

**HINDU MARRIAGES (VALIDATION OF PROCEEDINGS) ACT,
1960**

19 of 1960

[6th May, 1960]

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STATEMENT OF OBJECTS AND REASONS "S.19 of the Hindu Marriage Act, 1955, provides that every petition seeking relief under that Act shall be presented to the District Court. 'District Court' is defined in that Act to mean the principal Civil Court of original jurisdiction in the area and to include any other Civil Court which may be specified by the State Government by notification as having jurisdiction in respect of the matters dealt with in that Act. 2. Under S.21 of the Punjab Courts Act, 1918, provision is made for Courts of Additional Judges to discharge such of the functions of a District Judge as may be assigned to them by the District Judge and who in the discharge of their functions exercise the same powers as the District Judge. In a recent decision of the Punjab High Court [Janak Dulari v. Narayan Das, AIR 1959 Punj 50] the Court has, however, held that the Court of an Additional Judge cannot be regarded as a principal Court of civil jurisdiction within the meaning of the Hindu Marriage Act and that a District Judge to whom a petition under the Act is presented cannot transfer it to an Additional Judge for trial. 3. Punjab Courts Act, 1918, extends to the Union territory of Delhi by virtue of a notification issued under Delhi Laws Act, 1912, and as a result of the notifications issued by the Delhi Administration and the State Government of Punjab on the 24th August, 1959 and 26th January, 1960, respectively, under

S.3(b) of the Hindu Marriage Act, 1955, the Courts of Additional Judges have now jurisdiction to deal with matters arising under that Act. Action has, however, to be taken to validate decrees and orders passed by Additional Judges before the issue of these notifications and it is possible that the judgment of the Punjab High Court may also affect decrees and orders, if any, passed under Hindu Marriage Act, 1955, in other States by Courts other than the District Court where such Courts have been constituted to aid the District Court under provisions of law corresponding to Punjab Courts Act, 1918. 4. The Bill accordingly seeks to validate all proceedings taken and decrees and orders passed by any of the Courts specified in clause 2 thereof exercising or purporting to exercise jurisdiction under Hindu Marriage Act, 1955."-Gaz. of India, 12-4-1960, Pt. II, S. 2, Ext. p. 308 (No. 15).

1. Short title and extent :-

(1) This Act may be called the Hindu Marriage (Validation of Proceedings) Act, 1960.

(2) It extends to the whole of India except the State of Jammu and Kashmir. The Act has been extended to the Union Territory of Dadra and Nagar Haveli by Regn. 6 of 1963.

2. Validation of proceedings of certain Courts under Act 25 of 1955 :-

(1) All proceedings taken and decrees and orders passed before the commencement of this Act by any of the Courts referred to in sub-section (2), exercising or purporting to exercise jurisdiction under Hindu Marriage Act, 1955, shall, notwithstanding any judgment, decree or order of any Court, be deemed to be as good and valid in law as if the Court exercising or purporting to exercise such jurisdiction had been a District Court within the meaning of the said Act.

(2) The Courts referred to in sub-section (1) are the following, namely:- The Court of an Additional Judge, Additional District Judge, Joint District Judge, Assistant District Judge, Assistant Judge and any other Court, by whatever name called, not being lower in rank than the Court of a subordinate Judge.