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## **TRAVANCORE-COCHIN HIGH COURT ACT, 1125**

**5 of 1125**

**[28th December, 1949]**

### CONTENTS

1. Title
2. Extent
3. Commencement
4. Definitions
5. Establishment of the High Court
6. Seat of the High Court
7. Jurisdiction exercisable notwithstanding vacancy in office of the Judge
8. Proceedings commenced prior to Act to be continued
9. Appointment, resignation, etc., of Judges of the High Court, Qualification of Judge
10. Declaration to be made by Judge on appointment
11. Seal of the High Court
12. Judge not to plead or act in any Court or before any authority after retirement
13. Salaries of Judges
14. Vacancies in the office of the Chief Justice. Vacancies in the office of any other Judge
15. Chief Justice to regulate work
16. Administrative Control of the High Court to vest in Chief Justice
17. Rank of the Chief Justice and other Judges
18. Jurisdiction and powers of the High Court
19. References to the High Court in the existing laws
20. Powers of a single Judge
21. Powers of Division Benches of two Judges
22. Powers of vacation Judges
23. Reference by Chief Justice
24. Reference to a Full Bench
25. Civil appeals of Rupees five thousand and upwards
26. Review of Judgment
27. Deputation of Judge to visit Subordinate Courts
28. The administrative expenses of the High Court
29. Constitution of Full Bench of the High Court
30. Regulation of business in the High Court
31. Adjournment of High Court
32. Power to make rules
33. Advocate

## 34. Repeal

# TRAVANCORE-COCHIN HIGH COURT ACT, 1125

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[28th December, 1949]

Whereas it is necessary to make provision regulating the business of the High Court of Travancore-Cochin, for fixing the jurisdiction and powers of single Judges, Division Benches and Full Benches and for certain other matters connected with the functions of the High Court. It is hereby enacted as follows:-

### **1. Title :-**

This Act may be called the Travancore-Cochin High Court Act, 1125.<sup>1</sup>

1. This Act, so far as its provisions relate to matters provided in the Kerala High Court Act, 1958 (Ker. Act 5 of 1959). stands repealed - See S. 9 of that Act.

### **2. Extent :-**

It extends to the whole of the State of Travancore-Cochin.

### **3. Commencement :-**

It shall come into force at once.

### **4. Definitions :-**

Omitted by section 5, Act I of 1952.]

### **5. Establishment of the High Court :-**

Omitted by section 7, of 1 of 1952.]

### **6. Seat of the High Court :-**

The High Court of Judicature of the State of Travancore- Cochin shall sit at Ernakulam: Provided that such Judges of the High Court, not exceeding three in number, as may from time to time be nominated by the Chief Justice, shall sit at Trivandrum and exercise in respect of cases arising in the district of Trivandrum, the jurisdiction and powers conferred by this Act on a single Judge or a Division Bench of two Judges, as the Chief Justice may determine.

### **7. Jurisdiction exercisable notwithstanding vacancy in office of the Judge :-**

Notwith- standing any vacancy in the office of any Judge of the High Court, a single Judge, a Division Bench of two Judges or a Full Bench may exercise the jurisdiction and powers respectively

conferred on them by section 18 to 24 of this Act.

**8. Proceedings commenced prior to Act to be continued :-**

All proceedings commenced prior to the coming into force of this Act in the existing High Court, and all proceedings continued in the existing High Court by virtue of section 8 of Ordinance No. II of 1124 shall be continued and depend on the High Court as if they had commenced in the High Court after the coming into force of this Act. Any order made by the existing High Court or the High Court of Travancore or Cochin in any such proceedings as aforesaid shall, for all purposes, have effect not only as an order of that Court but also an order made by the High Court.

**9. Appointment, resignation, etc., of Judges of the High Court, Qualification of Judge :-**

Omitted by section 10, Act I of 1952.]

**10. Declaration to be made by Judge on appointment :-**

Omitted by S. 10, Act I of 1952.]

**11. Seal of the High Court :-**

Omitted by section 10, Act I of 1952.]

