes so appointed shall subject to the general or special orders of the Principal District Judge of the district, discharge all functions of a Judge of the court of small causes under this Act which the Principal Judge of Court of Small Causes may assign to him and in the discharge of those functions he shall exercise all the powers conferred on a court of small causes by this Act or any other law for the time being in force.



**08. Location of Civil Courts -**

- (1) The place or places at which every civil court under this Act shall be held, shall be fixed and may from time to time be altered by the High Court, in consultation with the Government.
- (2) The place or places so fixed for a civil court under sub-section(1) may be within or outside the local limits of the jurisdiction of that court.

**09. Seal of a Civil Court** - Every civil court under this Act shall use a seal which shall bear thereon the State emblem and shall be, in such form, of such dimensions and with the name of the court in such language or languages, as the High Court may, in consultation with the Government, by order, determine.

**10. Existing courts, their location and seal to be deemed to be established, fixed and determined under this Act -**

- (1) The courts of Additional District Magistrate(Judicial) existing immediately prior to the appointed date shall, with effect from the appointed date, be converted to be Courts of District Judges established under this Act until they are reconstituted in accordance with this Act.
- (2) The District Council Court existing immediately prior to the appointed date shall, with effect from the appointed date be deemed to be court of Senior Civil Judges under this Act until they are constituted in accordance with this Act.
- (3) Sub-District Council Courts and Additional Sub-District Council Courts at Aizawl, Kolasib, Champhai and Lunglei existing immediately prior to the appointed date shall with effect from the appointed date deemed to be court of Junior Civil Judge under this Act until they are constituted in accordance with this Act.
- (4) The seal in use, in a civil court deemed to be established under sub-sections (10 to (4), immediately prior to the appointed date may continue to be used until an order is made by the High Court under Section 9.

11. **Posting of District Judges, Senior Civil Judges, Civil Judges and Judges of the Court of Small Causes -**

- (1) No person other than a person belonging to the cadre of District Judges in the judicial service of the State shall be eligible to be posted as a Principal District Judge or as an Additional District Judge.
- (2) No person other than a person belonging to the cadre of Senior Civil Judges in the Judicial service of the State shall be eligible to be posted as a Principal Senior Civil Judge or as an Additional Senior Civil Judge.
- (3) No person other than a person belonging to the cadre of Civil Judges in the judicial service of the State shall be eligible to be posted as a Principal Civil Judge or as an Additional Civil Judge.
- (4) No person other than a person belonging to the cadre of Civil Judges in the judicial service of the State shall be eligible to be posted as a Principal Judge of a Court of Small Causes or as an Additional Judge of Court of Small Causes.

**CHAPTER III**

**JURISDICTION OF CIVIL COURTS**

12. **Local limits of jurisdiction -**

- (1) The High Court may, by notification, fix and from time to time vary, the local limits of jurisdiction of any Civil Court, under this Act.
- (2) The local limits of jurisdiction of a civil court existing immediately prior to the appointed date shall, until it is fixed under this Act be deemed to be the local limits of jurisdiction of that court.

13. **Jurisdiction of a Court of District Judge -**

- (1) A Court of District Judge shall be deemed to be the principal civil court of original jurisdiction within the local limits of its jurisdiction.
- (2) Subject to the provisions of the Code the jurisdiction of a Court of District Judge shall extend to all original suits and proceedings of a civil nature.
- (3) A Court of District Judge shall, subject to the general control of the High Court, have control over all other civil courts within the local limits of its jurisdiction.



14. **Jurisdiction of a Court of Senior Civil Judge** – The jurisdiction of the court of a Senior Civil Judge shall extend to all original suits and proceedings of a civil nature, the value of the subject matter of which exceed two lakh rupees or such other sum as the High Court may, from time to time specify.
15. **Jurisdiction of a Court of Civil Judge** – The jurisdiction of a Court of Civil Judge shall extend to all original suits and proceedings of a civil nature, not otherwise excluded from the jurisdiction of a Court of Civil Judge by any law, the value of the subject matter of which does not exceed two lakh rupees or such other sum as the High Court may, from time to time specify,

16. **Jurisdiction of a court of small causes** –

- (1) A court of small causes shall not take cognizance of the suits specified in the Schedule as suits excepted from the cognizance of a court of small causes.
- (3) Save as expressly provided by this Act or by any other enactment for the time being in force a suit cognizable by a court of small causes shall not be tried by any other court having jurisdiction, within the local limits of the jurisdiction of the court of small causes by which the suit is triable.
- (4) Subject to the exceptions specified in the Schedule and to the provisions of this Act or any other law for the time being in force in the State all suits of civil nature the value of the subject matter of which does not exceed fifty thousand rupees shall be cognizable by a court of small causes.

