

THE TRIPURA (COURTS) ORDER 1950.

(As Amended upto 4th Amendment Act, 2003).

THE TRIPURA (COURTS) ORDER 1950

CHAPTER I

Preliminary

1. Short title, extent and commencement – (1) This Order may be called the Tripura (Courts) Order, 1950.

(2) It extends to the whole of Tripura.

(3) It shall come into force at once.

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

(i) ¹[Omitted]

(ii) “District Courts” means the Court of the District Judge and includes the Court of the Additional Judge.

²[(iii) “High Court” means the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura);

(iiia) “Tripura” means the State of Tripura :]

(iv) “Civil Suit” means and includes all suits of a civil nature not expressly or impliedly classed otherwise by any law for the time being in force;

(v) “Small cause suit” means a suit of the nature cognizable by a court of small causes under the Provisional Small Cause Courts Act, 1887 (IX of 1887). ;

(vi) “Value” in relation to a suit means the amount or value of the subject matter of the suit.

1. Omitted by The North-Eastern Areas (Reorganisation) Act, 1971, w.e.f. 21.1.1972.

2. Amended *ibid*.

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0019389

CHAPTER II

Court of the Judicial Commissioner

¹[Omitted]

3.	X	X	X	X
4.	X	X	X	X
5.	X	X	X	X
6.	X	X	X	X
7.	X	X	X	X
8.	X	X	X	X
9.	X	X	X	X
10.	X	X	X	X
11.	X	X	X	X
12.	X	X	X	X
13.	X	X	X	X
14.	X	X	X	X

CHAPTER III
SUBORDINATE COURTS

15. Classes of court. In addition to the court of Small Causes established under the Provincial Small Cause Court Act.1887 (IX of 1887), and the Courts established under any other law for the time being in force, there shall be the following classes of Civil Courts, namely :-

- (i) The Court of the District Judge;
- (ii) The Court of a ²[Civil Judge (Senior Division)].
- (iii) The Court of a ³[Civil Judge (Junior Division)].

1. Amended by The North-Eastern Areas (Reorganisation) Act, 1971, w.e.f. 21.1.1972.

2. Substituted by The Tripura (courts) Order (Third Amendment) Act, 1995.

3. Substituted *ibid*.

16. **Civil Districts and District Judges.** For the purposes of this Chapter, the ¹[State Government] may, by notification in the Official Gazette, divide Tripura into civil districts and sub-divisions and may alter the limits or the number of these districts and sub-divisions and may determine the headquarters of each such district and sub-division.

17. **Additional Districts Judges.** ²[(1) When the business pending before the Court of a District Judge requires the aid of an Additional Judge or Judges for its speedy disposal, one or more Additional District Judges may be appointed.]

(2) An Additional District Judge so appointed shall discharge any of the functions of a District Judge which the District Judge may assign to him and in the discharge of his functions he shall exercise the same powers as the District Judge.

18. ³[*Omitted*.....].

19. **The District Court to be principal Court of Jurisdiction.** The Court of the District Judge shall be the Principal Civil Court of Original jurisdiction in the District.

20. **Original Jurisdiction of Civil Courts.** Save as other wise provided by any other law for the time being in force the Court of the District Judge shall have original jurisdiction in civil suits without limit as regards the value.

21. ⁴[*Omitted*.....].

5[21(1) Save as otherwise provided by any enactment for the time being in force, the jurisdiction of District Judge or ⁶[Civil Judge (Senior Division)] extends, subject to the provision of section 15 of the Code of Civil Procedure, 1908 to all original suits for the time being cognizable by Civil Courts.]

⁷[(2) Save as aforesaid the jurisdiction of a Civil Judge (Junior Division) extends to all like suits of which the value does not excide one lak rupees]

⁸[(3) *Deleted*.....]

1. Amended by The North-Eastern Areas (Reorganisation) Act. 1971. w.e.f. 21.01.1972.

2. Amended *ibid*.

3. Omitted *ibid*.

4. Omitted by The Tripura (courts) Order (Second Amendment) Act, 1992, w.e.f. 24.7.1992

5. Added *ibid*.

6. Substituted by The Tripura (courts) Order (Third Amendment) Act, 1995,

7. Substituted by The Tripura (courts) Order (Fourth Amendment) Act, 2003, w.e.f. 23.12.2003

8. Deleted *ibid*.

¹[22. **Local limits of jurisdiction of Courts of** ²[**Civil Judge (Senior Division) and Civil Judge (Junior Division):** (1) The local limits of the jurisdiction of the Court of a ³[Civil Judge (Senior Division) or Civil Judge (Junior Division) shall be such as the State Government may, after consultation with the High Court, by notification in the Official Gazette, define.

(2) When a [Civil Judge (Senior Division)] is posted to a district, the local limits of the district shall in the absence of any directions to the contrary, be the local limits of his jurisdiction.

