



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ४, अंक ३३]

गुरुवार, ऑगस्ट २३, २०१२/भाद्र १, शके १९३४

[पृष्ठे ३, किंमत : रुपये १८.००

असाधारण क्रमांक ५५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay City Civil Court (Amendment) Act, 2012 (Mah. Act No. XXV of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXV OF 2012.

(First published, after having received the assent of the President, in the "Maharashtra Government Gazette", on the 23rd August 2012).

An Act further to amend the Bombay City Civil Court Act, 1948.

Bom.
XL of
1948.

WHEREAS it is expedient further to amend the Bombay City Civil Court Act, 1948, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay City Civil Court (Amendment) Act, 2012.

Short title
and
commence-
ment.

(१)

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of the Act.

Amendment of section 2 of Bom. XL of 1948. 2. In section 2 of the Bombay City Civil Court Act, 1948 (hereinafter referred to as "the principal Act"), after clause (3), the following clause shall be inserted, namely :—

Bom. XL of 1948.

"(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 ;".

Amendment of section 3 of Bom. XL of 1948.

3. In section 3 of the principal Act,—

(a) after the words "proceedings of a civil nature" the words "not exceeding rupees one crore in value," shall be inserted ;

(b) after clause (c), the following clauses shall be inserted, namely :—

"(c-1) by the High Court under the Parsi Marriage and Divorce Act, 1936 ; or

3 of 1936.

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

(c) for the existing proviso, the following proviso shall be substituted, namely :—

"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."

Amendment of section 4A of Bom. XL of 1948.

4. In section 4A of the principal Act,—

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

"(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

Mah. XV of 1987.

Mah.
XXV of
2012.

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.”;

(b) for the marginal note, the following marginal note shall be substituted, namely :—

“Transfer of suits and proceedings cognizable under section 3, to City Court.”.

5. After section 4A of the principal Act, the following section shall be inserted, namely :—

Insertion of section 4B in Bom. XL of 1948.

“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.

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 Board and notify the date on which the concerned matter shall be listed before the City Court.

Transitory provisions.

7. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of the principal Act, as amended by this Act, as may appear to it to be necessary for removing the difficulty :

Power to remove difficulties.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.