GOVERNMENT



GAZETTE

EXTRA ORDINARY PUBLISHED BY AUTHORITY

No. 43

Gangtok, Monday, April 3, 1978

LEGISLATIVE DEPARTMENT NOTIFICATION No. 9/LL/78

Dated Gangtok, the 3rd April, 1978

The following Act of the Sikkim Legislative Assembly having received the assent of Government on the 31st day of March, 1978 is hereby published for general information

SIKKIM ACT NO. 9 OF 1978 THE SIKKIM CIVIL COURT ACT, 1978 AN ACT

to consolidate the law relating to Civil courts subordinate to the high court in the State of Sikkim

WHEREAS it is expedient to consolidate the law relating to Civil courts subordinate to the High court in the State of Sikkim;

It is hereby enacted in the Twenty-ninth Year of the republic of India by the Legislature of Sikkim as follows:-----

CHAPTER I. PRELIMINARY

Short title and Commencement	1.	 This Act may be called the Sikkim Civil courts Act, 1978. IT shall come into force on such date as the State Government may by, Notification in the Official Gazette appoint. 		
CHAPTER II				

CONSTITUTION OF CIVIL COURTS

Classes of Courts.
2. Besides the High Court and the Courts constituted under any other law for the time Being in force, there shall be the following classes of Civil courts, namely:------(1) the court of the District Judge;
(2) the court of the Additional district Judge; and
(3) the Court of the civil Judge.

Number of Judges 3. The State Government may increase or otherwise alter the number of the District Judge, the Additional District judge and the Civil Judge now fixed.

Vacancies among District or Civil Judge	 4. (1) whenever the office of any Judge is vacant by reason of the death, resignation, removal of the judge or other cause, or whenever an increase in the number of Judge or Judges has been made under the provisions of Section 3, the High Court or, as the case may be, the State Government may fill up the vacancy or make the appointments. (2) Nothing in this Section shall prevent the State Government from appointing a Civil Judge to discharge, for such period as it thinks fir, in addition to the functions devolving on him as such Civil judge, all or any of the functions of the court of any other Civil Judge.
Additional District Judge	 5. (1) If by reason of any increase in the business in the Court of the District Judge or for any other reason, the Government thinks fit so to do, it may, in consultation with the High Court, appoint such Additional District Judges as may be requisite, in accordance with the provisions of Article 233 of the Constitution of India. (2) Additional District Judges so appointed shall discharge any of the functions of The District Judge which the District Judge may assign to them and in the Discharge of these for the function.
	Discharge of those functions, shall exercise the same powers as the District Judge.
	6. Subject to the provisions of the Constitution of India, the District Judge shall have administrative control over all the Civil Courts under this Act.
Temporary charge of the District Court	 7. (1) In the event of the death, resignation or removal of the District Judge, or his absence from the place at which his court is held, the senior Additional District Judge present thereat, or if, an Additional District Judge is not present at that place the Senior Civil Judge present thereat, shall without relinquishing his ordinary duties, assume charge of the office of the District Judge and shall continue in charge thereof until the office is resumed by the District Judge or assumed by an officer appointed thereto. (2)While in charge of the office of the district Judge, the Additional District Judge or the Civil Judge, as the case may be, may, subject to any rules and to any general or special direction which the High Court may make in this behalf, exercise any of the powers of the District Judge.
of office of Add- itional District Judge.	 (1) In the event or the death, resignation or removal of an Additional District Judge, or his being incapacitated by illness or otherwise for the performance of his duties, or his absence from the place at which his Court is held, the District Judge may transfer all or any of the proceedings pending in the Court of the Additional District Judge either to his own court or to the Court of any other (2) The District Judge may re-transfer to the court of the Additional district Judge, or his successor any proceeding transferred under sub-section 910 to his own 9. (1) In the event of the death, resignation
Transfer to proceedings Or vacation of office of Civil Judge.	9. (1) In the event of the death, resignation or removal of a Civil Judge, or of his being incapacitated by illness or otherwise for the for the performance of his duties, or of his absence from the place at which his court is held, the District Judge may transfer all or any of the proceedings pending in the Court of the Civil Judge either to his own Court or to any court under his administrative control competent to dispose of them.
	(2) Proceedings transferred under sub-section (1) shall be disposed of as if they had been instituted in the Court to which they are so transferred.