23. **Small Cause jurisdiction of Civil Judge (Senior Division) and Civil Judge (Junior Division):** The ⁴[High Court] may, by notification in the Official Gazette, confer within such local limits as he thinks fit on a Civil Judge (Senior Division) or Civil Judge (Junior Division) the jurisdiction of a judge of the court of the small causes under the Provincial Small Cause Courts Act, 1887 (IX of 1887), for the trial of small cause suits upto such value not exceeding rupees five hundred as he thinks fit, and may withdraw any jurisdiction so conferred.

24. **Exercise by Civil Judge (Senior Division) and Civil Judge (Junior Division) of jurisdiction of District Courts in certain proceedings:**

(1) The ⁵[High Court] may, by general or special order, authorize any Civil Judge (Senior Division) or Civil Judge (Junior Division) to take cognizance of and any District Judge to transfer to a Civil Judge (Senior Division) or Civil Judge (Junior Division) under his control, any proceedings or any class of proceedings, specified in such order, under -

(a) the Indian Succession Act, 1925 (XXXIX of 1925), if the Proceedings can not be disposed of by the District Judge;

(b) the Guardian and Wards Act, 1890 (VIII of 1890) ; or

(c) the Provincial Insolvency Act, 1920 (V of 1920.)

1. Amended by The North-Eastern Areas (Reorganisation) Act, 1971, w.e.f. 21.1.1972.

2. Substituted by the Tripura (courts) Order (Third Amendment) Act, 1995.

3. Amended *ibid*.

4. Amended *ibid*.

5. Amended *ibid*.

- (2) The District Judge may withdraw any such proceedings taken cognizance of by, or transferred to, a civil Judge (Senior Division) or Civil Judge (Junior Division) under his control, and may either himself dispose of them or transfer them to a Court under his control competent to dispose of them.
 - (3) Proceedings taken cognizance of by or transferred to, a ¹[Civil Judge (Senior Division) or Civil Judge (Junior Division)] under this paragraph shall be disposed of by him, subject to the rules applicable to like proceedings in the Court of the District Judge.
25. **Place of sitting of courts** – (1) The ²[State Government] may fix the place or places at which any Court constituted under this Chapter is to be held.
- (2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.
 - (3) Save as otherwise provided by an order under this paragraph, a Court constituted under this Order may be held at any place within the local limits of its jurisdiction.
26. **Control of Courts by District Judge** – Subject to the general superintendence and control of the ³[High Court], the District Judges shall have control over all the Civil Courts within the local limits of his jurisdiction.
27. **District Judge's power to distribute business** – Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Act V of 1908), a District Judge may, by written order, direct that any civil business cognizable by his Court and the Courts under his control shall be distributed among such Courts in such manner as he thinks fit:

Provided that no direction issued under this paragraph shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

1. Substituted by The Tripura (courts) Order (Third Amendment) Act, 1995,

2. Amended by The North-Eastern Areas (Reorganisation) Act, 1971, w.e.f. 21.1.1972.

3. Amended *ibid*.

28. **Ministerial officers of Courts** – (1) The ministerial officers of the District Courts shall be appointed by the District Judge.

(2) The ministerial officers of Civil Courts under the control of the District Judge shall be appointed by the District Judge.

(3) Every appointment under this paragraph shall be subject to such rules as the ¹[High Court] may make in this behalf.

(4) Any order passed by a District Judge under this paragraph shall be liable to be reversed or modified by the ²[High Court].

29. **Delegation of powers of District Judge and District Court** – A District Judge may, with the previous sanction of the ³[High Court] delegate to the judge of any Court under his control all or any of the powers conferred on a District Judge by paragraphs 26 and 27 of this Order and on a District Court by section 24 of the Code of Civil Procedure, 1908 (Act V of 1908) to be exercised by such judge in any specified portion of the districts subject to the control of the District Judge.

CHAPTER IV

Appellate And Revisional Jurisdiction in Civil Cases

⁴[30 substituted by a new Paragraph in the following manner]

⁵[30(1) **Appeals from Original Decrees :**

Save as otherwise provided by any law for the time being in force, an appeal from a decree or order of an ⁶[Civil Judge (Senior Division)] shall lie -

⁷“(a) to the District Judge where the value of the original suit in which or in any proceedings arising out of which the decree or order was made did not exceed five lakh rupees, and”

1. Amended by The North-Eastern Areas (Reorganisation) Act, 1971. w.e.f. 21.1.1972.

2. Amended *ibid*.

3. Amended *ibid*.

4. Substituted by The Tripura (courts) order (Second amendment) Act, 1972 w.e.f. 24.7.1992.

5. Inserted *ibid*.

6. Substituted by The Tripura (courts) order (Third amendment) Act, 1995.

7. Substituted by The Tripura (courts) order (Fourth amendment) Act, 2003 w.e.f. 23.12.2003.

(b) to the High Court in any other case.

(2) Save as aforesaid, an appeal from a decree or order of a ¹[Civil Judge (Junior Division)] shall lie to the District Judge.

(3) Whether the function of receiving any appeal which lie to the District Judge under Sub-para (1) or sub-para (2) has been assigned to an Additional Judge the appeals may be preferred to the Additional Judge.

(4) The High Court may, with the previous sanction of the State Government direct, by notification in the Official Gazette, that appeal lying to the District Judge under sub-para (2) from all or any of the decrees or orders of any ²[Civil Judge (Junior Division)] shall be preferred to the Court of such ³[Civil Judge (Senior Division)] as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly.]