Provided that the High Court may, by notification direct that all suits of civil nature the value of the subject matter of which does not exceed one lakh rupees shall be cognizable by a court of small causes mentioned in the notification.

17. **Appeals etc.** –

- (1) Appeals from the decrees and orders passed by a Court of District Judge in original suits and proceedings of civil nature shall, when such appeals are allowed by law, lie to the High Court.
- (2) Appeals from the decrees and orders passed by a Court of Senior Civil Judge in original suits and proceedings of civil nature, shall when such appeals are allowed by law, lie –
- (a) to the Court of the District Judge of that district when the amount or value of the subject matter of the original suit or proceedings is less than five lakhs of rupees or such other sum as the High Court may, from time to time, specify.
- (b) to the High Court, in other cases.
- (3) Appeals from the decrees and orders passed by a Court of Civil Judge in original suits or proceedings of a civil nature, shall, when such appeals are allowed by law, lie to the Court of District Judge of the district.

Provided that the High Court may, in consultation with the Government, by notification, direct that such appeals against decrees and orders may lie to the Court of Senior Civil Judge when the amount or value of the subject matter of the suit or proceeding is less than one lakh of rupees and thereupon appeals shall be preferred accordingly.

Where an order under section 35A or under section 95 or specified in clause (ff) or clause (g) or clause (h) of sub-section (1) of section 104 of the code is made by a court of small causes an appeal therefrom shall lie to the Court of the District Judge on any ground on which an appeal from such order would lie under that section.

- (i) The High Court may, for the purpose of satisfying itself that a decree or order made in any case decided by a court of small causes was according to law, call for the case and pass such order with respect thereto as it may think fit.
- (ii) Save as provided by this Act a decree or order made by a Court of Small Causes shall be final.

18. **Power to require witness or party to make oath or affirmation** – Every civil court under this Act shall require a witness or party to any suit or other proceedings pending in such court to make such oath or affirmation as is prescribed by the law for the time being in force.

19. **Investment of Small Cause powers to courts of Senior Civil Judges or Civil Judges** –

- (1) The High Court may, by notification, invest with such restrictions as it shall from time to time determine, any Court of Senior Civil Judge or a Court of Civil Judge, with jurisdiction of the trial of suits cognizable by a Court of Small Causes upto such amount as it may deem proper, not exceeding in the case of a court of Senior Civil Judge one lakh rupees and in the case of a Court Civil Judge fifty thousand rupees.
- (2) The High Court may, by notification withdraw or alter whenever it thinks fit such jurisdiction of any Court of Senior Civil Judge or Civil Judge, so invested.

20. **Judges not to try suits in which they are interested etc.** –

- (1) No Judicial Officer shall try any suit to, or in which he is a party or personally interested or shall adjudicate upon any proceedings connected with or arising out of such suit.
- (2) No Judicial Officer shall try any appeal against any decree or order passed by himself in any other capacity.
- (3) When any such suit, proceedings or appeal comes before any such Judicial Officer he shall report the circumstances to the court to which he is immediately subordinate. The said superior court shall thereupon dispose of the case in the manner prescribed by Section 24 of the Code.



21. **Application of the Code -**

- (1) The procedure prescribed in the Code shall, save in so far as is otherwise provided by this Act, be the procedure followed in all civil courts.
- (2) Notwithstanding anything contained in sub-section (1)
  - (a) in all suits cognizable by a court of small causes and in all proceedings arising out of such suits an applicant –
    - (i) for an order to set aside a decree passed ex parte on a ground other than that summons in the suit was not duly served; or
    - (ii) for a review of judgement on grounds other than an error apparent on the face of the record, shall at the time of presenting his application either deposit in the court the amount due from him under the decree or in pursuance of the judgement or give such security for the performance of the decree or compliance with the judgement as the court may direct on a previous application made by him in this behalf. The security may be released in the manner provided by section 145 of the Code.
  - (b) when the right of a plaintiff and the relief claimed by him in a Court of Small Causes depends upon the proof or disproof of title to immovable property or other title which such a court cannot finally determine, the court may at any stage of the proceedings return the plaint to be presented to a court having jurisdiction to determine the title. When a court so returns the plaint it shall comply with the provisions of rule 10 of Order VII of the Code and make such order with respect to costs as it deems just and the court shall for the purpose of Limitation Act, 1963 be deemed to have been unable to entertain the suit by reason of a cause of a nature like that of defect of jurisdiction.

