

The Civil Courts Act, 1887

(ACT NO. XII OF 1887)

¹♣An Act to consolidate and amend the law relating to Civil Courts in Bangladesh.

WHEREAS it is expedient to consolidate and amend the law relating to Civil Courts in Bangladesh; It is hereby enacted as follows:-

CHAPTER I PRELIMINARY

Title, extent and

commencement

1. (1) This Act may be called the ²[* * *] Civil Courts Act.

(2) It extends to Bangladesh except such portions ³[thereof] as for the time being are not subject to the ordinary civil jurisdiction of the High Court Division ⁴[* * *]; and

(3) It shall come into force on the first day of July, 1887.

[Repealed]

2. (1) ⁵[Repealed by the Amendment Act, 1891 (Act No. XII of 1891)].

(2) [Omitted by the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973), section 3 and 2nd Schedule.]

(3) Any enactment or document referring to the Bengal Civil Courts Act, 1871, [or East Bengal Civil Court Act] or to any enactment thereby repealed, shall be construed to refer to this Act or to the corresponding portion thereof.

CHAPTER II CONSTITUTION OF CIVIL COURTS

Classes of Civil Courts

⁶[3. There shall be following classes of Civil Courts, namely:-

(a) the Court of the District Judge;

(b) the Court of the Additional District Judge;

(c) the Court of the Joint District Judge;

(d) the Court of the Senior Assistant Judge; and

(e) the Court of the Assistant Judge.]

Number of Judges

⁷[4. The Government may alter the number of District Judges, Additional District Judges, Joint District Judges, Senior Assistant Judges and Assistant Judges now fixed.]

[Repealed]

5. [Repealed by the Decentralization Act, 1914 (Act No. IV of 1914).]

Vacancies among District or Joint District Judges

6. (1) Whenever the office of District Judge or ⁸[Joint District] Judge is vacant by reason of the death, resignation or removal of the Judge or other cause, or whenever an increase in the number of District or ⁹[Joint District] Judges has been made under the provisions of section 4, the Government or, as the case

may be, the High Court Division may fill up the vacancy or appoint the Additional District Judges or ¹⁰[Joint District] Judges.

(2) Nothing in this section shall be construed to prevent a Government from appointing a District Judge or ¹¹[Joint District] Judge to discharge, for such period as it thinks fit, in addition to the functions devolving on him as such District Judge or ¹²[Joint District] Judge, all or any of the functions of another District Judge or ¹³[Joint District] Judge, as the case may be.

[Omitted]

7. [Omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.]

Additional District Judges

8.(1) When the business pending before any District Judge requires the aid of ¹⁴[Additional District] Judges for its speedy disposal, the Government may, having consulted the High Court Division, appoint such ¹⁵[Additional District] Judges as may be requisite.

(2) ¹⁶[Additional District] Judges so appointed shall discharge any of the functions of a District Judge which the District Judge may assign to them, and, in the discharge of those functions, they shall exercise the same powers as the District Judge.

**Administrative
control of
Courts**

9. Subject to the superintendence of the High Court Division, the District Judge shall have administrative control over all the Civil Courts under this Act within the local limits of his jurisdiction.

**Temporary
charge of
District
Court**

10. (1) In the event of the death, resignation or removal 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 place at which his Court is held, the ¹⁷[Additional District] Judges, or, if an ¹⁸[Additional District] Judge is not present at that place, the senior ¹⁹[Joint District] Judge present thereat, shall, without relinquishing his ordinary duties, assume charge of the office of the District Judge, and shall continue in charge thereof until the office is resumed by the District Judge or assumed by an officer appointed thereto.

(2) While in charge of the office of the District Judge, the ²⁰[Additional District] Judge or ²¹[Joint District] Judge, as the case may be, may, subject to any rules which the High Court Division may make in this behalf, exercise any of the powers of the District Judge.