(3) The District Judge may re-transfer to the Court of the Civil Judge or his successor any proceedings transferred under sub-section (1) to his own or any other Court.
(4) For the purpose of proceedings which are not pending in the court of the Civil Judge and with respect of which that Court has exclusive jurisdiction, the district Judge may exercise all or any of the jurisdiction of that Court on the occurrence of an event referred to in sub-section (1).
10. (1) The State Govt. may, in consultation with the High Court, by notification on the official Gazette, fix and alter the local limits of the Jurisdiction of any Civil Court under this Act.
(2) If the same local jurisdiction is assigned to two or more Civil Judges, the Judges, the District Judge may, subject to any general or special orders of the High Court, assign to each of the m such Civil business cognizable by a Civil Judge and arising from such local area within the local jurisdiction, as he thinks fit.
(3) When civil business arising in any local area is assigned by the District Judge under sub-section (2) to one or two or more Civil Judges, a decree or order passed by the Civil judge shall not be invalid by reason only of the case, in which it was made, having arisen wholly or in part in a place beyond the local area if that place is within the local limits fixed by the State Government.
(4) The present local limits of the jurisdiction of every Civil Court under this Act shall be deemed to have been fixed under this Section.
 11. (1) The State Government may, in consultation with the High court, by notification in the Official Gazette, fix and alter the place or places at Which any Civil court under this Act is to be held. (2) All places at which any such courts are now held shall be deemed to have Been fixed under this section.
 12. (1) The days to be observed in each year as closed holidays in the Civil Courts under this Act shall be in accordance with the list as may be prepared by the High Court for the purpose. (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.
 13. (1) Every Civil Court under this Act shall use a seal of such from and dimension as are prescribed by the High Court. (2) Until seals are prescribed under sub-section (1) the Civil Courts under this Act shall continue to use such seals as are now used by such Courts.
14. (1) where and Civil court under this Act has from any cause ceased to have jurisdiction with respect to any case, any proceeding in relation to that case which, if that Court had not ceased to have jurisdiction, might have had therein, may be had in the court to which the business of the former Court has been transferred.

(2) Nothing in this Section applied to ceases for which provisions have been or Are made in any other law for the time being in force.

CHAPTER III. JURISDICTION OF COURTS

Extend of original juris diction of District Judg	
Extent of Jurisdiction of Civil Judge	16. (1) Save as aforesaid and subject to the provisions of sub-section (2), the jurisdiction of a Civil Judge shall extend to all suits of which the value does not exceed ten thousand rupees.
	(2) The State Government may, on the recommendation of the High Court, direct, by notification in the Official Gazette, with respect to any Civil Judge named therein that his jurisdiction shall extend to all like suits of such value value not exceeding twenty thousand rupees as may be specified in then
	notification: Provided that the State Government may, by notification in the Official Gazette, delegate to the High Court its power under this Section.
Appeal from District And Additional District Judges.	17. (1) Save as otherwise provided in any law for the time being in force, an appeal from a decree or order of the District Judge or an Additional District Judge shall lie to the High Court.
	(2) An appeal shall not lie to the high court from a decree or order of an Additional District Judge in any case in which, if the decree or order had been Made by the District Judge, an appeal would not lie to that Court.
Appeals from Civil Judge	18. (1) Save as aforesaid, an appeal from a decree or order of a Civil Judge shall lie;
14650	 (a) to the District judge where the value of the original suit in which or in any proceeding arising out of which the decree or order was made did not exceed five thousand rupees, and (b)to the high Court in any other cases .
	(2) Where the function of receiving any appeals which lie to the District Judge under sub-section (1) has been assigned to an Additional District Judge, the appeal's may be preferred to the Additional District Judge.