**CHAPTER V**

**MISCELLANEOUS**

22. **Temporary vacancy of office of Principal District Judge** - In the event of the death of the Principal District Judge or of his being prevented from performing his duties by illness or otherwise or of his absence on leave from the station in which his court is held, the Additional District Judges of the district and if there are more than one Additional District Judges the seniormost among them and if there are no Additional District Judges in the district the seniormost Senior Civil Judge in the district, shall, without interruption to his ordinary duties assume charge of the office of the Court of Principal District Judge and while so in charge perform the duties of the Principal District Judge with respect to the filing of the suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall continue in charge of the said court until the same is resumed by a Judge duly posted thereto.

23. **Temporary vacancy of office of Principal Senior Civil Judge or Principal Civil Judge or Judge of a Court of Small Causes** – In the event of death, suspension or temporary absence of any Principal Senior Civil Judge or Principal Judge of Court of Small Causes or Principal Civil Judge the Principal District Judge may empower any Senior Civil Judge or Civil Judge in the district to perform such duties of such Principal Senior Civil Judge or Principal Judge of Court of Small Causes or Principal Civil Judge, as the case may be, as are specified in section 22 either at the place of such court or of his own court, but in every such case the registers and records of the two courts shall be kept distinct.

24. **Vacation and holidays** –

- (1) The civil courts in the State shall be closed on such days as may be notified by the High Court as public holidays for the whole State or for such area in the State.
- (2) The civil courts in the State shall have such number of vacations in each year as the High Court may declare but the total number of days of such vacations shall not exceed fifteen days.
- (3) Notwithstanding anything contained in this Act or in the Code, the High Court, may, by general or special order appoint the Principal District Judge or an Additional District Judge or a Senior Civil Judge as vacation judge for the district and for the duration of the adjournment of the court of Principal District Judge in any vacation or any part thereof and regulate the work to be discharged by the vacation judge.
- (4) The local limits of jurisdiction of the vacation judge shall be the same as those of the Court of Principal District Judge concerned and his jurisdiction shall extend to all suits appeals and other proceedings pending in or cognizable any civil court in the district concerned.
- (5) The vacation judge shall hold his court at the place at which Court of Principal District Judge is normally held and he shall have administrative control over all the staff of all civil courts in the district.
- (6) Notwithstanding the appointment of a vacation judge every civil court in the district shall during the period it is adjourned for any vacation be deemed to be closed for the purpose of section 4 of the Limitation Act, 1963 (Act 36 of 1963).
- (7) Appeal from the decree or order of a vacation judge shall, when such appeal is allowed by law, lie to the High Court.



25. **Subordination of civil courts –**

- (1) Subject to the other provisions of the Act and the rules and any other law for the time being in force all civil courts in a district including the staff thereof shall subject to the control of the High Court be subordinate to the Court of District Judge.
- (2) The Civil Courts shall maintain such forms, books of accounts, records, registers and the like as may be specified by the High Court in consultation with the Government.
- (3) The Government may for discharging their functions and responsibilities require through the High Court, the civil courts to furnish to the Government such particulars and information relating to the working of the courts and other matters as they may call for from time to time.

26. **Constitution of committees –**

- (1) The High Court shall constitute a consultative committee for each district consisting of the following :
  1. Principal district judge of the district - Chairman
  2. Deputy Commissioner of the district - Member
  3. Superintendent of Police of the district - Member
  4. President of the Bar Association of the district - Member
  5. Executive Engineer of the District in charge of Court Buildings - Member
  6. One Senior Civil Judge of the district nominated by the High Court- Member
- (2) The functions of the committee may, among other functions prescribed by the High Court, include -
  - (i) to make recommendations to the High Court and to the Government regarding the infrastructure of the courts in the district and improvements thereto.
  - (ii) to make suggestions to the High Court regarding improvements in court procedure and functioning of the court and office thereof.
  - (iii) to make suggestions regarding closer coordination between Bar, Bench and other authorities and effective functioning of the Courts.
  - (iv) such other functions as may be assigned to it by the High Court from time to time.



