



महाराष्ट्र शासन राजपत्र असाधारण भाग चार-क

वर्ष ४, अंक २७] बुधवार, सप्टेंबर ५, २०१२/भाद्र १४, शके १९३४ [पृष्ठे ३
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असाधारण क्रमांक ५०

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिका-यांनी तयार केलेले (भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर) वैधानिक नियम व आदेश ; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हा दंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

THE HIGH COURT OF JUDICATURE AT BOMBAY

NOTIFICATION

No. P. 3602/2012.— In exercise of the powers conferred by section 4B of the Bombay City Civil Court Act, 1948, the High Court of Judicature at Bombay hereby makes the following Rules to regulate and carry out the transfer of Suits to the City Civil Court, Greater Bombay :—

Rules

1. *Short title, commencement and extent.*— (a) These Rules may be called Bombay City Civil Court (Transfer of Suits) Rules, 2012.

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(b) These Rules shall be deemed to have come into force on the day on which the provisions of section 4 of the Bombay City Civil Court (Amendment) Act, 2012 come into force.

(c) These Rules shall apply to all the suits and proceedings which stand transferred to the Bombay City Civil Court, Greater Bombay by virtue of the provisions of sub-section(1) of section 4A of the Bombay City Civil Court Act, 1948.

2. *Definitions.*—Unless the subject or context otherwise requires, for the purposes of these Rules—

(a) *Amending Act*—means the Bombay City Civil Court (Amendment) Act, 2012.

(b) *Appointed day*—means the date on which the Bombay City Civil Court (Amendment) Act, 2012 comes into force.

(c) *City Civil Court*—means the Bombay City Civil Court established by the State Government by Notification in the *Official Gazette*, in exercise of the powers conferred by Section 3 of the Principal Act.

(d) *High Court*—means the High Court of Judicature at Bombay and its benches at Nagpur, Aurangabad and at Panaji Goa.

(e) *Judge*—means the Judge so appointed by the State Government in exercise of the powers conferred by Section 6 of the Principal Act.

(f) *Principal Judge*—means the Judge so appointed by the State Government in exercise of the powers conferred by Section 7 (b) of the Principal Act.

(g) *The Principal Act* means the Bombay City Civil Court Act, 1948 (Act No. XL of 1948).

3. All suits and / or proceedings, which are liable to be transferred to the City Civil Court, under sub-section (1) of Section 4A of the Bombay City Civil Court Act, 1948, shall stand transferred to the Principal Seat of the Bombay City Civil Court, Old Secretariat, Bombay, with effect from the date on which Section 4 of the Amending Act, shall come into force. The City Civil Court shall have all the powers and jurisdiction in respect thereof as if it had been originally instituted in that Court.

4. The Prothonotary and Senior Master, Original Side of the Bombay High Court shall cause a scrutiny to be done of the suits and proceedings which stand transferred to the City Civil Court by virtue of the provisions of sub-section (1) of Section 4A of the Bombay City Civil Court Act, 1948.

He shall publish a list of such suits and proceedings on the Notice Board and official Website of the High Court calling upon the Advocates and parties to raise objections if any, relating to the transfer of a suit and/or proceeding on account of its pecuniary valuation or otherwise, arising out of an accidental slip or omission and /or clerical / typographical error. In case any such objection is received, the matter shall be placed before the High Court for directions. If no objections are received within a period of two weeks, the suit and / or proceeding shall be transmitted to the City Civil Court notifying the date and the Court to which the matter is assigned, in the City Civil Court.

5. All suits and / or proceedings which stand so transferred shall be re-registered in the City Civil Court, Greater Bombay in accordance with the year in which the suit or proceeding was originally registered and in case no registration number is given, then according to the date of presentation in the High Court :

Provided that in addition to the new number, the suit, and / or proceeding so transferred shall continue to display its old registration number.

6. In any suit and / or proceeding so transferred institution fee / Court fee shall be paid, as applicable on the date of filing in the High Court, necessary credit being given to any Court fee paid in the High Court.

7. All the suits and / or proceedings so transferred shall be heard and disposed of at the Principal Seat of the Bombay City Civil Court :

Provided that this shall not be in derogation of the powers of the Principal Judge under Section 7(c) of the Principal Act.

High Court of Judicature at Bombay,
dated the 30th August 2012.

S. B. SHUKRE,
Registrar General.