CHAPTER IV SUPPLEMENTARY PROVISIONS

19. (1) the presiding Officer of a Civil court under this Act shall not try any suit or other proceeding to which he is a party or in which he is personally Interested.

(2) the presiding Officer of an appellate Civil Court under this Act shall not try an appeal against a decree or order passed by himself in another capacity.

(3) When any such suit, proceeding or appeal as is referred to in sub-section

Judges not to try suits in which they are interested.

(1) or sub-section (2) comes before any such officer, the officer shall forthwith transmit the record of the case to the District Judge with a report of the circumstances attending the reference. (4) The District Judge shall thereupon dispose of the case himself or transfer the case to any other Court of competent jurisdiction. Savings. 20. All Civil courts, except the high Court of Sikkim exercising jurisdiction in the State of Sikkim immediately before the commencement of this Act shall deem to have been duly constituted and to be exercising jurisdiction under the provision of this Act and all appointments, nominations rules and orders made, jurisdiction and powers conferred and all other actions done or taken relating to such Civil courts, or purporting expressly or impliedly to have been so made, conferred, done or taken under the provisions of this Act. Repeal. 21. All laws including rules, regulations, notifications, orders or instructions, in force immediately before the commencement of this Act, in so far they are inconsistent with the provisions of this Act shall to the extent of such inconsistency, cease to have effect and stand repealed from the date of such commencement.

By Order of the Governor.

B.R. PRADHAN, Secretary to the Government of Sikkim Law and Legislative Department F. 16 (44) LL/77



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gaugtok, Friday, 23rd April, 1999 No. 93

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK.

2/LD/99

OVERNMENT

NOTIFICATION

Dated the 23rd April, 1999

The following Act of the Sikkim Legislative Assembly having received the assent of the atnor on 20th day of April, 1999 is hereby published for general information:-

THE SIKKIM CIVIL COURT (AMENDMENT) ACT, 1998

(ACT NO. 12 OF 1998)

AN

ACT

further to amend the Sikkim Civil Courts Act, 1978. BE it enacted by the Legislature of Sikkim in the Forty-ninth Y

		to a black in the Porty-ninth Year of the Republic of India as follows:
• title and nettocrnent.	1.	(1) This Act may be called the Sikkim Civil Courts (Amendment) Act, 1998.
		(2) It shall come into force on such date as the High Court of Sikkim may, by notification in the Official Gazette, appoint.
sement of en 2.	2.	In the Sikkim Civil Courts Act, 1978 (hereinather referred to as the prin-
		(i) in sub-section (1) of section 2, after the words "District Judge" the following words shall be added, namely:-
		"as defined under Article 236 of the Constitution of India".
		(ii) in sub-section (2) for the word the
		(ii) in sub-section (2) for the words "the Court of Additional District Judge" the following shall be substituted, namely:
		"The Court of Civil Judge (Senior Division)."
,		(iii) in sub-section (3) of acction 2, after the words "The Court of Civil Judge", the following words and sign shall be inserted, namely:
Je wanter	З,	In section 3 of the principal Act for the work with the
10 t 3		In section 3 of the principal Act for the words "the District Judge, the Additional District Judge and the Civil Judge now fixed", the following shall be substituted,
		"District Judge as defined in Article 236 of the Constitution, Civil Judge (Senior Division) and the Civil Judge (Judior Division) in consultation with the Judge (Senior
endment of	4.	In sub-section (1) and (2) of section 5 of the principal Act, for the words "Additional District Judges" the following shall be substituted, namely:-
wanted of		"Judicial Officers of Sikkim Superior Judicial Service",
tion 6.	5.	In section 6 of the principal Act for the words "under this Act" the following shall
		"office the respective District".