27. **Power to invest Senior Civil Judges with jurisdiction under certain Acts –**

- (1) The High Court may by general or special order invest any Senior Civil Judge, within such local limits and subject to such pecuniary limitation as may be specified in such order, with all or any of the powers of a District Judge or a Court of District Judge, as the case may be under the Indian Divorce Act, 1869 (4 of 1869) the Indian Succession Act, 1865 (39 of 1925), the Special Marriages Act, 1954 or the Guardian and wards Act, 1890 (8 of 1890).
- (2) Every order made by a Senior Civil Judge by virtue of the powers conferred upon him under Sub-Section (1) shall be subject to appeal to the High Court or the Court of District Judge according as the amount or value of the subject-matter exceeds or does not exceed five lakhs rupees.
- (3) Every order of a Court of District Judge passed on appeal under Sub-Section (2) from the order of a Senior Civil Judge shall be subject to an appeal to the High Court under the rules contained in the Code applicable to appeals from appellate decrees.

28. **Fees for process -** The High Court shall from time to time, with the sanction of the Government prescribe and regulate by rules the fees to be taken for any process issued by any civil court. Such rules may provide for payment of process fee in a lump sum in advance along with the plaint.

29. **Mode of conferring powers –** Except as otherwise provided any powers that may be conferred by the High Court on any person under this Act may be conferred on such person either by name or by virtue of office.

30. **Power of High Court to make rules –**

- (1) The High Court may, after previous publication, by notification make rules to carry out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :-
  - (a) the manner in which the proceedings of each civil court shall be kept and recorded;
  - (b) regulating the grant of certified copies of papers in civil courts;
  - (c) regulating the duties and functions of the ministerial officers of the civil courts.
  - (d) regulating the issue of licences by the Principal District Judge of the district to persons to act as petition writers in civil courts in that district and the conduct of business by them and the scale of fees to be charged by them.
  - (e) providing a penalty of such amount not exceeding five hundred rupees for breach of the rules made under clause (d) and the authority who could investigate the breach of rules and impose the penalty;

- (f) Forms, books, registers, records and account to be maintained by the civil courts;
- (g) Payment of process fees in lump sum in advance along with the plaint or otherwise;
- (h) Any other matter which in the opinion of the High Court has to be or may be prescribed for the effective enforcement of the Act and the administration of the Courts

31. **Repeal and savings** – (1) The provisions of Rules for Regulation of Procedure of Officers to Administer Justice in Lushai Hills published under the Government of Assam, Notification No.2530(a) A.P dt. 25<sup>th</sup> March 1937 as subsequently amended and adopted, in so far as they relate to the matters dealt with in this Act are hereby repealed with effect from the appointed date.

Provided that such repeal shall not affect the previous operation of the enactments so repealed and any thing done or any action taken (including the districts formed, limits defined, courts established or constituted, appointments, rules or orders made, functions assigned, powers granted, seals or forms prescribed, jurisdiction defined, or vested and notifications or notices issued by or under the provisions thereof are deemed to have been done or taken under the provisions of this Act) shall, in so far as it is not inconsistent with the provisions of this Act be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force unless and until superseded by anything done or any action taken under this Act.

- (2) Notwithstanding anything in sub-section(1) or any other provisions of this Act or in any enactment repealed by sub-section (1) or in any other law or provision having the force of law, all suits, appeals and proceedings connected therewith, pending before any court, which under this Act have to be instituted or commenced in another court, shall, on appointed day stand transferred to such other court and shall be continued and disposed of by such other court in accordance with law as if such suit and proceedings had been instituted or commenced in such other court under this Act.
- (3) If there be any doubt as to which court any suit, appeal or proceedings shall stand transferred or as to which court any appeal shall be preferred in accordance with the provisions of this Act the Court designated by the High Court shall be the court to which such suit, appeal or proceedings shall be transferred or such appeal shall be preferred, and the decision of the High Court shall be final.

