

THE ODISHA (MUNSIFS' PROCEEDINGS) VALIDATION ACT, 1945

(4th January 1946)AN ACT TO REMOVE DOUBTS AND TO VALIDATE
CERTAIN PROCEEDINGS IN MUNSIFS' COURT IN ODISHA.

WHEREAS it is expedient to remove doubts and to validate certain proceedings in Munsifs' Courts in Orissa ;

WHEREAS the Governor of Orissa has, by a proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ;

NOW, **T**HEREFORE, the Governor of Orissa, in exercise of the legislative powers assumed to himself by the proclamation aforesaid, hereby enacts as follows :—

Short title
and extent

1. (1) This Act may be called the Orissa (Munsifs' Proceedings) Validation Act, 1945.

(2) It extends to those areas of the Province of Orissa, which were known as the Orissa Division of the Province of Bihar and Orissa on the thirty-first day of March 1936.

Definition

2. In this Act " High Court " means the High Court of Judicature at Patna.

Delegation
to the High
Court with
retrospec-
tive effect
of powers to
vest Munsifs
in Orissa
under
section 19(2)
of Bengal,
Agra and
Assam Civil
Courts
Act, 1887

3. Notwithstanding anything to the contrary contained in any notification issued under the proviso to sub-section (2) of section 19 of the Bengal, Agra and Assam Civil Courts Act, 1887 XII of 1887 (hereinafter referred to as the said Act), the power exercisable under the said sub-section to vest any Munsif in any area specified in sub-section (2) of section 1 with power to try suits not exceeding four thousand rupees in value shall be deemed to have been delegated to the High Court, during the period from the 25th day of October, 1922, up to the 6th May, 1936, under the proviso to the said sub-section.

Validation
of certain
notifications
issued by
the High
Court and
of the
proceedings
of Munsifs
vested with
powers
under such
notifications

4. No notification issued by the High Court purporting to act under sub-section (2) of section 19 of the said Act, during the period specified in section 3, vesting any Munsif in any area specified in sub-section (2) of section 1 to try suits up to an amount not exceeding four thousand rupees in value, shall be deemed to be invalid ; and no judgment, decree or order of a Munsif so vested by any such notification under the said sub-section during the said period shall be held to be illegal or shall be questioned in any Court or proceeding whatsoever, on the ground that the power to issue such notifications had not been delegated to the High Court.

The

The