Amendment of section 7,	6.	(1) In sub-section (1) of section 7 of the principal Act, for the words "the Senio Additional District Judge present thereat, or if an Additional District Judge is no present at that place, the Senior Civil Judge" the following shall be substituted, namely:
		"any member of the endre of Superior Judicial Service as may be decided by the High Court and present thereat or if no such officer of the cadre of Superior Judicia Service is present at that place, the Civil Judge (Senior Division)".
		(2) In sub-section (2) of section 7, for the words "Additional District Judge of the Civil Judge", the following shall be substituted, namely:
		"member of cadre of Superior Judicial Service or the Civil Judge (Senior Division)"
Amendment of section 8.	7.	In sub-section (1) and (2) of section 8 of the principal Act, wherever the words "Addi- tional District Judge" occurs, the same shall be substituted by the words "Civil Judge (Senior Division)".
Amendereni of section 9.	8.	(1) In sub-sections (1), (3) and (4) of section 9 of the principal Act, wherever the words "Civil Judge "occurs, the same shall be substituted by the words "Civil Judge (Junior Division)".
		(2) In subjection (1) of section 9 of the principal Act, the words "either to his own Court or" shall be deleted.
,		(3) In sub-section (3) of section 9 the words "to his two Court of any oth Court", shall be deleted.
Amendment of section 15.	9.	In section 15 of the principal Act, after the words "Civil Courts", the following shall be inserted, namely:
		"in the District".
Amendment of section 16.	10.	(1) In section 16 of the principal Act for sub-section (1), the following shall be substituted, namely:
		"(1) Save as aforesaid and subject to provision of sub-section (2), the jurisdiction of a District Judge shall extend to all suits of which the value exceeding twenty five thousand rupees but not exceeding fifty thousand rupees and the jurisdiction of a Civil Judge (Senior Division) shall extend to all suits of which the value exceeding ten thousand rupees but not exceeding twenty five thousand rupees and the jurisdiction of a Civil Judge (Junior Division) shall extend to all suits of which the value does not exceed ten thousand rupees."
		(2) Sub-section (2) of section 16 of the principal Act shall be deleted.
Amendment of section 17.	11.	(1) In sub-section (1) of section 17 of the principal Act, for the words "Additiona District Judge", the following shall be substituted, namely:
		"the Civil Judge (Senior Division)". (2) Sub-section (2) of section 17 of the principal Act shall be deleted.
Amendment of section 18.	12.	 In sub-section (1) of section 18, after the words "Civil Judge", the following shall be inserted, namely:
		(2) In clause (a) of sub-section (1) of section 18 of the principal Act, for the words "fifty thousand" the words "ten thousand" shall be substituted.
		(3) Sub-section (2) of section 18 of the principal Act shall be deleted.
Insertion of new section 194.	13.	After section 19 of the principal Act, the following section shall be inserted, namely:-

Transfer of rending asos 19A. All units and proceeding of a Civil nature wherein the subject matter exceeds in amount or value of ten thousand rupees but does not exceed twenty five thousand rupees and all suits and proceedings of a Civil nature wherein the subject matter exceeds in amount or value of twenty five thousand rupees but not exceeding fifty thousand rupees pending in the Court of the Civil Judge immediately before the commencement of the Sikkim Civil Courts (Amendment) Act, 1998, shall after such commencement stand transferred to and be disposed of by a Civil Judge (Senior Division) and a District Judge respectively within the local limits of their ordinary invisition. Also all suits and proceedings of a Civil nature wherein the subject matter exceeds in amount or value of fifty thousand rupees pending in the Court of District Judge immediately before the commencement of the Sikkim Civil Courts (Amendment) Act, 1998, shall after such commencement of the Sikkim Civil Courts (Amendment) Act, 1998, shall after such commencement of the Sikkim Civil Courts (Amendment) Act, 1998, shall after such commencement, stand transferred to or be disposed of by the High Court."

By Order of the Governor,

T.D. RINZING Secretary to the Govt. of Sikkim, Law Department. F. No. 16(44)LD/99



GAZETTE

(EXTRAORDINARY) PUBLISHED BY AUTHORITY Tuesday 18th April, 2000

Gangtok,

GOVERNMENT

No. 125

GOVERNMENT OF SIKKIM

LAW DEPARTMENT

GANGTOK.