32 **Power to remove difficulties** – If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of any enactment or law in force immediately before the commencement of this Act, the High Court may by notification make such provisions as appear to it to be necessary or expedient for removing the difficulty.



## THE SCHEDULE

### SUITS EXCEPTED FROM THE COGNIZANCE OF A COURT OF SMALL CAUSES

(See Section 16)

- (1) A suit concerning any act done or purporting to be done by or by order of the Central Government or the State Government;
- (2) A suit concerning an act purporting to be done by any person in pursuance of a judgement or order of a Court or of a judicial officer acting in the execution of his office;
- (3) A suit concerning an act or order purporting to be done or made by any other Officer of the Government in his official capacity, or by a Court of Wards, or by An officer of a Court of Wards in the execution of his office;
- (4) A suit for the possession of immovable property or for the recovery of an interest in such property;
- (5) A suit for the partition of immovable property;
- (6) A suit by a mortgage of immovable property for the foreclosure of the mortgage or for the sale of the property, or by a mortgage of immovable property for the redemption of the mortgage;
- (7) A suit to enforce a charge whether created by contract or by statute or by decree of Court;
- (8) A suit for the assessment, enhancement, abatement or apportionment of the rent of immovable property;
- (9) A suit for the recovery of rent, other than house rent unless the Judge of the Court of Small Causes has been expressly invested by the Government with authority to exercise jurisdiction with respect thereto;
- (10) A suit concerning the liability of land to be assessed to land revenue;
- (11) A suit to restrain waste;
- (12) A suit for the determination or enforcement of any other right to, or interest in immovable property;
- (13) A suit for the possession of an hereditary office or of an interest in such an office, including a suit to establish an exclusive or periodically recurring right to discharge the functions of an office;
- (14) A suit to enforce payment of any allowance or fees paid to families or individuals by the Government, or of cesses or other dues when the cesses or dues are payable to a person by reason of his interest in immovable property or in an hereditary office or in a shrine or other religious institutions;
- (15) A suit to recover from a person to whom compensation has been paid under the Land Acquisition Act for the time being in force the whole or any part of the compensation;
- (16) A suit for the specific performance or rescission of a contract;
- (17) A suit for the rectification or cancellation of an instrument;



- (18) A suit to obtain an injunction;
- (19) A suit relating to a trust, including a suit to make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust and a suit by a co-trustee enforce against the estate of a deceased trustee a claim for contribution;
- (20) A suit for a declaratory decree;
- (21) A suit instituted under Order XXI, Rule 63, or Order XXI, Rule 103 of the First Schedule to the Code;
- (22) A suit to set aside an attachment by a Court or a revenue authority, or a sale, mortgage, lease or other transfer by a Court or a revenue authority, or by a guardian;
- (23) A suit for property which the plaintiff has conveyed while insane;
- (24) A suit to alter or set aside a decision, decree or order of a Court or of a person acting in a judicial capacity;
- (25) A suit to contest an award;
- (26) A suit upon a foreign judgment as defined in the Code or upon a judgment obtained in India;
- (27) A suit to compel a refund of assets improperly distributed under S 73 of the Code;
- (28) A suit under S.360 of the Indian Succession Act, 1925 (39 of 1925) to compel a refund by a person to whom an executor or administrator has paid legacy or distributed assets;
- (29) A suit for a legacy or for the whole or a share of a residue bequeathed by a testator, or for the whole or a share of the property of an intestate;
- (30) A suit –
  - (a) for a dissolution of partnership or for the winding up of the business of partnership after its dissolution;
  - (b) for an account of partnership transactions; or
  - (c) for a balance of partnership account, unless the balance has been struck by the parties or their agents;
- (31) A suit for an account of property and for its due administration under decree;
- (32) Any other suit for an account, including a suit by a mortgagee, after the mortgage has been satisfied, to recover surplus collections, received by the mortgagee, and a suit for the profits on immovable property belonging to the plaintiff which have been wrongfully received by the defendant;
- (33) A suit for a general average loss or for salvage;
- (34) A suit for compensation in respect of collision between ships;
- (35) A suit on a policy of insurance or for the recovery of any premium paid under any such policy;
- (36) A suit for compensation –
  - (a) for loss occasioned by the death of a person caused by actionable wrong;
  - (b) for wrongful arrest, restraint or confinement;
  - (c) for malicious prosecution;
  - (d) for libel;

