
CIVIL COURTS AMINS ACT, 1856

12 of 1856

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An Act to amend the Law respecting the employment of Amins by the Civil Courts in the Presidency of Fort Williana WHEREAS the law by which the Civil Courts are authorised to employ Amins upon local investigations is defective, and requires amendment: b[***]
It is enacted as follows :-

1. Repeal of Regulations :-

Repealed by the Repealing Act, 1870 (14 of 1870).]

2. Appointment of Amins :-

In each district, officers to be designated Civil Court Amins shall be appointed for the purposes of this Act, and shall be remunerated by fixed monthly salaries. ¹[The number of Amins to be employed in each district shall be determined by the ² [State Government].]

1. Substituted for the original paragraph by A. O., 1937 (1-4-1937) and A. L. O., 1950.

2. Substituted for the word 'Provincial' by A. L.O., 1950.

3. Amins by whom appointed and to what Courts attached :-

The ¹ [District Judge shall from time to time attach the Civil Court Amins] to the several Courts of the district according as the state of business may require : Provided that an Amin attached to any particular Court may; with the sanction of the Judge. be employed occasionally by any other Court.

1. Substituted for the words "Civil Court Amins shall be appointed by the Judge of the district and the Judge shall from time to time attach them", by A. L. O., 1937 (1-4-1937) and A. L. O., 1950.

4. Declaration to be made by Civil Court Amins :-

Repealed by Oaths Act, 1873.]

5. Duties of Amins :-

¹ [* * *] The Civil Court Amins may be employed in any of the following duties:-

(i) in investigating or adjusting accounts in any suit or other judicial proceeding;

(ii) in making local investigations when the Court may deem investigation on the spot to be requisite and proper for the purpose of elucidating the matters in dispute, or of ascertaining the amount of mesne profits or damages, in any suit or other judicial proceeding;

(iii) in delivering over possession of lands, houses and other immovable property, in execution of decrees or orders of Court;

(iv) in the sale of movable property and of houses, gardens and other immovable property of the kind described in section 3 , Regulation 7, 1825;

(v) in ascertaining the sufficiency of sureties and the means of persons suing in forma pauperis.

1. The words "Subject to such general directions and restrictions as may from time to time be prescribed by the Sudder Court" were repealed by the Repealing Act, 1873 (12 of 1873).

6. Procedure in referring accounts to Civil Courts Amins :-

Repealed by Act 10 of 1861.]

7. Procedure in cases of local enquiry :-

Repealed, Act 10 of 1861.]

8. Expense of Amins how charged :-

Whenever a Civil Court Amin may be employed on any duty connected with a pending suit, for the execution of a decree, except the sale of property, the Court shall estimate the time which the duty may be expected to occupy, and shall charge for the expense of the Amin such fixed rate per diem as may be determined by the Sadr Court. The amount shall be paid into Court by the party at whose instance or for whose benefit the Amin is deputed, and shall be added to the costs of suit.

9. When employed to sell property, deduction from proceeds :-

When a Civil Court Amin shall be employed to sell property, a deduction at the rate of one anna in the rupee shall be made from the proceeds of the sale. Expenses, if no sale takes place. If no sale takes place by reason of the claim being satisfied, or for any other cause, a charge shall be made for the expenses of the Amin according to the time he may be employed. A deposit to meet this charge calculated in the manner prescribed in the preceding section, shall be made before the Amin is deputed, and shall be returned to the depositor if the sale takes place. All sums paid for the employment of Amins, and all sums deducted from the proceeds of sales, shall be credited to ¹ [the revenues of the States].

1. Substituted for the word "Government" by A. O., 1937 (1-4-1937) and A. L. O., 1950.

10. Power of Civil Courts, North-Western Provinces, to employ Revenue officers :-

Nothing contained in this Act shall be held to prohibit the Civil Courts in the North-Western Provinces of the Presidency of Fort William from making use of the agency of the Revenue officer in investigations and adjustments of accounts connected with land paying revenue to Government ¹ [* * *]

1. The words "under such general directions as may from time to time be prescribed by the Sudder Court" were repealed by the Repealing Act, 1873 (XII of 1873), and the words "Wherever a Tuhseeldar, a Naib-Tuhseeldar or a Peshkar shall be employed in any such investigation or adjustment under the orders of a Civil Court, he shall possess all the powers vested in the Civil Court Amins by Sec. 7 of this Act; and the provisions of the Mid section shall be applicable to the proceedings held by such officer" with which the section concluded were repealed by the Amending Act, 1891 (12 of 1891).