No. 4/LD/2000

Dated : the 17th April , 2000

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 7th day of April, 2000 is hereby published for general information:-

THE SIKKIM CIVIL COURTS (AMENDMENT)ACT, 2000

(ACT NO. 4 OF 2000)

AN

ACT

Further to amend the Sikkim Civil Courts Act , 1978. Research institute of Tibetology (amendment)Act, 1976.

BE it enacted by the Legislature of Sikkim in the Fifty -first year of the Republic of India as follows :-Short title and

commencement.

1. (1) This act may be called the Sikkim Civil Courts (amendment)Act, 2000. (2) It shall come into force on such date as the High Court of Sikkim may, by notification in the Official Gazettee, appoint.

Amendment of section 16

- 2. In the Sikkim Civil Courts Act, 1987 (hereinafter referred to as the principal Act), in section 16, for sub-section (1), the following sub-section shall be substituted, namely:-".
 - "(1) Save as aforesaid, the jurisdiction of a Civil Judge (Senior Division) shall extend to all suits the value of which exceeds fifty thousand rupees but does not exceed sixty thousand rupees and the jurisdiction of Civil Judge(Junior Division) shall extend to all suits, the value of which does not exceed fifty thousand rupees".

Amendment of section 19A 3. In the principal Act, forsection19A, the following section shallbe substituted, namely:-

"19A. All suits and proceedings of a civil nature where in the value of subject matter exceeds fifty thousand rupees but does not exceed sixty thousand rupees pending in the Court of District Judge immediately before the commencement of the Sikkim Civil Courts (Amendment) Act, 1998, shall after such commencement, stand transferred to or be disposed of by the Civil Judges (Senior Division)".

By Order of the Governor,

T.D.Rinzing Secretary to the Govt. of Sikkim F.No. 16(82)LD/77-2000



COVERNMENT

GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Gangtok

2001 30th March. Friday.

No. 69

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK

DATED 30. 3. 2001.

10.4/LD/2001

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 26th day of March, 2001 is hereby published for general information :-

THE SIKKIM CIVIL COURTS (AMENDMENT) ACT, 2001 (ACT NO. 4 CF 2001)

AN

ACT

further to amend the Sikkim Civil Courts Act, 1978. BE it enacted by the Legislature of Sikkim in the Fifty-second Year of the Republic of India as follows :-

(1) This Act may be called the Sikkim Civil Courts (Amendment) Act, 2001. 1. Short title and (2) It shall come into force at once. commencement.

Amendment of 2. In the Sikkim Civil Courts Act, 1978, Section 3 of the Act shall be renumbered as sub-section (1) of that Section and after sub-section (1) as so renumbered, the Section 3. following sub-section shall be inserted, namely:-

> "(2) Notwithstanding anything contained in sub-section (1), where a post of Civil Judge-cum-Judicial Magistrate is lying vacant and its functions are being carried on by other Judicial Officer as per the directions of the High Court, no such post of Civil Judge-cum-Judicial Magistrate shall be filled up unless at least 50 (fifty) Civil Suits have been filed within the preceeding one year in the said Court of Civil Judge-cum-Judicial Magistrate located at a place where there is the Court of Chief Judicial Magistrate. However, in respect of place/ places where there is no Court of Chief Judicial Magistrate and the post of Civil Judge-cum-Judicial Magistrate is lying vacant at such place, the post of Civil Judge-cum-Judicial Magistrate shall not be filled up unless at least 30 (thirty) Civil Suits have been filed within the preceeding one year. The High Court may allocate the functions of Civil Judge-cum-Judicial Magistrate at such place to such other Judicial Officer as it may deem fit so that Judicial Officer are

available at all District Headquarters. Nothing in this Act shall prevent the High Court from exercising its power of transfer of Civil Judges in such manner as may be considered expedient."

Repeal and Saving.

- 3. (1) The Sikkim Civil Courts (Amendment) Ordinance, 2000 (Ordinance No. 2 of 2000) is, hereby repealed.
 - (2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order of the Governor.

