

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

Dated the 19th April, 1995.

No. 321-327/LD/Leg/95. The following Act of the Assembly received the assent of the President on 7th April, 1995 is hereby published for general information:-
(ACT IT OF 1995)

AN

ACT

to amend the Azad Jammu and Kashmir Family Courts Act, 1994

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Family Courts Act, 1994 (Act XI of 1994) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement:- (1) This Act may be called the Azad Jammu and Kashmir Family Courts (Amendment) Act, 1995.

(2) It shall come into force at once.

2. 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, the existing provisions shall be re-numbered as sub-section (1) and thereafter the following new sub-section (2) shall be inserted, namely:-

“(2) Words and expressions used in this Act but not defined, shall have the meanings respectively assigned to them in the Code of Civil Procedure, 1908.”

3. Amendment of Section 4, Act XI of 1994:- In the said Act, in Section 4, after clause (iii) the full stop shall be substituted by a colon and thereafter the following new clause (iv) shall be added, namely:-

“(iv) he has the experience as a Judicial Officer for a

period of not less than five years.”

4. Amendment of Section 7, Act XI of 1994:- In the said Act, in Section 7,-

(a) in sub-section (2) between the words "all" and "facts"

the word "material" shall be inserted;

(b) sub-section (3) shall be substituted as under:-

"(3) (i) ~=where a plaintiff sues or relies upon a document in his possession or power, he shall produce it in Court when the plaint is presented, and shall at the same time, deliver document or a copy thereof to be filed with the plaint;

(ii) | Where he relies on any other document not in

his possession or power, as evidence in support of his claim, he shall enter such document in a list to be appended to the plaint."

Amendment of Section 11, Act XI of 1994:- In the said Act, in Section 11,-

(a)

(b)

for sub-section (3) the following shall be substituted,

namely:-

"(3) The witnesses shall give their evidence in their own words:

Provided that the parties or their counsel may further

examine, cross-examine or re-examine the witnesses:

Provided further that the Family Court may forbid any

question which it regards as indecent, scandalous or

frivolous or which appear to it to be intended to insult or

annoy any one or is needlessly offensive in form."

after sub-section (3) as amended aforesaid the following

new sub-section (3-A) shall be inserted, namely:-

"(3-A) The Family Court may, if it so deems fit, put any

question to any witness for the purpose of elucidation of

any point which it considers material in the case."

Amendment of Section 14, Act XI of 1994:-In the said Act, in Section 14 in sub-section (1), between the words "appealable" and "to" the words "within thirty days" shall be inserted.

Insertion of Section 21-A Act XI of 1994:-In the said Act, after

Section 21, the following new Section 21-A shall be inserted, namely:-

(a)

(b)

"21-A, Transfer of pending cases:- On commencement

of this Act,-

all suits and applications pending before any Court regarding any matter which hitherto fore are within the jurisdiction of a Family Court, shall stand transferred to the Family Court concerned and the Family Court shall start proceedings from the stage which the case has reached.

all appeals in respect of any matter falling within the purview of this Act, pending before Additional District Judge or District Judge or High Court, shall stand transferred to Azad Jammu and Kashmir Shariat Court."

Repeal:- The Azad Jammu and Kashmir Family Courts (Amendment) Ordinance, 1995 (Ordinance VII of 1995) is hereby repealed.

Sd/- (Syed Shakir Shah)
Deputy Secretary (Law)