

KARNATAKA HIGH COURT ACT, 1884

1 of 1884

[23rd May, 1884]

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Whereas it is expedient to amend the constitution of and to provide for the administration of Justice by the High Court of Mysore; His

Highness the Maharaja of Mysore is pleased to enact as follows:-

1. Short title :-

This Act may be called the ¹ [Karnataka] High Court Act, 1884. Extent and commencement- It shall come into force on the twenty-eighth of May, 1884.

1. See Karnataka A.L.O., 1973, Cl. 3 and Table, item 17.

2. Repealed by Mysore Act 35 of 1951 :-

3. Interpretation clause :-

In this Act, unless a contrary intention appears from the context,- "High Court" means the High Court of ¹[Karnataka]; and "Chief Justice" means the Chief Justice of the said High Court; and Reference to the "Chief Court" or to the "High Court" in any Regulation, Act or other law for the time being in force, shall be deemed to have been made to the High Court of ¹ [Karnataka]. "Full Bench" means a Bench consisting of not less than three Judges of the High Court.

1. See F.N. (a) under S.I.

4. Repealed by Mysore Act 35 of 1951 :-

5. Precedence of Judges :-

The Chief Justice shall have rank and precedence before the other Judges of the High Court who, as between themselves, shall have rank and precedence according to the seniority of their appointments as such Judges.

6. Repealed by Mysore Act 35 of 1951 :-

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7. Repealed by Mysore Act 35 of 1951 :-

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8. Repealed by Mysore Act 35 of 1951 :-

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9. Repealed by Mysore Act 35 of 1951 :-

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10. Repealed by Mysore Act 35 of 1951 :-

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11. Law in cases of succession, etc :-

Repealed by Mysore Act 5 of 1962, Section 14 (25-12-1961).]

12. Ordinary original civil and criminal jurisdiction of High Court :-

Repealed by Mysore Act 5 of 1962, Section 14 .]

13. Appeals, etc. from decisions of High Court in exercise of original jurisdiction. :-

Repealed by Mysore Act 5 of 1962, Section 14 .]

14. High Courts jurisdiction to hear and decide appeals from judgment, etc., of subordinate Courts :-

Repealed by Mysore Act 5 of 1962, Section 14 .]

15. Appeals other than those under Section 13 to be heard by a Bench of Judges :-

Repealed by Mysore Act 5 of 1962, section 14.]

16. Power of High Court to transfer cases pending before it :-

Repealed by Mysore Act 5 of 1962, section 14.]

16-A. Trial by a single Judge of the High Court of cases withdrawn from a subordinate Court.- [Repealed by Mysore Act 5 of 1962, section 14.]

16-B. Power of single Judge to dispose of revision cases himself or to refer the same to a Bench.- [Repealed by Mysore Act 5 of 1962, section 14.]

17. Place of sittings of High Court. :-

The High Court shall hold its sittings at such place as the State Government may, from time to time, appoint in that behalf. Whenever it appears to the State Government convenient that the jurisdiction and powers vested in the High Court by this Act, or any other law for the time being in force, should be exercised in any place other than the place appointed under paragraph I of this section, or at several other places by way of circuit the State Government may by order, authorise and direct any one or more of the Judges of such Court to hold sittings in such place or places as by such order may be directed, and the Judge or some Judges acting under such order shall have and exercise the jurisdiction and authority as would be had and exercised by a Judge or Judges of the High Court, as the case may be, in its ordinary place of sitting.

18. Powers which may be conferred upon Chief Justice. :-

The State Government may, whenever it deems fit to do so, confer

upon a Chief Justice all or any of the powers hereunder in this section specified, and may, from time to time, cancel any such order. The Chief Justice empowered under the section shall exercise all the powers conferred upon him under this section, and the exercise of such powers by him shall be deemed to be the exercise of the same by the High Court under this Act. The powers referred to in this section are- ¹ [* * * * *] The distribution of the work of the High Court between himself and the other Judges of the said Court.

1. Sub-paragraph first and second and the word "thirdly" were repealed by Mys. Act 35 of 1951.

19. Rules for exercise by one or more Judges of powers vested in High Court :-

Except as herein or by any other enactment for the time being in force otherwise provided, the High Court may make rules to provide, in such manner as it thinks fit, for the exercise by one or more of its Judges, of any powers conferred on it by this Act or by any other enactment for the time being in force.

20. Power of High Court to make rules :-

The High Court may, from time to time,-

(a) make rules consistent with this Act conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a ministerial nature as it thinks fit, and regulating the mode in which the powers and duties so conferred and imposed shall be exercised and performed;

(b) make rules consistent with this Act to determine in what cases pleaders practising in such Courts shall be permitted to address such Courts in English;

(c) prescribe forms for such books,, entries, statistics and accounts as it thinks necessary should be kept, made or compiled in such Courts or submitted to any authority;

(d) make rules consistent with this Act providing for the inspection of such Court's and supervision of the working thereof;

(e) make such rules consistent with this Act, institute such enquiries and submit such recommendations to the State Government as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of such Courts and maintaining proper discipline among such officers,

21. Rules and forms under sections 19 and 20 to be submitted for sanction to Government :-

All rules made and forms prescribed under section 19 and sections 20 shall be submitted for sanction to the State Government and on receiving such sanction, shall be published in the Official Gazette, and shall thereupon have the force of law.

22. High Court to keep registers, etc :-

The High Court shall keep such registers, books and accounts as may be necessary for the transactions of the business of the Court, and shall submit to the State Government such copies of, or extracts from the said registers, books and accounts, as well as such statements of the work done in the High Court and in the Courts subordinate thereto, as may, from time to time, be required by the State Government.

23. Vacations :-

(1) In addition to the public holidays authorised by the State Government the High Court shall have three vacations in each year, namely, Summer, Dasara and Winter.

(2) The total number of days in all the said three vacations shall not exceed eighty days and the period of each vacation in each year shall be fixed by the Chief Justice.