



The Pondicherry Civil Courts Act, 1966

Act 12 of 1966

Keyword(s):
High Court, Union Territory

Amendment appended: 2 of 2023

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THE PONDICHERY CIVIL COURTS ACT, 1966

(No. 12 of 1966)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Definitions.
3. Courts and their number and jurisdiction.
4. Appointment of Additional Judges.
5. Situation of Courts.
6. Courts under the Act to be successors to existing Courts.
7. Seal of Court.
8. Jurisdiction of District Judge or Subordinate Judge in original suits and of Munsifs.

9. Appeal from decrees of District Judge and appellate jurisdiction of District Judge.
10. Power to require witness or party to make oath or affirmation.
11. Judges not to try suits in which they are interested nor try appeals from decrees passed by them in other capacities.
12. Duties of ministerial officers.
13. Temporary discharge of duties of District Judge.
14. District Judge to control Civil Courts.
15. Power to invest Subordinate Judge or Munsif with small cause jurisdiction.
16. Exercise by Subordinate Judge of jurisdiction of District Judge in certain proceedings.
17. Vacation.
18. Abolition of Conseil du Contentieux Administratif.
19. Abolition of the Offices of the Procureur de la Republique.
20. Pending proceedings.
21. Rule of construction.
22. Effect on other laws.
23. Power to remove difficulties.
24. Repeal and saving.

THE PONDICHERRY CIVIL COURTS ACT, 1966

(Act No. 12 of 1966)

21st October, 1966.

AN ACT

to consolidate and amend the law relating to the Civil Courts in the Union territory of Pondicherry.

BE it enacted by the Legislative Assembly of Pondicherry in the Seventeenth Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Pondicherry Civil Courts Act, 1966.

(2) It extends to the whole of the Union territory of Pondicherry.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act, and any reference to the commencement of this Act in any provision thereof shall be construed as a reference to the date on which that provision comes into force.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

(b) "High Court" means the High Court at Madras;

(c) "Union territory" means the Union territory of Pondicherry.

3. **Courts and their number and jurisdiction.**—(1) There shall be the following Courts in the Union territory (which shall be a district for the purposes of this Act), namely:—

(a) the Court of the District Judge,

(b) the Subordinate Judge's Courts, and

(c) the Munsif's Courts.

(2) Appointments to the posts of District Judge, Subordinate Judge and Munsif shall be made by the Government in accordance with rules made under article 309 of the Constitution :

Provided that appointment to the post of District Judge shall be made after consultation with the High Court.

(3) The number of Subordinate Judge's Courts and Munsif's Courts shall be fixed and may, from time to time, be altered by the Government.

(4) (a) The local limits of the jurisdiction of the Court of the District Judge shall extend to the entire Union territory.

(b) The local limits of the jurisdiction of a Subordinate Judge's Court and a Munsif's Court shall be such as the Government may, by notification in the Official Gazette, specify :

Provided that the Government may, by like notification, alter the jurisdiction of any Court under this clause from time to time.

4. Appointment of Additional Judges.—(1) The Government may, if satisfied after consultation with the High Court that the state of business pending before any Court so requires, appoint in accordance with the provisions of subsection (2) of section 3 one or more Additional Judges to that Court for such period as it may deem necessary.

(2) When more than one Judge is appointed to a Court, one of the Judges shall be appointed the Principal Judge of that Court.

(3) Each of the Judges appointed to a Court may exercise all or any of the powers conferred on that Court by this Act or any other law for the time being in force.

(4) The Principal Judge of every Court may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof:

Provided that the District Judge, or the Principal District Judge, if there is more than one District Judge, may give such general or special direction in regard to the distribution of work in the Courts of Subordinate Judge and Munsif.

Explanation.—In this section, unless the context otherwise requires, the expression 'judge' includes a Subordinate Judge and Munsif.

5. **Situation of Courts.**—(1) The place at which any Court under this Act shall be held may be fixed and may, from time to time, be altered by the Government.

(2) The place fixed for any Court under this section shall be deemed to be within the local jurisdiction of that Court.

6. **Courts under the Act to be successors to existing Courts.**—(1) The Tribunal Supérieur d' Appel, Courts of Tribunal de lere Instance and Juge de Paix existing immediately before the commencement of this Act shall be respectively the first Court of the District Judge, Subordinate Judge's Court and Munsif's Court under this Act.

