

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLIAMENTARY AFFAIRS DEPARTMENT

MUZAFFARABAD

Dated the 12 August, 1998.

No. 297-304/LD/98. The following Act made by the Assembly received the assent of the President on the 9th day of August 1997, is hereby published for general information:-

AN
ACT

(ACT IT OF 1998)

to amend the Azad Jammu and Kashmir Family Courts Act, 1993.
WHEREAS it is expedient to amend the Azad Jammu and Kashmir Family Courts Act, 1993 (Act XI of 1994) in the manner hereinafter appearing;

1.

(a)

It is hereby enacted as follows:-

Short title and commencement:-(1) This Act may be called the Azad Jammu and Kashmir Family Court (Amendment) Act, 1998.

(2) It shall come into force at once.

Amendment of Section 2, Act XI of 1994:-In the Azad Jammu and Kashmir Family Courts Act, 1994 (Act XI of 1994), hereinafter referred to as the said Act, in Section 2, after clause (d) the full stop shall be substituted by a colon and thereafter the following new clauses (e) and (f) shall be added:-

“(e) “Shariat Court” means the Shariat Court of Azad Jammu and Kashmir;

() “Supreme Court” means the Supreme Court of Azad

Jammu & Kashmir.”

Substitution of Section 14, Act XI of 1994:-In the said Act, for Section 14, the following shall be substituted, namely:-

“14, Appeals:-(1) Any party aggrieved by a decision or decree passed by a Family Court under this Act may, within thirty days of the date of such decision or decree, prefer and appeal to the Shariat Court.

(2) No Appeal shall lie from a decree passed by a Family Court:-

for dower, not exceeding rupees one thousand;

(b) for maintenance, rupees seventy-five or less per month.

G3) Every appeal under this Act shall be decided by the Appellate Court within a period of sixty days, from the date of presentation of appeal.

(4) Subject to the provisions of sub-section (5) the order of the Shariat Court shall be final.

(5) An Appeal to the Supreme Court from Judgment, degree

or order of the Shariat Court shall lie only if the Supreme Court being satisfied, that the case involves a substantial question of law of public importance, grants leave to appeal.”

Insertion of Section 21-B, Act XI of 1994:-In the said Act, after Section 21-A, the following new Section (21-B) shall be inserted, namely:-

“21-B. General power of Transfer:- (1) On the application any of the parties and after notice to the parties and after hearing such of them as desire to be heard or of its own motion without such notice, the Shariat Court may at any stage transfer any suit, application or other proceeding pending before any Family court to another Family Court for trial or disposal.”

Amendment of Schedule, Act XI of 1994:- In the said Act, in the schedule, after item No. 7, the following shall be added:-
Dowry.”

Repeal:-The Azad Jammu and Kashmir Family Court

(Amendment) Ordinance, 1998 (Ordinance XIII of 1998) is hereby repeated.

Sd/- (Syed Atta Mohye-ud-Din Qadri)
Draftsman