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Fourteenth Kerala Legislative Assembly

Bill No. 77

**THE KERALA HIGH COURT (AMENDMENT)
BILL, 2017**

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further to amend the Kerala High Court Act, 1958.

Preamble.—WHEREAS, it is expedient further to amend the Kerala High Court Act, 1958 (5 of 1959) for the purposes hereinafter appearing;

BE it enacted in the Sixty-eighth Year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala High Court (Amendment) Act, 2017.

(2) It shall come into force at once.

2. *Amendment of section 3.*—In the Kerala High Court Act, 1958 (5 of 1959), in clause (13) of section 3,—

(a) in sub-clause (b), for the words “one lakh rupees” the words “forty lakh rupees” shall be substituted;

(b) after sub-clause (g), the following sub-clause shall be inserted, namely:—

“(h) from an award passed by the Motor Accidents Claims Tribunal”.

STATEMENT OF OBJECTS AND REASONS

Under sub-clause (b) of clause (13) of section 3 of the Kerala High Court Act, 1958, the power of the High Court to hear appeals from original decree or order in any suit or other proceedings, where the amount or value of the subject matter of the suit or other proceeding does not exceed

one lakh rupees, can be exercised by the Single Judge of the High Court. The appellate pecuniary limit of the Single Judge was enhanced to the present one lakh rupees as early as in 1989 by the Kerala High Court (Amendment) Act, 1989 (36 of 1989).

2. The High Court has now proposed to enhance the appellate pecuniary jurisdiction of the Single Judge from the present one lakh rupees to forty lakh rupees, especially in view of the fact that the appellate pecuniary jurisdiction of the District Court was already enhanced to rupees two lakhs. High court has also pointed out that at present appeals arising from the awards passed by the Motor Accidents Claims Tribunals, the valuation of which is above one lakh rupees, is heard by the Division Bench and hence it is proposed that the Single Judge shall be empowered to hear all appeals arising from the awards passed by the Motor Accidents Claims Tribunals, irrespective of the valuation of appeal.

3. Government have accepted the above said proposals and decided to enhance the appellate pecuniary jurisdiction of the Single Judge and to make the Single Judge competent to hear all appeals arising from the awards passed by the Motor Accidents Claims Tribunals, irrespective of the valuation of appeal, by making amendments to clause (13) of section 3 of the Kerala High Court Act, 1958.

4. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure out of the Consolidated Fund of the State.

PINARAYI VIJAYAN

EXTRACT FROM THE KERALA HIGH COURTS ACT, 1958

(ACT 5 OF 1959)

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3. *Powers of Single Judge.*—The powers of the High Court in relation to the following matters may be exercised by a Single Judge, provided that the Judge before whom the matter is posted for hearing may adjourn it for being heard and determined by a Bench of two Judges:—

(1) Determining in which of several courts having jurisdiction a suit shall be heard.

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(13) An appeal,—

(a) from a judgment or order of a criminal court, except in cases in which the appellant or a person tried with him has been sentenced to death or imprisonment for life:

Provided that in the exercise of such power a Single Judge shall not impose a sentence of death or imprisonment for life;

(b) from an original decree or order in any suit or other proceeding, where the amount or value of the subject-matter of the suit or other proceeding does not exceed one lakh rupees;

(c) from an original decree when such appeal relates to costs only;

(d) from an order under section 104 of the Code of Civil Procedure, 1908, except an order of the kind mentioned in clause (h) of sub-section (1) of the said section or in clauses (c), (d) or (j) of Rule 1 of Order XLIII of the First Schedule to the said Code;

(e) from an appellate decree or order;

(f) under section 79(3) of the Insolvency Act, 1955; and

(g) under section 476 B of the Code of Criminal Procedure, 1898.

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