



THE MAINTENANCE ORDERS ENFORCEMENT ACT, 1921



CONTENTS

PREAMBLE.

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- 1 Short title and extent.
- 2 Definitions.
- 3 Reciprocal arrangements.
- 4 Registration of maintenance orders.
- 5 Transmission of maintenance orders made in Pakistan.
- 6 Power of summary courts to make.
- 7 Power of court of summary jurisdiction to confirm maintenance order made out of Pakistan.
- 8 Enforcement of maintenance orders.
- 9 Payment of charges for transmission of sums awarded as maintenance and other costs and charges.
- 10 Proof of documents signed by officers of court.
- 11 Depositions to be evidence.
- 12 Rule-making power.

THE MAINTENANCE ORDERS ENFORCEMENT ACT, 1921.

¹ACT No. XVIII OF 1921

[5th October, 1921]

An Act to facilitate the enforcement ²[Pakistan] of Maintenance Orders made in other ³[Countries] and *vice versa*.

WHEREAS it is expedient to facilitate the enforcement in ²[Pakistan] of Maintenance Orders made in other ³[Countries] and *vice versa*; It is hereby enacted as follows:—

1. Short title and extent.— (1) This Act may be called the Maintenance Orders Enforcement Act, 1921.

⁴[(2) It extends to the whole of Pakistan.]

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

“Court of summary jurisdiction” means the Court ⁵* * * of a District Magistrate;

“dependants” means such persons as a person against whom a maintenance order is made is liable to maintain according to the law in force in the ⁶[country] in which the maintenance order is made;

“maintenance order” means a decree or order, other than an order of affiliation, made by a Court in the exercise of civil or criminal jurisdiction for the periodical payment of sums of money towards the maintenance of the wife or other dependants of the person against whom the order is made;

“prescribed” means prescribed by rules made under this Act;

“Proper authority” means the authority appointed by, or under the law of, a reciprocating territory to receive and transmit documents to which this Act applies; and “reciprocating territory” means any ⁶[country] ⁷* * * in respect of which this Act for the time being applies.

¹ For Statement of Objects and Reasons, see Gazette of India, 1921, Pt. V, p. 5; and for Report of Select Committee, see *ibid.*, 1921, Pt. V, p. 127.

It has been extended to the Leased Areas of Baluchistan by the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

² See foot-note 1 on page 8, *supra*.

³ Subs. by the Maintenance Orders Enforcement (Amdt.) Ordinance, 1962 (69 of 1962), s. 2, for “parts of His Majesty’s Dominions and Protectorates [Acceding States and non-Acceding States]”. The words in crotchets were ins. by A.O., 1949.

⁴ The original sub-section (2) as amended by A.O., 1949 and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8, has been subs. by the Central Laws (Statue Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955).

⁵ The words “of a Chief Presidency Magistrate or” omitted by A.O., 1949.

⁶ Subs. by the Maintenance Orders Enforcement (Amdt.) Ordinance, 1962 (69 of 1962), s. 3, for “Part of His Majesty’s Dominions”.

⁷ The words “outside [Pakistan]” have been omitted by A.O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956). The words in crotchets were subs. by A.O., 1949, for “British India”.

¹[3. **Reciprocal arrangements.** If the ²[Federal Government is satisfied that provisions have been made by the legislature of any country for the enforcement within that country of maintenance orders made by Courts in Pakistan, the ²[Federal Government] may, by notification in the official Gazette, ³[declare that this Act applies in respect of that country and thereupon it shall apply accordingly.]

⁴[4. **Registration of maintenance orders].— (1) Where a maintenance order has, whether before or after the passing of this Act, been made against any person by any Court in any reciprocating territory, and a certified copy of the order has been transmitted by the proper authority of that territory to the ⁵[Federal Government], the ⁶[Federal Government] shall send a copy of the order to the prescribed officer of a Court in ⁷[Pakistan] for registration, and, on receipt thereof, the order shall be registered in the prescribed manner.**

(2) The Court in which an order is to be so registered as aforesaid shall, if the Court by which the order was made was, in the opinion of the ⁶[Federal Government], a Court of superior jurisdiction, be a High Court, and, if the Court was not, to ⁸[its] opinion, a Court of superior jurisdiction, be a Court of summary jurisdiction.

5. Transmission of maintenance orders made in Pakistan. Where a Court in ⁷[Pakistan] has, whether before or after the commencement of this Act, made a maintenance order against any person, and it is proved to that Court that the person against whom the order was made is resident in a reciprocating territory, the Court shall send to the ⁶[Federal Government], for transmission to the proper authority of that territory, a certified copy of the order.

6. Power of summary Courts to make Provincial maintenance orders.— (1) Where application is made to a Court of summary jurisdiction in ⁷[Pakistan] for a maintenance order against any person, and it is proved that that person is resident in a reciprocating territory, the Court may, in the absence of that person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if that person had wilfully neglected to attend the Court; but in such case the order shall be provisional only and shall have no effect unless and until confirmed by a competent Court in such territory.

(2) The evidence of every witness who is examined on any such application shall be reduced to writing, and such deposition shall be read over to, and signed by, him.

¹Subs. by Ord. 69 of 1962, s.4, for the original section 3 as amended by A.O., 1937, A.O., 1949 Ordinance 21 of 1960, s.3 and 2nd Sch. and the Foreign Awards and Maintenance Orders (Enforcement) (Amdt.) Ordinance, 1962 (53 of 1962).

²Subs. by F.A.O., 1975, Art.2 and Table "for Central Government".

³For such declaration in respect of any country outside Pakistan, see G.S.R.O. and Gaz. of P., 1961 Pt.I, p.138; and in respect of the Federation of Malaya, see Gaz. of P., 1956, Pt.I, p.546.

⁴Subs. by the Maintenance Orders Enforcement (Amdt.) Ordinance, 1962 (69 of 1962), s. 5, for the original marginal note

⁵Subs. by F. A. O., 1975 Art 2 and Table, "for Central Government", which was previously amended by A. O., 1937, for "Governor-General".

⁶Subs. by A. O. 1937 for "G. G. in C..".

⁷See foot note 1. on page 8, *supra*.

⁸Subs. by A. O., 1937, for "his".

⁹The words "against persons resident in His Majesty's Dominions outside the Provinces, etc.," omitted by the Maintenance Orders Enforcement (Amdt.) Ordinance, 1962 (69 of 1962), s. 6.