(2) As from the commencement of this Act,—

(a) the President and Judges of the Tribunal Supérieur d' Appel holding office immediately before such commencement shall respectively function as the Principal District Judge and Additional District Judges; and

(b) the **Presidents of the Tribunal de lere Instance** and **Juges de Paix** holding office immediately before such commencement shall respectively function as **Subordinate Judges** and **Munsifs** within their jurisdiction.

(3) Subject to the other provisions of this Act, a District Judge sitting singly shall exercise all the powers and functions of the Tribunal Superieur d' Appel in respect of all pending cases and cases remanded by the High Court in exercise of its powers as Cour de Cassation.

7. **Seal of Court.**—Every Court under this Act shall use a seal of such form and dimensions as are, for the time being, prescribed by the Government.

8. **Jurisdiction of District Judge or Subordinate Judge in original suits and of Munsifs.**—(1) The jurisdiction of the District Judge or a Subordinate Judge extends, subject to the rules of procedure contained in the law relating to procedure for the time being in force, to all original suits and proceedings of a civil nature.

(2) The jurisdiction of a Munsif extends to all like suits and proceedings not otherwise exempted from his cognizance, of which the amount or value of the subject matter does not exceed five thousand rupees :

Provided that the Government may, by notification in the Official Gazette, increase the jurisdiction to ten thousand rupees.

9. **Appeal from decrees of District Judge and appellate Jurisdiction of District Judge.**—(1) Regular or special appeals shall, when such appeals are allowed by law, lie from the decrees or orders of the Court of the District Judge to the High Court.

(2) Appeals from the decrees and orders of Subordinate Judges and Munsifs shall, when such appeals are allowed by law, lie to the Court of the District Judge, except when the amount or value of the subject matter of the suit exceeds rupees ten thousand in which case, the appeal shall lie to the High Court:

Provided, however, that the pecuniary limit specified in this sub-section shall not apply in the case of appeals from decrees and orders passed under in accordance with the French law relating to Civil Procedure.

(3) Whenever a Subordinate Judge's Court is established or located at a place remote from the Court of the District Judge, the Government may direct that appeals from the decrees and orders of a Munsif within the local limits of the jurisdiction of such Subordinate Judge be preferred in the Court of the latter:

Provided that the District Judge may remove to his own Court, from time to time, appeals so preferred and dispose of them himself.

(4) The District Judge may transfer for disposal any appeal from a decree or order of a Munsif preferred in the Court of the District Judge to any Subordinate Judge.

10. Power to require witness or party to make oath or affirmation.—Every Court under this Act may require a witness or party to any suit or other proceeding pending in such Court to make such oath or affirmation as is prescribed by the law for the time being in force.

11. Judges not to try suits in which they are interested nor try appeals from decrees passed by them in other capacities.—(1) (a) No District Judge, Subordinate Judge or Munsif

shall try any suit to or in which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

(b) No District Judge or Subordinate Judge shall try any appeal against a decree or order passed by himself in another capacity.

(2) When any such suit, proceeding or appeal comes before—

(a) any Subordinate Judge or Munsif, he shall report the circumstances to the District Judge, who shall thereupon either take up the case himself or transfer the case to some other officer, otherwise competent to deal with the same;

(b) any District Judge, he shall transfer the case to an Additional District Judge or if there be no such Judge, to a Subordinate Judge who is otherwise competent to deal with the same:

Provided that in the absence of any judicial officer competent to deal with the same within the Union territory, the District Judge shall report the circumstances to the High Court, which shall thereupon deal with the case itself or transfer the case for disposal to any other District Judge under its jurisdiction.

12. Duties of ministerial officers.—The ministerial officers of a Court shall perform such duties as may, from time to time, be imposed upon them by the presiding officer of the Court.

13. Temporary discharge of duties of District Judge.—In the event of the death of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties or of his absence from the station in which

his Court is held, the senior Additional District Judge or the Additional District Judge, as the case may be or if there is no Additional District Judge, the senior Subordinate Judge in the station in which his Court is held shall, without interruption to his ordinary duties, assume charge of the District Judge's Office, and shall discharge such of the current duties thereof as are connected with the filing of suits and appeals, the execution of processes and the like, and shall continue in charge of the office until the same is resumed or assumed by an officer duly appointed thereto.

14. District Judge to control Civil Courts.—(1) The Court of the District Judge shall be the principal Civil Court of original jurisdiction in the district within the meaning of any law relating to procedure for the time being in force and the Subordinate Judge's Court and the Munsif's Court shall be subordinate to it.