- (e) for slander;
- (f) for adultery or seduction;
- (g) for breach of contract of betrothal or promise of marriage;
- (h) for inducing a person to break a contract made with the plaintiff;
- (i) for obstruction of an easement or diversion of a water course;
- (j) for an act which is, or, save for the provisions of Chapter IV of the Indian Penal Code (45 of 1860), would be, an offence punishable under Chapter XVII of the said Code;
- (k) for illegal, improper or excessive distress, attachment or search, or for trespass committed in, or damage caused by, the illegal or improper execution of any distress, search or legal process;
- (l) for improper arrest under the Code or in respect of the issue of an injunction wrongfully obtained under the said Code; or
- (m) for injury to the person in any case not specified in the foregoing sub-clauses of this clause;

- (37) A suit by a Muhammadan for exigible (Mu'ajjal) or deferred (mu'wajjal) dower;
- (38) A suit for the restitution of conjugal rights, for the custody of a minor, or for a divorce;
- (39) A suit relating to maintenance;
- (40) A suit for arrears of land revenue, village expenses or other sums payable to the representative of a village community or to his heir or other successor in title;
- (41) A suit for profits payable by the representative of a village community or by his heir or other successor in title after payment of land revenue, village expenses and other sums;
- (42) A suit for contribution by a sharer in joint property in respect of a payment made by him of money due from a co-sharer or by a manager of joint property, or a member of an undivided family in respect of a payment made by him on account of the property or family;
- (43) Suits by one of several joint mortgagors of immovable property for contribution in respect of money paid by him for the redemption of the mortgaged property;
- (44) A suit against the Government to recover money paid under protest in satisfaction of a claim made by revenue authority on account of an arrear of land revenue or of a demand recoverable as an arrear of land revenue;
- (45) A suit to recover property obtained by an act which is, or, save for the provisions of Chapter IV of the Indian Penal Code (Act 45 of 1860) would be an offence punishable under Chapter XVII of the said Code;
- (46) A suit the cognizance whereof in a court of small causes is barred by any enactment for the time being in force.

# The Mizoram Civil Court (Amendment) Act, 2007

(Act NO.9 of2007).

[Received the assent of the Governor of Mizoram on 21 st September, 2007]

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to amend the Mizoram Civil Courts Act, 2005 (Act no. 11 of 2005) and to provide for matters connected therewith or incidental thereto.

It is enacted by the Legislative Assembly of Mizoram in the Fifty-eighth year of the Republic of India as follows :-

- |                              |   |
|------------------------------|---|
| Short title and Commencement | 1. (1) This Act may be called the Mizoram Civil Courts (Amendment) Act, 2007.   |
|                              | (2) It shall come into force on the date of publication in the official Gazette.  |
| Amendment of Section 2       | 2. In section 2 of the Mizoram Civil Courts Act, 2005 (hereinafter referred to as the Principal Act), <ul style="list-style-type: none"> <li>(a) The words "High Court", which appear in clause (d) shall be substituted by the word "Government".</li> <li>(b) After clause (f), a new clause shall be added as follows:-</li> <li>"(g) 'High Court' means the Gauhati High Court."</li> </ul> |
| Amendment of Section 4       | 3. In section 4 of the Principal Act, sub-section (1) shall be substituted as follows:- <p style="margin-left: 40px;">“(1) There shall be established by the Government, by Notification, in each district a court of the District Judge and such number of courts of the District Judge as may be fixed, in consultation with the High Court”.</p>   |
| Amendment of Section 5       | 4. In section 5 of the principal Act, <ul style="list-style-type: none"> <li>(a) for sub-section (1), the following shall be substituted, namely :-</li> </ul>  |



“(1) There shall be established by the Government by Notification, a Court of Senior Civil Judge for each district and such number of the Courts of Senior Civil Judge as may be fixed, in consultation with the High Court”;

Provided that the Government may, in consultation with the High Court, establish a court of Senior Civil Judge for part of a district and specify the local limits of its jurisdiction”.

(b) The word “Principal” which appears in sub-section (2) and in the third line of clause (ii) of sub-section (3) shall stand deleted.

