## L. A. BILL No. XXXVII OF 2023.

## A BILL

#### further to amend the Bombay City Civil Court Act, 1948.

#### (As passed by the Legislative Assembly on the 28th July, 2023.)

Bom. 5 XL of 1948. 5 WHEREAS it is expedient further to amend the Bombay City Civil Court Act, 1948, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows:—

**1.** (*1*) This Act may be called the Bombay City Civil Court (Amendment) Short title. Act, 2023.

10 (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment	2.	In section 3	of the Bomba	v Citv Civil	Court Act,	1948 (hereinafter	Bom.
of section 3 of			orincipal Act")				XL of 1948.
1948.					ees one cro	re in value " the	1740.

(i) for the words ", not exceeding rupees one crore in value, " the words ", not exceeding rupees ten crore in value, " shall be substituted;

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(*ii*) the proviso shall be deleted.

Amendment of Bom. XL of 1948.

**3.** In section 4A of the principal Act, in sub-section (1), for the words, of section 4A figures and brackets "section 4 of the Bombay City Civil Court (Amendment) Mah. XXV of 2012. Act, 2012" the words, figures and brackets "section 2 of the Bombay City Mah. Civil Court (Amendment) Act, 2023" shall be substituted. of 2023.

Power to difficulty.

**4.** (1) If any difficulty arises in giving effect to the provisions of the 10 Bom. remove Bombay City Civil Court Act, 1948, as amended by this Act, the State XL of 1948 Government may, as occasion arises, by an order published in the Official *Gazette*, do anything, not inconsistent with the provisions of the Bombay City Civil Court Act, 1948, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty: 15

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

### STATEMENT OF OBJECTS AND REASONS

The Bombay City Civil Court Act, 1948 (Bom. XL of 1948) was enacted to establish an additional Civil Court for Greater Bombay having jurisdiction to receive, try and dispose of all suits and proceedings of a civil nature arising within Greater Bombay except the suits and proceedings cognizable by the High Court and the Small Cause Court as mentioned in section 3 of the said Act. The said law was enacted with a view to reduce the burden of the Bombay High Court as the principal Civil Court of original jurisdiction for the City of Greater Bombay so that the jurisdiction of the High Court in respect of certain civil matters would be conferred on the City Civil Court.

2. Since 2012, the pecuniary jurisdiction of the Bombay City Civil Court to receive, try and dispose of all suits and other proceedings of a civil nature is not exceeding rupees one crore in value. Over the period of more than ten years, the value of properties in Mumbai has escalated sharply. Due to sharp escalation in the value of properties, the valuation of civil suits relating to properties in Mumbai have also been increased, resulting in filing of more number of suits in the High Court instead of the Bombay City Civil Court. In order to reduce the work load of the Bombay High Court, it is necessary to increase the pecuniary jurisdiction of the Bombay City Civil Court upto rupees ten crores. As a result of proposed amendment, 8672 civil suits pending before the Bombay High Court, will be transferred to the Bombay City Civil Court which will help in speedy disposal of those suits. This will also convenient to the litigants. It is, therefore, considered expedient to amend section 3 of the Bombay City Civil Court Act, 1948, suitably.

3. The Bill seeks to achieve the above objectives.

Mumbai, Dated the 27th July, 2023. DEVENDRA FADNAVIS, Deputy Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely:—

Clause 1(2).—Under this clause, power is taken to the State Government to bring the Act into force on such date as it may, by notification in the *Official Gazette*, appoint.

Clause 4.—Under this clause, power is taken to the State Government to remove, by an order published in the *Official Gazette*, any difficulty which may arise, within a period of two years from the date of commencement of this Act, in giving effect to the provisions of the said Act, as amended by this Act.

2. The above-mentioned proposals for delegation of legislative power are of the normal character.

# ANNEXURE TO THE L.A. BILL No. XXXVII OF 2023 THE BOMBAY CITY CIVIL COURT (AMENDMENT) BILL, 2023 (Extracts from the Bombay City Civil Court Act, 1948) (Bom. XL of 1948)

1. and 2.

3. The State Government may, by notification in the Official Gazette, Constitution establish for the Greater Bombay a court, to be called the Bombay City Civil of City Court. Court. Notwithstanding anything contained in any law, such court shall have jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature, not exceeding rupees one crore in value, arising within the Greater Bombay, except suits or proceedings which are congnizable--

(a) by the High Court as a Court of Admiralty or Vice-Admiralty as a Colonial Court of Admiralty, or as a Court having testamentary, intestate or matrimonial Jurisdiction, or

(b) by the High Court for the relief of insolvent debtors, or

(c) by the High Court under any special law other than the Letters Patent, or

(*c-1*) by the High Court under the Parsi Marriage and Divorce Act, 1936; or

(c-2) by the High Court in respect of intellectual property matters; or

(d) by the Small Cause Court :

Provided that, the State Government may, from time to time, after consultation with the High Court, by notification in the Official Gazette, enhance the pecuniary jurisdiction of the City Court and correspondingly alter the pecuniary jurisdiction of the High Court.

**4A.** (1) Notwithstanding anything contained in section 9 of the Bombay Transfer of City Civil Court and the Bombay Court of Small Causes (Enhancement of Suits and Pecuniary Jurisdiction and Amendment) Act, 1986, all suits and proceedings cognizableunder cognizable by the City Court under section 3, and pending in the High Court section 3, to on the date of coming into force of section 4 of the Bombay City Civil Court (Amendment) Act, 2012, not being suits or proceedings falling under clauses (a) to (d) of section 3, shall stand transferred to the City Court.

proceedings City Court.

( <i>2</i> ) and ( <i>3</i> )	*	*	*	*
4B.	*	*	*	*
5. to 18.	*	*	*	*

MAHARASHTRA LEGISLATURE SECRETARIAT

[L. A. BILL No. XXXVII OF 2023.]

### [A Bill further to amend the Bombay City Civil Court Act, 1948.]

[Shri Devendra Fadnavis, Deputy Chief Minister.]

[As passed by the Legislative Assembly on the 28th July, 2023.]

JITENDRA BHOLE, Secretary (1) (I/C), Maharashtra Legislative Assembly.

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