

THE AZAD KASHMIR COURTS & LAWS CODE
(AMENDMENT) ACT, 1958.

(Passed under Government Order No. 242/58 dated 5-6-1958)

Whereas it is expedient to amend the Azad Kashmir Courts and

Laws Code, 1949, it is hereby enacted as follows :-

1.

(i) This Act may be called the Azad Kashmir Courts and Laws Code (Amendment) Act, 1958.

(ii) It shall extend to the whole of Azad Kashmir Territory and shall come into force at once.

After Section 13 of the Azad Kashmir Courts and Laws Code, 1949, the following new Sections, that is to say, 13-A, 13-B and 13-C, shall be added :-

"13-A. An appeal shall lie to the Division Bench of the High Court from any judgment, decree or final order of the High Court made by a Judge sitting alone in the exercise of the High Court's appellate jurisdiction in respect of a decree or order made by a Court subordinate to it :-

(i) If the amount or value of the subject matter of the dispute in the Court of first instance was, and also in dispute on appeal is, not less than Rs. 1,000/-; or

(ii) If the judgment, decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value ; or

(iii) If the Judge of the High Court who passed the Judgment, decree or final order certifies that the case is fit for appeal to the Division Bench of the High Court.

13-B_ An appeal shall lie to the Division Bench of the High Court from any judgment, final order or sentence of the High Court passed by a Judge sitting alone in criminal proceedings, if the Judge :-

(i) certifies that the case is a fit one for appeal to the Division Bench of the High Court; or

(ii) has imposed any punishment on any person for contempt of

the High Court.

13-C Notwithstanding anything contained in the Limitation Act or any other law for the time being in force:-

(1) the period of limitation for an appeal under Sections 13-A and 13-B shall be :-

(a) 30 days from the date of judgment, order, decree or sentence referred to in clauses (i) and (ii) of Section 13-A and clause (ii) of Section 13-B ;

(b) 30 days from the date on which the Judge certifies the case to be fit for appeal in terms of clause (iii) of Section 13-A and clause (i) of Section 13-B ;

(2) the period of limitation for an application praying for the grant of certificate, if made by a party, to the Judge who passed the judgment, decree, order, or sentence referred to in clause (iii) of Section 13-A or clause (i) of Section 13-B, shall be 15 days from the date of the judgment, decree, order or sentence, as the case may be.