



Legislative Assembly of the State of Goa

The Goa Civil Courts (Amendment) Bill, 2005

(Bill No. 24 of 2005)

(As Introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
AUGUST, 2005.**

**The Goa Civil Courts (Amendment)
Bill, 2005**

(Bill No. 24 of 2005)

A

BILL

further to amend the Goa, Daman and Diu Civil Courts Act, 1965 (Act 16 of 1965).

BE it enacted by the Legislative Assembly of Goa in the Fifty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Civil Courts (Amendment) Act, 2005.

(2) It shall come into force at once.

2. *Insertion of new section 26B.*— After section 26A of the Goa, Daman and Diu Civil Courts Act, 1965 (Act 16 of 1965), the following section shall be inserted, namely:—

“26B. *Appeals.*— Notwithstanding anything contained in section 6,—

(a) an appeal shall lie to the High Court having jurisdiction over the State of Goa, from all decrees made by any Court of a Senior Civil Judge before the commencement of the Goa Civil Courts (Amendment) Act, 2004 (Act 5 of 2004), in any suit where the Central Government or the Government of Goa or any officer of the Government in his official capacity, is a party to the proceedings;

(b) all appeals from any decree made by any Court of a Senior Civil Judge in any suit where the Central Government or the Government of Goa or any officer of the Government in his official capacity, is a party to the proceedings, pending before any District Court as on the date of commencement of the Goa Civil Courts (Amendment) Act, 2004 (Act 5 of 2004), shall stand transferred to the High Court having jurisdiction over the State of Goa.”.

STATEMENT OF OBJECTIONS AND REASONS

In terms of sub-section (1) of section 26 of the Goa, Daman and Diu Civil Courts Act, 1965 (Act 16 of 1965), as amended vide the Goa Civil Courts (Amendment) Act, 2004 (Act 5 of 2004), no Court other than the District Court shall receive or register any suit in which

the Central Government or the Government of Goa or any officer of the Government in his official capacity, is a party.

Further, in terms of section 26A of the said Act, 1965, inserted vide said Amendment Act 5 of 2004, all suits received or registered under section 26 of the said Act, 1965, and pending before any Court of a Senior Civil Judge immediately before the commencement of the said Goa Civil Courts (Amendment) Act, 2004 (Act 5 of 2004), shall, on such commencement, stand transferred to the District Court of the concerned District and such District Court may proceed to deal with such suit from the stage which was reached before such transfer or from any earlier stage or de novo, as such District Court may deem fit and no Court of any Senior Civil Judge shall entertain, try, dispose off or proceed to hear any matter where the Central Government or the Government of Goa or any officer of the Government in his official capacity, is a party to the proceedings.

However, in order to avoid uncertainty, it is found necessary to suitably amend the said Act, 1965, by inserting a new section 26B therein so as to specify the forum to which an appeal shall lie from all decrees made by any Court of a Senior Civil Judge before the commencement of said Amendment Act 5 of 2004, so also as regards appeals pending before any District Court as on the date of commencement of said Amendment Act 5 of 2004, under said section 26 of the said Act, 1965.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated Legislation is involved in this Bill.

Assembly Hall,
Porvorim-Goa.
26th August, 2005.

DAYANAND NARVEKAR
Minister for Law

Assembly Hall,
Porvorim-Goa.
26th August, 2005.

SUDHIR A. NARVEKAR
Secretary to the Legislative
Assembly of Goa.

ANNEXURE

An extract of Section 26 of the Goa, Daman and Diu Civil Courts Act, 1965

(Act No. 16 of 1965)

26. *Suits in which the Government is a party—*

(1) No Court other than the District Court shall receive or register any suit in which the Central Government or the Administrator of the Government of Goa, Daman and Diu or any officer of Government in his official capacity, is a party.

Provided that the Administrator may by general or special order notified in the Official Gazette, direct that the provisions of this section shall not apply to any suit or class or category of suits of the nature referred to therein.

(2) Nothing in this section shall be deemed to apply to a suit against the administration of a Government Railway.

26A. *Transfer of pending suits and bar on jurisdiction.—* All suits received or registered under section 26 and pending before any Court of a Senior Civil Judge immediately before the commencement of the Goa Civil Courts (Amendment) Act, 2004, shall, on such commencement, stand transferred to the District Court of the concerned district and such District Court may proceed to deal with such suit from the stage which was reached before such transfer or from any earlier stage or de novo, as such District Court may deem fit and no Court of any Senior Civil Judge shall entertain, try, dispose off or proceed to hear any matter where the Central Government or the Government of Goa or any officer of the Government in his official capacity, is a party to the proceedings.

Assembly Hall,
Porvorim-Goa.
26th August, 2005.

SUDHIR NARVEKAR
Secretary to the Legislative
Assembly of Goa.