

THE AZAD KASHMIR OLD LIABILITIES ABEYANCE

ACT OF 1950.

(Cabinet Order No. 249/50).

Whereas it is expedient to keep in abeyance legal proceedings

against the Azad Kashmir Government in respect of certain liabilities of the Dogra Regime ; and

Whereas it is necessary to consolidate and amend the law

relating to certain legal proceedings against the Azad Kashmir Government, it is hereby enacted as follows :-

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(i) This Act may be called 'The Azad Kashmir Old Liabilities Abeyance Act of 1950.

(ii) It applies to the whole of the territory which is or which may hereafter come under the administration of the Azad Kashmir Government and it shall come into force forth-with.

(iii) The Azad Kashmir Government Legal Proceedings Abeyance Act of 1949 is hereby repealed.

In this Act 'Legal proceedings' shall mean any proceedings of a civil nature and shall include suits, appeals, applications or other miscellaneous proceedings.

Till the question of accession of Jammu and Kashmir State to Pakistan or otherwise is finally decided, no Civil court including the High Court shall entertain or adjudicate upon any legal proceedings against the Azad Kashmir Government in respect of:

(i) the liabilities of the Old Dogra Government of Jammu and Kashmir ;

(ii) claims against Azad Kashmir Government arising out of a cause of action that accrued against the Dogra Government of Jammu and Kashmir before October 24, 1947 ;

(iii) money or other property of any kind left or deposited in or otherwise under the control of, any Government Department in the Jammu and Kashmir State prior to October 24, 1947.

All legal proceedings in respect of matters specified in clauses i, ii, iii of Section 3 of this Act already pending or which may otherwise crop up, in Civil Courts against the Azad Kashmir Government, shall be kept in abeyance till the question of accession of Jammu and Kashmir State to Pakistan or otherwise is finally decided.

In legal proceedings against the Azad Kashmir Government in respect of matters other than those specified in Clauses i, ii, iii of Section 3 of this Act, the person entitled to seek remedy against the Azad Kashmir Government shall have the option to institute proceedings against the Azad Kashmir Government either before or after the question of accession of Jammu and Kashmir State to Pakistan or otherwise is finally decided.

While computing the period of Limitation prescribed for any legal proceeding against the Azad Kashmir Government whether kept in abeyance or not the period before the decision of the question of accession of Jammu and Kashmir State to Pakistan or otherwise shall be excluded.