T. D. Rinzing, Secertary to the Government of Sikkim, Law Department. (F. No. 16(82) LD/2001)



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

section 3

No.653

Sunday 18th December, GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK

2011

Dated:17.12.2011

No14/LD/P/11

GOVERNMENT

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 3rd day of September, 2011 is hereby published for general information:-

THE SIKKIM CIVIL COURTS (AMENDMENT) ACT, 2011 (ACT NO.14 OF 2011)

AN

ACT

further to amend the Sikkim Civil Courts Act, 1978.

Be it enacted by the Legislature of Sikkim in the Sixty-second Year of the Republic of India as follows:-

- Short title and 1. (1) This Act may be called the Sikkim Civil Courts (Amendment) Act, 2011.
- commencement (2) It shall come into force at once.

Amendment of 2. In the Sikkim Civil Courts Act, 1978, in section 3,-

(i) for sub-section (2) the following sub-section shall be substituted, namely:-"(2) Notwithstanding anything contained in sub-section (1), where a post of Civil Judge-cum-Judicial Magistrate is lying vacant and its functions are being carried on by other Judicial Officer as per the directions of the High Court, no such post of Civil Judge-cum-Judicial Magistrate shall be filled up unless at least 25 (twenty five) civil suits have been filed during proceeding year and the said Court of Civil Judge-cum-Judicial Magistrate located at a place where there is Court of Chief Judicial Magistrate. However, in respect of place/places where there is no Court of Chief Judicial Magistrate and the post of Civil Judge-cum-Judicial Magistrate is lying vacant at such place, the post of Civil-Judge-cum-Judicial Magistrate shall not be filled up unless at least 20(twenty) Civil Suits have been filed during proceeding year. The High Court may allocate the functions of civil Judge-cum-Judicial Magistrate at such place to such other Judicial Officer as it may deem fit so that Judicial Officer are available at all District Headquarters. Nothing in this Act shall prevent High Court from exercising its power of transfer of Civil Judge or allocating duties and functions of a civil judge in such manner as may be considered expedient,"

(ii) after sub-section (2), the following sub-section shall be inserted, namely:-

(3). (a) No new Civil Court shall be constituted or set up unless the total number of cases, pending in a court on the 1st day of January of the year in which proposal for the setting up of a Court was made, has increased over the preceding two consecutive years, so that on an average total number of cases standing in each court shall not be less than five hundred cases.

(b) Any Court upto the level of District Judge shall not be constituted unless a minimum number of 500 (five hundred) cases are pending in all the Courts of the level of District Judge.

(R.K Purkayastha)SSJS L.R-cum-Secretary, Law Department. File No. 16(82)LD/77/2011

GOVERNMENT



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

Thursday 24th October, 2013 GOVERNMENT OF SIKKIM LAW DEPARTMENT

No. 594

No. 14/LD/P/13

OVERNMENT OF SIKKI LAW DEPARTMENT GANGTOK

Dated: 22/10/2013

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 9th day of October, 2013 is hereby published for general information:-

THE SIKKIM CIVIL COURTS (AMENDMENT) ACT, 2013 (ACT NO. 14 OF 2013) AN ACT

further to amend the Sikkim Civil Courts Act, 1978. Be it enacted by the Legislature of Sikkim in the Sixty-fourth Year of the Republic of India as follows:-

Short title and1. (1) This Act may be called the Sikkim Civil Courts (Amendment) Act, 2013.commencement(2) It shall come into force at once.

Amendment of
sub-section (1)2. In the Sikkim Civil Courts Act, 1978, for sub-section (1) of section 16, the
following sub-section shall be substituted, namely:-of section 1616

"(1) Save as aforesaid, the jurisdiction of a Civil Judge (Senior Division) shall extend to suits, the value of which does not exceed 6 (six) lakhs rupees and the jurisdiction of Civil Judge (Junior Division) shall extend to suits, the value of which does not exceed 5 (five) lakhs rupees".

Lakchung Sherpa, SSJS L.R-cum-Secretary, Law Department.