(2) Subject to the other provisions of this Act and any other law for the time being in force and to the general superintendence and control of the High Court, the general control over all Civil Courts under this Act shall be vested in the District Judge.

¹ [Explanation.]

15. Power to invest Subordinate Judge or Munsif with small cause jurisdiction.—(1) The Government may, by notification in the Official Gazette, invest within such local limits as it shall, from time to time, appoint—

(a) any Subordinate Judge with the jurisdiction of a Judge of a Court of Small Causes for the trial of suits cognizable by such Courts up to the amount of one thousand rupees; and

1. Omitted by Act 18 of 1970, section 2, w. e. f. 9—7—1970.

(b) any Munsif with the same jurisdiction upto the amount of five hundred rupees.

(2) The Government may, by like notification, withdraw such jurisdiction from the Subordinate Judge or Munsif as invested under sub-section (1).

16. Exercise by Subordinate Judge of jurisdiction of District Judge in certain proceedings.—(1) The High Court may, by general or special order, authorise any Subordinate Judge to take cognizance of, any District Judge, to transfer to any Subordinate Judge under his control, any proceedings under the Indian Succession Act, 1925 (39 of 1925), which cannot be disposed of by District Delegates.

(2) The District Judge may withdraw any such proceedings taken cognizance of by, or transferred to, a Subordinate Judge, and may either himself dispose of them or transfer them to a Court competent to dispose of them.

(3) Notwithstanding anything contained in section 9, proceedings taken cognizance of by or transferred to, a Subordinate Judge under the provisions of this section shall be disposed of by him subject to the law applicable to like proceedings when disposed of by the District Judge.

17. Vacation.—(1) The annual vacations for the Courts constituted under this Act shall be fixed by the District Judge with the prior approval of the Government.

(2) Such annual vacations shall not exceed in the aggregate sixty days in the case of the Court of the District Judge and a Subordinate Judge's Court and forty-five days in the case of a Munsif's Court:

Provided that when the Court of the District Judge or a Subordinate Judge's Court to which appeals lie is closed for the vacations, the High Court shall have power to receive such appeals.

18. Abolition of Conseil du Contentieux Administratif.—

(1) As from the commencement of this Act, the Court of Conseil du Contentieux Administratif shall stand abolished.

(2) Notwithstanding such abolition, all cases pending before the said Court immediately before such commencement and those cases that may be remanded by the High Court in exercise of its powers as Conseil d'Etat, shall be heard and disposed of by the District Judge or an Additional District Judge sitting singly in accordance with the procedure followed immediately before the commencement of this Act in so far as it is not inconsistent with the provisions of this Act.

19. Abolition of the Offices of the Procureur de la Republique.—(1) As from the commencement of this Act, the Offices of the Procureur de la Republique shall stand abolished.

(2) Notwithstanding such abolition, the Government may, by notification in the Official Gazette, empower any officer holding a degree or diploma in law to perform the duties and functions of the said offices under the French law in so far as may be necessary for such areas as may be specified.

20. Pending Proceedings.—(1) Any proceeding of a Civil nature pending in a Court immediately before the commencement of this Act shall, on such commencement, be deemed to be transferred to the Court exercising jurisdiction under this Act in which the proceeding would have lain if it had been

instituted after such commencement, and the Court to which the proceeding is transferred shall proceed to try, hear and determine the matter as if it had been pending therein.

(2) Any appeal from a decree or order passed by a Court and not appealed against before the commencement of this Act shall lie to the Court exercising jurisdiction under this Act to which such appeal would have lain if it had been preferred after such commencement.

(3) Any decree or order passed before the commencement of this Act by any court shall be deemed, for the purpose of execution, to have been passed by the Court exercising jurisdiction under this Act which corresponds, so far as may be, to the jurisdiction of the Court which passed the decree or order:

Provided that nothing in sub-section (1) or sub-section (2) shall be construed as extending the period of limitation to which any suit or appeal or application may be subject.

21. Rule of construction.—References in any law in force in the Union territory to the Tribunal Superieur d' Appel, the Tribunal de lere Instance or the Juge de Paix shall be construed as references to the Court of the District Judge or a Subordinate Judge or a Munsif as the case may require.

22. Effect on other laws.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law in force in the Union territory.

23. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

24. **Repeal and saving.**—(1) As from the commencement of this Act, any law in force in the Union territory including the Ordinances, Decrees and Arretes specified in the Schedule in so far as it makes provisions for the matters covered by this Act, shall stand repealed.