**12. Judge not to plead or act in any Court or before any authority after retirement :-**

Omitted by section 10, Act I of 1952.]

**13. Salaries of Judges :-**

Omitted by section 10, Act I of 1952.]

**14. Vacancies in the office of the Chief Justice. Vacancies in the office of any other Judge :-**

Omitted by section 10, Act I of 1952.]

**15. Chief Justice to regulate work :-**

The Chief Justice shall, from time to time, determine which Judge in each case shall sit alone and which of the Judges of the Court whether with or without the Chief Justice, shall constitute the several Division Courts.

**16. Administrative Control of the High Court to vest in Chief Justice :-**

The administrative control of the High Court shall vest in the Chief Justice who may exercise it in such manner and after such consultation with the other Judges, as he may think fit.

**17. Rank of the Chief Justice and other Judges :-**

Omitted by section 11, Act I of 1952.]

**18. Jurisdiction and powers of the High Court :-**

Subject to the provisions of this Act, the High Court shall have and exercise all the jurisdiction and powers vested in it by this Act and any other law in force or which may hereafter come into force and any jurisdiction vested in the existing High Court immediately prior to the coming into force of this Act.

**19. References to the High Court in the existing laws :-**

All references to High Court' in the laws in force in the State of Travancore-Cochin or any part thereof immediately prior to the commencement of this Act shall be construed as references to the High Court of the State of Travancore-Cochin.

**20. Powers of a single Judge :-**

Repealed by Kerala Act 5 of 1959, S. 9 (9-3-1959).]

**21. Powers of Division Benches of two Judges :-**

Repealed by Kerala Act 5 of 1959, section 9 (9-3-1959).]

**22. Powers of vacation Judges :-**

Repealed by Kerala Act 5 of 1959, section 9 (9-3- 1959).]

**23. Reference by Chief Justice :-**

Where two Judges forming a Division Bench agree as to the decree, order or sentence to be passed, their decision shall be final. But if they disagree, they shall deliver separate judgments and thereupon the Chief Justice shall refer, for the opinion of another Judge, the matter or matters on which such disagreement exists, and the decree, order or sentence shall follow the opinion of the majority of the Judges hearing the case.

**24. Reference to a Full Bench :-**

Repealed by Kerala Act 5 of 1959, section 9 (9-3- 1959).]

**25. Civil appeals of Rupees five thousand and upwards :-**

Omitted by section 18, Act I of 1952.]

**26. Review of Judgment :-**

Omitted by section 18, Act I of 1952.]

**27. Deputation of Judge to visit Subordinate Courts :-**

It shall be competent for the High Court to depute a Judge of the said Court to visit the subordinate Courts, to correct the errors of

their procedure and practice, and generally to examine and report on the working of the subordinate Courts.

**28. The administrative expenses of the High Court :-**

Omitted by section 21, Act I of 1952.]

**29. Constitution of Full Bench of the High Court :-**

A Full Bench of the High Court shall consist of an uneven number of Judges, not less than three.

**30. Regulation of business in the High Court :-**

The conduct of the business <sup>1</sup> in the High Court shall be regulated by the Chief Justice.

1. For regulation of business and exercise of powers of the High Court, see Kerala Act 5 of 1959,

**31. Adjournment of High Court :-**

The High Court may, with the sanction of Government, adjourn for a period, not exceeding sixty days for summer and not exceeding seven days for Onam and ten days for Christmas, respectively, in each year. The dates of commencement and termination of the adjournment shall be fixed and notified in the Gazette.

**32. Power to make rules :-**

The High Court shall have power to make rules not inconsistent with this Act or any other law for the time being in force to regulate the procedure in the High Court. Such rules shall be published in the Gazette.

**33. Advocate :-**

All advocates entitled to practice in the existing High Court shall be entitled as of right to practise in the High Court and the Courts subordinate thereto.

**34. Repeal :-**

The Travancore High Court Act 4 of 1099, the Travancore-Cochin High Court Ordinance II of 1124 and the Government of Cochin Act, 20 of 1113 are hereby repealed.