31. Appeals from appellate decrees – ⁴[Omitted].

⁵[32. Finality of appellate decrees of District Court – Subject to the provisions of section 100 of the Code of Civil Procedure, 1908, an appellate decree of a District Court shall be final.]

33. Period of limitation - ⁶[Omitted].

34. Revisional powers of Court of Judicial commissioner ⁷[Omitted].

35. Court-fees payable on revision- ⁸[Omitted].

CHAPTER V Supplemental Provisions

36. Seal – Every Court constituted under this Order shall use a seal of such form and design as are prescribed by the ⁹[State Government] in consultation with the ¹⁰[High Court].

1. Substituted by The Tripura (courts) order (Third amendment) Act.

2. Substituted *ibid*.

3. Substituted *ibid*.

4. Omitted by the North-Eastern Areas (Reorganisation) Act. 1971, w.e.f.21.1.1972

5. Substituted *ibid*.

6. Omitted *ibid*.

7. Omitted *ibid*.

8. Omitted *ibid*.

9. Substituted *ibid*.

10. Substituted *ibid*.

37. **Temporary vacancies of office of District Judge** – In the event of the death of a District Judge or of his being prevented from performing his duties by illness or other cause or of his absence from the Civil District on leave, the Additional District Judge, if any, in the District, or where there is no such Additional District Judge, the first in rank of the Civil Judge (Senior Division) shall assume charge of the District Court without interruption to his ordinary jurisdiction and while so in charge, shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated as the Additional District Judge, or the Civil Judge (Senior Division), as the case may be, in charge of the District and shall continue in such charge until the office of the District Judge has been resumed, or assumed, by an officer duly appointed thereto.
38. **Delegation of powers of District Judge** – Any District Judge leaving the headquarters and proceeding on duty to any place within his District, may delegate to the additional Judge, if any, or where there is no such Additional District Judge, to a Civil Judge (Senior Division) at the headquarters, the power of performing such duties, enumerated in paragraph 37 as may be emergent; and such officer shall be designated as the Additional District Judge or the Civil Judge (Senior Division), as the case may be, in charge of the headquarters.
39. **Temporary vacancy of office** – Civil Judge (Senior Division) or Civil Judge (Junior Division) : In the event of the death, suspension or temporary absence of any Civil Judge (Senior Division) or Civil Judge (Junior Division), the District Judge may empower the Judge of any Subordinate Court or the Court of Civil Judge (Junior Division) of the same Civil District to perform the duties of the Judge of the vacated Subordinate Court or the Court of the Civil Judge (Junior Division), either at the place of such Court or of his own Court; but in every such case the registers and records of the two Courts shall be kept distinct.
40. **Continuance of powers of Officers** – Whenever any person holding an office in the services of the Government of Tripura who had been invested with any powers under this Order throughout any local area is transferred or posted to any equal or higher office of the same nature within a like local area, he shall, unless the ¹[State Government] otherwise directs, exercise the same powers in the local area to which he is so transferred or posted.

1. Amended by The North-Eastern Areas (Reorganisation) Act, 1971. w.e.f. 21.1.1972

41. ¹[*Omitted*.....].

42. **Vacations** – (1) Subject to the approval of the ²[State Government], the ³[High Court] shall prepare a list of days to be observed in each year as closed holidays in the Civil Courts subordinate to that Court.

(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.

43. **Pending proceedings** – (1) Any proceeding pending in a Court immediately, before the commencement of this Order shall, upon the commencement of this order, be deemed to be transferred to the Court exercising the jurisdiction under his Order which corresponds as far may be, to the jurisdiction of the Court in which the proceeding was pending, and the Court to which the proceeding is transferred shall proceed to try, hear and determine the matter as if it had been pending in that Court.

(2) Any appeal from a decree, sentence or order passed by a Court and not appealed against before the commencement of this Order shall lie to the Court exercising the jurisdiction under this Order which corresponds, as far as may be, to the jurisdiction of the Court to which such appeal would have laid if this Order had not been made.

(3) Any decree, sentence or order passed before the commencement of this Order by any Court shall be deemed for the purpose of execution to have been passed by a Court constituted by this Order which corresponds as far as may be to the Court which passed the decree, sentence or order, as the case may be:

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

1. Omitted by The North-Eastern Areas (Reorganisation) Act, 1971 w.e.f. 21.1.1972.

2. Amended *ibid*.

3. Amended *ibid*.

LIST OF AMENDMENTS

- * North-Eastern Areas (Reorganisation) Act, 1971, w.e.f. 21.1.1972.
- 1. The Tripura (courts) Order (Amendment) Act, 1972, w.e.f. 23.2.1973.
- 2. The Tripura (courts) Order (Second Amendment) Act, 1992, w.e.f. 24.7.1992.
- 3. The Tripura (courts) Order (Third Amendment) Act, 1995, w.e.f.
- 4. The Tripura (courts) Order (Fourth Amendment) Act, 2003, w.e.f. 23.12.2003.