

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

Dated the 19th January, 1992.

No.50-54/92. The following Act of the Assembly received the assent of the President on the 29th day of December, 1991 is hereby published for general information:-

(ACT VII of 1991)

AN

ACT

to amend the Code of Civil Procedure, 1908.

WHEREAS it is necessary to amend the Code of Civil Procedure, 1908 (Act V of 1908) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and Commencement.- (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1991.

(2) It shall come into force at once.

2. Amendment of Order XXXIX, Act V_ of 1908.- In the Code of

Civil Procedure, 1908 (Act V of 1908), as adapted in Azad Jammu and Kashmir, in Order-XXXIX,-

(a) in rule 3, after. the first proviso the following second proviso shall be added:-

"Provided further that where the making of an interim order would have effect of prejudicing or interfering with the carrying out_of a public work or of otherwise being harmful to public interest or the state property or of impeding assessment or collection of public revenues, the Court shall not make an interim order unless the prescribed Law Officer has been given notice of the application and he or any person authorized by him in that behalf has had an opportunity of being heard."

(b) after rule,4, the following new rule 4-A, Shall be inserted:-

"4-A. Injunction to cease to be in force after certain period:-

An injunction granted by a Court in a suit which seeks to question the validity or legal effect of any order made, proceedings taken or act done by authority or person, which has been made, taken or done, or purports to have been made, taken or done, under any law which under

the Azad Jammu and Kashmir Interim Constitution Act, 1974, is within the Law making powers of the Azad Jammu and Kashmir Legislative Assembly as specified in the third schedule of the said Act, or relates to or is connected with, Development Schemes, assessment or collection of public revenues, shall cease to have effect on the expiration of a period of six months following the day on which it is made, unless the case is finally decided, or the injunction is discharged or set aside, by the Court earlier.

Explanation.- In this rule, "public revenues includes the dues of any bank owned by the Federal Government or of any Corporation or undertaking owned or controlled by the Federal Government or the Government of Azad Jammu and Kashmir."

Sd/-
(Syed Shakir Shah)
Deputy Secretary Law