

LEGISLATIVE ASSEMBLY OF AZAD JAMMU & KASHMIR

MUZAFFARABAD

dated the July, 11, 1973.

No. 1816/LA/73. The following Act of the Legislative Assembly received the assent of the President and is hereby published for general information: -

THE AZAD JAMMU AND KASHMIR CODE OF CIVIL
PROCEDURE (AMENDMENT) ACT, 1973

(Act IV of 1973)

An Act to amend the Code of Civil Procedure (Act V of 1908).

Whereas it is expedient to amend the Code of Civil Procedure 1908 for the purpose

hereinafter appearing;

It is hereby enacted as follows: -

Short title and commencement.- (1) This Act may be called the Azad Jammu and Kashmir Code of Civil Procedure (Amendment) Act, 1973,

(2) It shall come into force at once.

Substitution of Section 80 (Act V of 1908).- In the said Code for Section 80 the Following shall be substituted, namely:-

"80. (1) A suit may be instituted against Government or against a public officer, in respect of any act purporting to be done by such public officer in his official capacity, after the expiration of two months next after notice in writing has been delivered to or left at the office of:-

(a) in the case of a suit against the Government, a Secretary to the Government;

(b) in the case of public officer, delivered to him or left at his office;

stating the cause of action, the name, description of place of residence of the plaintiff and the relief which he claims; and the

plaint shall contain a statement that such notice has been so delivered or left.

(2) Where any such suit is instituted without delivering or leaving such notice as aforesaid or before the expiration of the said period of two months or where the plaint does not contain a statement that such notice has been so delivered or left, the plaintiff shall not be entitled to any costs if settlement as regards the subject-matter of the suit is reached or the Government or the public officer concedes the plaintiff's claim, within the period of two months from the date of the institution of the suit:

Provided that in a suit instituted without such notice, the

Court shall allow not less than three months to the Government to submit its written statement."