(2) Notwithstanding anything contained in the foregoing provisions, the constitution and organisation of Courts under this Act shall not prejudicially affect the continued operation of any notice served, injunction issued, direction made or proceedings taken before the commencement of this Act by any court under the powers conferred upon it by any law for the time being in force.

THE SCHEDULE

(See section 24)

1. Royal Ordinance dated 7th February, 1842 relating to judicial organisation.
2. Decree dated 22nd August, 1928 determining the status of the Colonial Magistrates and the composition of Courts, Tribunals, etc.
3. Decree dated 5th August, 1881 relating to organisation and competency of Administrative Courts in the Colonies.
4. Decree No. 47-707, dated 12th April, 1947 relating to the setting up of an Administrative Court (Conseil du Contentieux Administratif) in the French settlements in India.
5. Decree No. 48-2032, dated 30th December, 1948 providing for the composition of an Administrative Court in French India.

6. Arrete No. 267, dated 25th February, 1949 determining the functions of the Administrative Court's Secretary.
7. Arrete, dated 1—7—1936 laying down the rules governing the Process Servers of the Judicial Department.

Alfred A. ...

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The Gazette of Puducherry

PART - II

சிறப்பு வெளியீடு

EXTRAORDINAIRE

EXTRAORDINARY

அதிகாரம் பெற்ற
வெளியீடு

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(16 Phalgun 1944)					

GOVERNMENT OF PUDUCHERRY
LAW DEPARTMENT

No. 993/2019-LD.

Puducherry, dated 07th March 2023.

The following Act of the Legislative Assembly, Puducherry, received the assent of the President of India on the 22nd day of February, 2023 and is hereby published for general information.

N. MURUGAVEL,
Under Secretary to Government (Law).

THE PUDUCHERRY CIVIL COURTS
(AMENDMENT) ACT, 2022
(Act No. 2 of 2023)

(22-02-2023)

AN
ACT

**further to amend the Puducherry Civil Courts Act,
1966.**

BE it enacted by the Legislative Assembly of Puducherry in the Seventy-third Year of the Republic of India as follows :—

Short title,
extent and
commencement.

1. (1) This Act may be called the Puducherry Civil Courts (Amendment) Act, 2022.

(2) It extends to the whole of the Union territory of Puducherry.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Amendment of
section 8.

2. In the Puducherry Civil Courts Act, 1966 (hereinafter referred to as the Principal Act), for section 8, the following shall be substituted, namely:—

Act
No. 12
of
1966.

“8. Jurisdiction of District Judge, Subordinate Judge and District Munsif in original suits. - (1) The jurisdiction of the District Judge shall, subject to the rules of procedure contained in the Code of Civil Procedure, 1908 (hereinafter referred to in this section as the said Code) for the time being in force, extend to all original suits and proceedings of a civil nature, of which the amount or value of the subject matter exceeds rupees ten lakhs.

Act
No. 5
of
1908.

(2) The jurisdiction of the Subordinate Judge shall, subject to the rules of procedure contained in the said Code for the time being in force, extend to all original suits and proceedings of a civil nature, of which the amount or value of the subject matter exceeds rupees one lakh, but, does not exceed rupees ten lakhs.

Provided that the jurisdiction of the Subordinate Judge's Court at Mahe and Yanam extends subject to the provisions of the said Code to all original suits and proceedings of civil nature.

(3) The jurisdiction of the District Munsif shall extend to all like suits and proceedings not otherwise exempted from his cognizance of which the amount or value of the subject matter does not exceed rupees one lakh.

Provided that the Government may by notification in the Official Gazette increase the jurisdiction as and when exigency arises.

3. (1) In the Principal Act, in section 9, in the proviso to sub-section (3), for the words "rupees five lakhs", the words "rupees ten lakhs", shall be substituted. Amendment of section 9.

(2) In the Principal Act, in section 9, the Transitory provisions contained in sub-section (7), for the existing clauses (1) and (3), the following shall be substituted, namely:-

"(1) All suits pending in the District Courts at Puducherry and Karaikal, when the amount or the value of the subject matter of the suit is up to rupees ten lakhs shall stand transferred to the respective Subordinate Courts at Puducherry and Karaikal having jurisdiction.

(3) All first appeals from the Decrees and Orders of the Subordinate Courts at Puducherry, Karaikal, Mahe and Yanam, and pending on the file of the High Court of Judicature at Madras, and when the amount or the value of the subject matter of such appeals does not exceed rupees ten lakhs shall stand transferred to the respective District Courts at Puducherry and Karaikal having jurisdiction."