

ORISSA REGULATION NO. IV OF 1951

**THE KHONDMAIS LAWS (SECOND AMENDMENT)
REGULATION, 1951**

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A

REGULATION

FURTHER TO AMEND THE KHONDMAIS LAWS REGULATION, 1936

WHEREAS it is expedient to amend the Khondmais Laws Orissa Regulation, 1936, in the manner hereinafter appearing; Orissa Regulation IV of 1936

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 read with sub-paragraph (3) thereof, of the Fifth Schedule to the Constitution, the Governor of Orissa is pleased to promulgate the following Regulation made by him :—

Short title and commencement.

1. (1) This Regulation may be called the Khondmais Laws (Second Amendment) Regulation, 1951.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment of section 2, Orissa Regulation IV of 1936.

2. In section 2 of the Khondmais Laws Regulation, 1936 (hereinafter referred to as the said Regulation)— Orissa Regulation IV of 1936.

(i) after clause (a) the following clause shall be inserted, namely :—

“(aa) ‘Court of Session’ means the Court of Session established under the Code of Criminal Procedure, 1898, for V of 1938 the sessions division in which the district is included.

(ii) clause (e) shall be omitted ;

(iii) in clause (f) for the word “ Patna ” the words “ of Orissa ” shall be substituted.

Amendment of section 9, Orissa Regulation IV of 1936. 3. For section 9 of the said Regulation, the following section shall be substituted, namely :—

“ . Besides the High Court, the Civil Courts constituted under the Bengal, Agra and Assam Civil Courts Act, 1887 and XII of 1927 the Provincial Small Cause Courts Act, 1887 and the Court of IX of 1937 Session, there shall be the following Courts in or for the district—

- (1) the Court of the Subdivisional Officer ;
- (2) the Court of Deputy Commissioner ; and
- (3) the Court of the Commissioner.

Amendment of section 10, Orissa Regulation IV of 1936. 4. In section 10 of the said Regulation, after the word “ other ” the words “ criminal or revenue ” shall be inserted.

Amendment of section 11, Orissa Regulation IV of 1936. 5. For sub-section (1) of section 11 of the said Regulation, the following sub-section shall be substituted, namely :—
“ (1) In so far as the exercise of revenue powers is concerned—

(a) general supervision and control of the Courts mentioned in clauses (1) to (3) of section 9 shall be vested in the State Government ;

(b) the immediate control and supervision of the Court of the Deputy Commissioner and of any other Court of equal or similar powers that may hereafter be established in accordance with the provisions of section 10 shall be vested in and every such Court shall be subordinate to, the Court of the Commissioner. ”

Amendment of section 12, Orissa Regulation IV of 1936. 6. In section 12 of the said Regulation, for the words “ any Court constituted under this Regulation, ” the words, brackets and figures “ any Court mentioned in clauses (1) to (3) of section 9 or established under section 10 ” shall be substituted.

Amendment of section 13, Orissa Regulation IV of 1936. 7. In section 13 of the said Regulation—

(1) in sub-section (1)—

(a) after the words “ mentioned in ” the words, figures and brackets “ clauses (1) to (3) of ” shall be inserted ;

(b) in the table—

(c) column 4 and the entries therein shall be omitted ;

(d) in column 3 in the entry against “ II—The Court of the Deputy Commissioner ” in column 1, the words “ and of a Sessions Judge ” shall be omitted.

(2) In sub-section (2) after the word “ further ” the words “ revenue or criminal ” shall be inserted.

Repeal of sections 14, 15, 22, 23 and 27 of Orissa Regulation IV of 1936. 8. Sections 14, 15, 22, 23 and 27 of the said Regulation shall be omitted.

Amend-
ment of
section 28,
Orissa
Regulation
IV of 1936.

9. In section 28 of the said Regulation, the words " or with respect to sentences or appeals therefrom, or the period of limitation for such appeals or to the enhancement or execution of sentences " shall be omitted.

Amend-
ment of
sections 33,
34 and 35,
Orissa
Regulation
IV of 1936.

10. In section 33 of the said Regulation, for the words and figures " Schedule II of the Code of Civil Procedure, 1908 ", in section 34 thereof for the words and figures " the V of 1908 Second Schedule to the Code of Civil Procedure, 1908 ", and V of 1908 in section 35 thereof for the words and figures " Second Schedule of the Code of Civil Procedure, 1908 ", the words V of 1908 and figures " Arbitration Act, 1940 " shall be substituted. X of 1940

Amend-
ment of
sections 37
and 38,
Orissa
Regulation
IV of 1936.

11. For sections 37 and 38 of the said Regulation the following sections shall be substituted, namely :—

" 37. (1) An original decree or order made by the Court of the Subdivisional Officer in any revenue suit, Appeal the value of which does not exceed fifty rupees, shall, subject to the provisions of the Regulation with respect to revision, be final.

(2) From every other decree or order made by the Court of the Subdivisional Officer, and from every decree or order made in any revenue suit by any other similar Court subordinate to the Court of the Deputy Commissioner, an appeal shall lie to the Court of the Deputy Commissioner.

(3) An original decree or order made by the Court of the Deputy Commissioner in any revenue suit, the value of which does not exceed five hundred rupees, shall subject to the provisions of this Regulation with respect to revision, be final.

(4) From every other original decree or order made by the Court of the Deputy Commissioner in any revenue suit, an appeal shall lie to the Court of the Commissioner.

(5) Save as provided by sub-section (6), and subject to the provisions of this Regulation with respect to revision, every appellate decree or order of the Court of the Deputy Commissioner in any revenue suit shall be final.

(6) An appeal from an appellate decree or order of the Court of the Deputy Commissioner in a revenue suit, the value of which exceeds one thousand rupees, and in which the Deputy Commissioner has reversed or modified the orders of the lower Court, shall lie to the Court of the Commissioner.

Revision

38. The Court of the Commissioner or the Deputy Commissioner may, of its own motion or otherwise, call for the record of any revenue case decided by any Court under its control and supervision, and may pass such order thereon as it may think fit."

Amend-
ment
section
Orissa
Regulation
IV of 1936.

12. In section 70 of the said Regulation the figure 'V' shall be omitted.

Amendment
of section
71, Orissa
Regulation
IV of 1936.

13. For section 71 of the said Regulation the following section shall be substituted, namely :—

“ 71. The Deputy Commissioner may, with the sanction of the Commissioner, make rules to regulate the writing of petitions in respect of revenue cases and the conduct of such cases in his Court and in the Courts subordinate to him.”

Repeal of
section 72,
Orissa
Regulation
IV of 1936.

14. Section 72 of the said Regulation shall be omitted.

Amendment
of the
Schedule to
Orissa
Regulation
IV of 1936.

15. In part II of the Schedule to the said Regulation—

(i) the entry “1879. XVIII. The Legal Practitioners Act, 1879. The whole” shall be inserted immediately below the entry “1878. XI. The Indian Arms Act, 1878. The whole except section 15”;

(ii) the entry “1887. XII. The Bengal, Agra and Assam Civil Courts Act, 1887. Ditto” shall be inserted immediately below the entry “1887. IX. The Provincial Small Cause Courts Act, 1887. Ditto”;

(iii) the entry “1926. XXXVIII. The Indian Bar Councils Act, 1926. Ditto” shall be inserted immediately below the entry “1926. XXI. The Legal Practitioners (Fees) Act, 1926. Ditto”.