

BALOCHISTAN

PROVINCIAL _ASSEMBLY SECRETARIAT

NOTIFICATION.

Dated Quetta, the 16th December, 2019.

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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 18" November, 2019 and assented to by the Governor

Balochistan, on 10 December,2019 is hereby published as an Act of the

Balochitsan Provincial Assembly.

THE CODE OF CIVIL PROCEDURE (BALOCHISTAN 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.

Short title and

commencement.

Amendment of
section 3, Act V
of 1908.

Amendment of
section 7, Act V
of 1908.

Amendment of
section 9, Act V
of 1908.

Amendment of
section 24, Act
V of 1908.

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:

1. (1) This Act may be called the Code of Civil Procedure (Balochistan Amendment) Act, 2019.
- (2) It shall come into force at once.
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.
3. In the said Code, section 7 shall be omitted.
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.
5. In the said Code, in section 24, sub-section (4) shall be omitted.

Substitution of
section 33, Act
V of 1908.

Amendment of
section 35, Act
V of 1908.

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

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

Amendment of
section 91, Act
V of 1908.

Amendment of
section 92, 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.”

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.

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.

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.

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.

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

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

Amendment of
section 102,
Act V of 1908.

Amendment of
section 104,
Act V of 1908.

Amendment of
section 114,
Act V of 1908.

Amendment of
section 115,
Act V of 1908.

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.

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.".

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;" .

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.”

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.

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

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

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

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

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

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.

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.

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

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.

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

(SAFDAR HUSSAIN)
Secretary.

Dated Quetta, the 16 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 :).

A copy is forwarded for information to:-

www.ezqanoorcond he Principal Secretary to Governor, Balochistan, Quetta.

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The Principal Secretary to Chief Minister, Balochistan, Quetta.

The Secretary, Government of Balochistan, Law & Parliamentary Affairs Department, Quetta.

The Director General, Public Relations, Balochistan, Quetta for favour of publication.

. The System Analyst, Balochistan Provincial Assembly.

Additional Secretary (Legis ;).