

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION.

Dated Quetta, the 16th December, 2019.

No.PAB/Legis; V (14)/2019. The Code of Civil Procedure (Balochistan Amendment) Bill 2019 Bill No. 14 of 2019 having been passed by the Provincial Assembly of Balochistan on 18th November, 2019 and assented to by the Governor Balochistan, on 10th December, 2019 is hereby published as an Act of the Balochistan Provincial Assembly.

THE CODE OF CIVIL PROCEDURE (BALUCHISTAN AMENDMENT) Act, 2019.

Act No. XIII of 2019

AN
ACT

further to amend the Code of Civil Procedure, 1908 (Act No. V of 1908) in its application to the Province of Balochistan.

Preamble.

WHEREAS, it is expedient further to amend the Code of Civil Procedure, 1908 (Act No. V of 1908), in its application to the Province of Balochistan, in the manner hereinafter appearing;

It is here by enacted as follows:

Short title and commencement.

1. (1) This Act may be called the Code of Civil Procedure (Balochistan Amendment) Act, 2019.
- (2) It shall come into force at once.

Amendment of section 3, Act V of 1908.

2. In the Code of Civil Procedure, 1908 (Act No. V of 1908), hereinafter refer to as "the said Code", in section 3, for the words "Small Causes", the words "Small Claims" shall be substituted.

Amendment of section 7, Act V of 1908.

3. In the said Code, section 7 shall be omitted.

Amendment of section 9, Act V of 1908.

4. In the said Code, in section 9 after the words "impliedly barred", the words "or for which a general or a special law is in force" shall be inserted.

Amendment of section 24, Act V of 1908.

5. In the said Code, in section 24, sub-section (4) shall be omitted.

Substitution of section 33, Act V of 1908.

6. In the said Code, for section 33, the following shall be substituted:

“33. Judgment and decree. — The Court, after the case has been heard, shall pronounce judgment maximum within fifteen days; and on such judgment a decree shall follow simultaneously.”

Amendment of section 35, Act V of 1908.

7. In the said Code, in section 35, in sub-section (1), for the words “shall be in the discretion of the Court”, the words with comma “and other proceedings in the suit including execution proceedings, shall follow the event” shall be substituted.

Amendment of section 35-A, Act V of 1908.

8. In the said Code, in section 35-A, in sub-section (2):

- (a) for the words “twenty five thousand”, the words “one million” shall be substituted;
- (b) the first proviso, shall be omitted; *and*
- (c) in the second proviso, the word with comma “further,” shall be omitted.

Amendment of section 44-A, Act V of 1908.

9. In the said Code, in section 44-A, —

- (a) in the marginal-heading, the words “*United Kingdom and other*”, shall be omitted;
- (b) in sub-section (1), the words “United Kingdom or any” shall be omitted; *and*
- (c) in Explanations to sub-section (3), —
 - (i) *Explanation 1*, shall be omitted;
 - (ii) in *Explanation 2*, for the words “the United Kingdom and such other”, the word “such”, shall be substituted, *and*;
 - (iii) in *Explanation 3*, clause (a), shall be omitted.

Amendment of section 91, Act V of 1908.

10. (1) In the said Code, in section 91, in subsection (1), for the expression “having obtained the consent in writing of the Advocate General”, the expression “with the leave of the Court”, shall be substituted.

Amendment of section 92, Act V of 1908.

11. In the said Code, in section 92, —

- (a) in subsection (1), for the words “and having obtained the consent in writing of the

Advocate General”, the words “with leave of the Court”, shall be substituted; *and*

- (b) in subsection (2), for the words and comma “Save as provided by the Religious Endowment Act 1893, no”, the word “No”, shall be substituted.

Amendment of section 102, Act V of 1908.

12. In the said Code, for section 102, the following shall be substituted namely: —

“102. No second appeal in certain cases. — No second appeal shall lie in any suit when the amount or value of the subject matter of the original suit does not exceed rupees twenty five million.”.

Amendment of section 104, Act V of 1908.

13. In the said Code, in section 104, after clause (ff), the following new clause shall be inserted, namely: —

“(fff) an order under section 91 or section 92 refusing leave to institute a suit;” .

Amendment of section 114, Act V of 1908.

14. In the said Code, in section 114, for sub-section (1), the following shall be substituted:

“(1) Subject as aforesaid, any person considering himself aggrieved, —

(a) by a decree or order from which an appeal is allowed by this Code but from which no appeal has been preferred; *or*

(b) by a decree or order from which no appeal is allowed by this Code, —

may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may make such order thereon as it thinks fit.”

Amendment of section 115, Act V of 1908.

15. In the said Code, in section 115, for the second proviso the following shall be substituted: —

“Provided further that the subordinate court shall provide copies of such decision and the documents mentioned above within three days on application of a party concerned, and the High Court shall dispose of such application within six months.”.

Amendment of section 151, Act V of 1908.

16. In the said Code, in section 151, after the word “Court” occurring for the first time, the words and commas “, to be exercised after recording reasons in writing,” shall be inserted.

Amendment of order XX, First Schedule, Act V of 1908.

17. In the said Code, in the First Schedule, in order XX, in rule 4, —

- (a) sub-rule (1) with marginal-heading thereto shall be omitted; *and*
- (b) in sub-rule (2) and in the marginal heading thereto, the word “other” shall be omitted.

Amendment of order XXXVIII, First Schedule, Act V of 1908.

18. In the said Code, in the First Schedule, in order XXXVIII, rule (13) shall be omitted.

Amendment of order XLVI, First Schedule, Act V of 1908.

19. In the said Code, in the First Schedule, in order XLVI, —

- (a) in rule (6), in sub-rule (1) and its heading, for the words “small causes” the words “Small Claims” shall be substituted; *and*
- (b) in rule (7), in sub-rule (1) and its heading, for the words “small causes” the words “Small Claims” shall be substituted.

Amendment of order L, First Schedule, Act V of 1908.

20. In the said Code, in the First Schedule, the provisions under order L, shall be omitted.

(SAFDAR HUSSAIN)
Secretary.

No.PAB/Legis: V (14)/2019.

Dated Quetta, the 16th December, 2019.

A copy is forwarded to the Chief Controller, Government Printing Press, Balochistan Quetta for favor of publication in Extra –ordinary issue of Gazette of Balochistan. Before final printing, a copy thereof be sent to this Secretariat for Proof reading. Fifty copies of the Act may pleased be supplied to this Secretariat for record.

(ABDUL REHMAN)
Additional Secretary (Legis ;).

No.PAB/Legis: V(14)/2019.

Dated Quetta, the 16th December, 2019.

A copy is forwarded for information to:-

- 1. The Principal Secretary to Governor, Balochistan, Quetta.**
- 2. The Principal Secretary to Chief Minister, Balochistan, Quetta.**
- 3. The Secretary, Government of Balochistan, Law & Parliamentary Affairs Department, Quetta.**
- 4. The Director General, Public Relations, Balochistan, Quetta for favour of publication.**
- 5. The System Analyst, Balochistan Provincial Assembly.**

Additional Secretary (Legis ;).