

THE [KHYBER PAKHTUNKHWA] (DISPOSAL OF CIVIL CASES AND REMOVAL OF DOUBT) ACT, 1973.

21 [KHYBER PAKHTUNKHWA] ACT NO. XV OF 1973.

[12th November, 1973]

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Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

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THE '[KHYBER PAKHTUNKHWA] DISPOSAL OF CIVIL CASES AND  
REMOVAL OF DOUBT) ACT, 1973.

21[KHYBER PAKHTUNKHWA] ACT NO. XV OF 1973.

[12th November, 1973]

(Received the assent of the Government of the \*[Khyber Pakhtunkhwa] on 11th November, 1973)

AN  
ACT

to make provisions for the disposal of cases pending under the Civil Procedure

(Special Provisions) Ordinance, 1968, and for the removal of doubt regarding

application of the Evidence Act, 1872, and the Code of Civil Procedure, 1908 to certain areas in the "(Khyber Pakhtunkhwa]-West Frontier Province.

WHEREAS, in consequence of Home Department Notification No SO (J-1) Preamble.

HD/12-1/70 dated the 9th March, 1972, the Civil Procedure (Special Provisions) Ordinance, 1968, (W.P. Ord | of 1968), has ceased to operate in the areas to which it was applicable;

AND WHEREAS, it is expedient to make provisions, in the manner hereinafter appearing, with respect to-

(i) the disposal of cases pending under the said Ordinance; and  
(ii) the removal of doubt regarding application of the Evidence Act, 1872 (Act 1 of 1872), and the Code of Civil Procedure 1908 (Act V of 1908) to said areas in the \*[Khyber Pakhtunkhwa];

It is hereby enacted as follows:-

1. (1) This Act may be called the "[Khyber Pakhtunkhwa] (Disposal of Short title and Civil Cases and Removal of Doubt) Act, 1973.

(2) It shall come into force at once.

Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

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Commencement

2. All disputes of civil nature, taken cognizance of under the Civil Procedure (Special Provisions) Ordinance, 1968 (W.P Ord 1 of 1968) hereinafter preferred to as the said Ordinance, and all appeals relating thereto, which were pending before the Tribunal or any other authority at the time when the said Ordinance ceased to operate, shall stand transferred to respective Civil Courts having jurisdiction therein for disposal in accordance with the provisions of the law applicable to such cases.

3. For the removal of doubt it is hereby declared that the Evidence Act, 1872 (Act I of 1872), and the Code of Civil Procedure, 1908 (Act V of 1908), shall apply, and shall be deemed always to have been so applied to the areas specified in the Schedule to this Act, hereinafter referred to as the said areas.

4. In computing the period of limitation for filing a suit, in respect of any dispute of civil nature arising in or relating to the said areas, the period commencing the 9th March, 1972, and the date of commencement of this Act shall be excluded.

5. Where any Civil Court has, after cessation of the said Ordinance but before the commencement of this Act taken cognizance of any dispute of civil nature arising in or relating to the said areas and has passed any order or decree in respect thereof or given decision thereon such cognizance shall be proper, and such order decree or decision shall subject to the provisions of the Code of Civil Procedure, 1908 (Act V of 1908), be valid and enforced.

6. The North-West Frontier Province (Disposal of Civil Cases and Removal of Doubt) Ordinance 1973 (N.W.F.P Ordinance, No. IV of 1973), is hereby repealed.

Transfer

pending cases.

Removal

doubt.

Limitation.

Validation.

Repeal.

of

**SCHEDULE**

(See-section — 3)

1. The Added Areas of Hazara of Hazara District specified in the First Schedule to the '[Khyber Pakhtunkhwa] (Enlargement of the area and Alteration of Boundary) Order, 1952 (G.G.O. No. 1 of 1952).

2. The Added Areas of Mardan District specified in Schedule A to the 7 [Khyber Pakhtunkhwa] (Increase of Area and Alteration of Boundary) Order 1953 (G. G. O. No. 7 of 1953).

3. The Added Areas of Hazara District specified in the First Schedule to the ?

[Khyber Pakhtunkhwa] (Enlargement of the Areas and Alteration of Boundary) Order, 1955 (G. G. O. )

1, Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

2, Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

3, Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.