**Transfer of
proceedings
on vacation
of office of
Joint
District
Judge**

11. (1) In the event of the death, resignation or removal of a ²²[Joint District] Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the place at which his Court is held, the District Judge may transfer all or any of the proceedings pending in the Court of the ²³[Joint District] Judge either to his own Court or to any Court under his administrative control competent to dispose of them.

(2) Proceedings transferred under sub-section (1) shall be disposed of as if they had been instituted in the Court to which they are so transferred:

(3) Provided that the District Judge may re-transfer to the Court of the ²⁴[Joint District] Judge or his successor any proceedings transferred under sub-section (1) to his own or any other Court.

(4) For the purposes of proceedings which are not pending in the Court of the ²⁵[Joint District] Judge on the occurrence of an event referred to in

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 sub-section (1), and with respect to which that Court has exclusive jurisdiction, the District Judge may exercise all or any of the jurisdiction of that Court.

[Omitted]

12. [Omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.]

Power to fix local limits of jurisdiction of Courts

13. (1) The Government may, by notification in the official Gazette, fix and alter the local limits of the jurisdiction of any Civil Court under this Act.

(2) If the same local jurisdiction is assigned to two or more ²⁶[Joint District] Judges or to two or more ²⁷[Senior Assistant Judges or Assistant Judges], the District Judge may assign to each of them such civil business cognizable by the ²⁸[Joint District] Judge or ²⁹[Senior Assistant Judge or Assistant Judge], as the case may be, as, subject to any general or special orders of the High Court Division, he thinks fit.

(3) When civil business arising in any local area is assigned by the District Judge under sub-section (2) to one of two or more ³⁰[Joint District] Judges or to one of two or more ³¹[Senior Assistant Judges or Assistant Judges], a decree or order passed by the ³²[Joint District] Judge or ³³[Senior Assistant Judge or Assistant Judge] shall not be invalid by reason only of the case in which it was made having arisen wholly or in part in a place beyond the local area if that place is within the local limits fixed by the Government under sub-section (1).

(4) A Judge of a Court of Small Causes appointed to be also a ³⁴[Joint District Judge or Senior Assistant Judge or Assistant Judge] is a Joint District Judge or Senior Assistant Judge or Assistant Judge, as the case may be, within the meaning of this section.

(5) The present local limits of the jurisdiction of every Civil Court under this Act shall be deemed to have been fixed under this section.

Place of sitting of Courts

14. (1) The Government may, by notification in the official Gazette, fix and alter the place or places at which any Civil Court under this Act is to be held.

(2) All places at which any such Courts are now held shall be deemed to have been fixed under this section.

Vacations of Courts

15. (1) Subject to such orders as may be made by the Government the High Court Division shall prepare a list of days to be observed in each year as closed holidays in the Civil Courts.

(2) The list shall be published in the official Gazette.

(3) A judicial act done by a Civil Court on a day specified in the list shall not be invalid by reason only of its having been done on that day.

Seals of Courts

16. Every Civil Court under this Act shall use a seal of such form and dimensions as are prescribed by the Government.

Continuance of proceedings of Courts ceasing to have jurisdiction

17. (1) Where any Civil Court under this Act has from any cause ceased to have jurisdiction with respect to any case, any proceedings in relation to that case which, if that Court had not ceased to have jurisdiction, might have been had therein may be had in the Court to which the business of the former Court has been transferred.

(2) Nothing in this section applies to cases for which provision is made in sections 36, 37 and 114 of, and rule 1 of Order XLVII in Schedule I to the Code of Civil Procedure, 1908, or in any other enactment for the time being in force.

CHAPTER III ORDINARY JURISDICTION

Extent of original jurisdiction of District or Joint District Judge

18. Save as otherwise provided by any enactment for the time being in force, the jurisdiction of a District Judge or ³⁵[Joint District] Judge extends, subject to the provisions of section 15 of the Code of Civil Procedure, 1908 to all original suits for the time being cognizable by Civil Courts.

Extent of jurisdiction of Senior

³⁶[19. (1) Save as otherwise provided by any enactment for the time being in force, the jurisdiction of a Senior Assistant Judge and an Assistant Judge shall extend to all suits of which the value does not