**Amendment of Section 6** 5. In section 6 of the Principal Act,

(a) for sub-section (1), the following shall be substituted, namely :-

“(1) There shall be established by the Government, by Notification, in each District such number of Courts of the Civil Judge as may be fixed in consultation with the High Court and with such local limits of jurisdiction of each such Court as may be specified”.

(b) The word “Principal” which appears in sub-section (2) shall stand deleted.

(c) The word “High Court” in the first line and the word “Government” in the second line of sub-section (3) shall be substituted by the words “Government” and “High Court” respectively.

(d) The word “Principal” which appear in sub-section (4) shall stand deleted.

**Amendment of Section 8** 6. In section 8 of the Principal Act, for sub-section (1), the following shall be substituted, namely :-

“(1) The place or places at which every Civil Court under this Act shall be held, shall be fixed and may, from time to time, be altered by the State Government in consultation with the High Court”.



Amendment of Section 10 7. (a) The provisions contained in section 10 of the Principal Act shall start with the following words, namely:-

“Subject to the provisions contained in section 3 of the Act,”

(b) in sub-section (2), between the words “deemed” and “to be” in the second line, the word “also” shall be added.

(c) in sub-section (3), the words “deemed to be” shall be substituted by the words “be deemed also to be”.

(d) in sub-section (4), the figure “10” which appears in the first line shall be substituted by the figure “(1)”.

Amendment of Section 11 8. In section 11 of the Principal Act, the word “Principal” which appears in sub-sections (2) and (3) shall stand deleted.

Amendment of Section 21 9. Sub-section (1) of section 21 of the Principal Act shall be substituted as follows:-

“(1) Subject to the provisions contained in sub-section (3) of section 1 of the Code of Civil Procedure, 1908, the procedures prescribed in the Code shall, save in so far as is otherwise provided by this Act, be followed in spirit in all the Civil Courts”.

Amendment of Section 23 10. The word “Principal” wherever it appears in section 23 of the Principal Act, except in the case of Principal District Judge, shall stand deleted.

Amendment of Section 32 11. In section 32 of the Principal Act, the words “High Court” shall be substituted by the words “Government in consultation with the High Court”.

Sd/-

P. Chakraborty,  
Secretary to the Govt. of Mizoram,  
Law, Judl. & Par. Affairs,  
Aizawl.



# The Mizoram Gazette

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#### NOTIFICATION

No. H. 12018/155/2021-LJD, the 19<sup>th</sup> March, 2021. The following Act is hereby published for general information.

“ The Mizoram Civil Courts (Amendment) Act, 2021”  
(Act No. 2 of 2021)

(Received the assent of the Governor of Mizoram on 9.3.2021)

#### THE MIZORAM CIVIL COURTS (AMENDMENT) ACT, 2021

#### AN ACT

further to amend the Mizoram Civil Courts Act, 2005 (Act No. 11 of 2005)

It is enacted by the Legislative Assembly of Mizoram in the Seventy Second Year of the Republic of India as follows, namely:-

- |  |   |
|--|---|
| 1. Short title, extent and Commencement .— | 1) This Act may be called the Mizoram Civil Courts (Amendment) Act, 2021.   |
|  | 2) It shall have the like extend as the Principal Act.  |
|  | 3) It shall come into force on the date of publication in the Official Gazette.   |
| 2. Amendment of section 14 .—              | In section 14 of the Civil Courts Act, 2005 (hereinafter referred to as the Principal Act), the words “two lakh rupees” shall be substituted by the words and figures “Rs. 5,00,000/- (five lakh rupees)” . |
| 3. Amendment of section 15.—               | In section 15 of the Principal Act, the words “two lakh rupees” shall be substituted by the words and figures “Rs. 5,00,000/- (five lakh rupees)” .   |



4. Amendment of section 17.— In clause (a) of sub-section (2) of the Principal Act, the words “five lakhs of rupees” shall be substituted by the words and figures “Rs. 10,00,000/- (ten lakh rupees)” .
5. Amendment of section 27 .—
- 1) In sub-section (1) of section 27 of the Principal Act, the words, figures and symbol “The Indian Divorce Act, 1869 (4 of 1869)” may be omitted
  - 2) In sub-section (2) of the section 27 of the Principal Act, the words “five lakh rupees” shall be substituted by the words and figures “Rs. 10,00,000/- (ten lakh rupees)” .