The Presidency Small Cause Courts Act, 1882

(ACT NO. 15 OF 1882)

[*As on the* 1*st July*, 2026]

LIST OFAMENDING ACTS

1.The Repealing and Amending Act, 1891 (12 of 1891).
2.The Madras City Civil Court Act, 1892 (Act 7 of 1892).
3.The Presidency Small Cause Courts Act, 1895 (1 of 1895).
4.The Presidency Small Cause Courts Act, 1896 (7 of 1896).
5.The Presidency Small Cause Courts Act, 1899 (3 of 1899).
6.The Presidency Small Cause Courts Act, 1906 (4 of 1906).
7.The Presidency Small Cause Courts Act, 1912 (9 of 1912).
8.The Presidency Small Cause Courts Act, 1917 (23 of 1917). 9.The *Jan Vishwas* (Amendment of Provisions) Act, 2026 (8 of 2026).

LIST OF ABBREVIATIONS USED

Cl.,cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

THE PRESIDENCY SMALL CAUSE COURTS ACT, 1882

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THE PRESIDENCY SMALL CAUSE COURTS ACT, 1882

ACT NO. 15 OF 1882[1]

[17*th March*, 1882.]

An Act to consolidate and amend the law relating to the Courts of Small Causes established in the Presidency-towns.

Preamble.—WHEREAS it is expedient to consolidate and amend the law relating to the Courts of Small Causes established in the towns of Calcutta, Madras and Bombay; It is hereby enacted as follows:—

CHAPTER I
PRELIMINARY

1. Short title. Commencement.—This Act may be called the Presidency Small Cause Courts Act, 1882; and it shall come into force on the first day of July, 1882.

But nothing herein contained shall affect the provisions of the Army Act, [2]*** (44 & 45 Vict., c. 58) section 151[3], or the rights or liabilities of any person under any decree passed before that day.

2. [*Repeal of enactments.*]—*Rep. by the Repealing Act,* 1938 (1 *of* 1938), *s.* 2 *and Sch.*

3. [*Amendments of Acts.*]—*Rep. by s.* 2 *and Sch., ibid.*

4. "Small Cause Court" and "Registrar" defined.—In this Act, "the Small Cause Court" means the Court of Small Causes constituted under this Act in the town of Calcutta, Madras or Bombay, as the case may be, [4][and the expression "Registrar" includes a Deputy Registrar].

CHAPTER II

CONSTITUTIONAND OFFICERSOFTHE COURT

5. Courts of Small Causes established.—There shall be in each of the towns of Calcutta, Madras and Bombay a Court, to be called the Court of Small Causes of Calcutta, Madras or Bombay, as the case may be.

6. Court to be deemed under superintendence, etc., of High Court.—TheSmall Cause Court shall be deemed to be a Court subject to the superintendence of the High Court of Judicature at Fort William, Madras or Bombay, as the case may be, within the meaning of the Letters Patent, respectively, dated the twenty eighth day of December, 1865, for such High Courts, and within the meaning of the [5]Code of Civil Procedure (14 of 1882) [6][and to be a court subordinate to the High Court within the meaning of section 6 of the Legal Practitioners Act, 1879 (18 of 1879)], and the High Court shall have, in respect of the Small Cause Court, the same powers as it has under the [7]twenty-fourth and twenty-fifth of Victoria, Chapter 104, section 15, in respect of Courts subject to its appellate jurisdiction.

1. For first Report of the Select Committee, *see* Gazette of India, 1881, Pt. V, p. 381; for further Report of the Select Committee, *see ibid.,* 1882, Pt. V., p. 3; for Proceedings in Council, *see ibid.,* Supplement, 1880, pp 1394 and 1433; *ibid.,* 1882, Supplement, p. 204; and *ibid.*. 1882, Extra Supplement, p.43.

This Act has been amended in its local application by Bengal Acts 4 of 1922 and 20 of 1932, Bombay Act 5 of 1933 and Madras Acts 5 of 1916, 3 of 1922 and 3 of 1927, in Bombay by Bombay Act 11 of 1959, in Madras by Madras Act 9 of 1960, in its application to the City of Ahmedabad by Gujarat Act 19 of 1961, in Maharashtra by Maharashtra Acts 35 of 1961, and 19 of 1976, in West Bengal by West Bengal Act 32 of 1969, in Gujarat by Gujarat Acts 28 of 1973 and 31 of 1973.

2. The figures "1881" were rep. by Act 12 of 1891, s. 2 and I Sch.

3. Coll. Stat., Vol. I.

3. Added by Act 3 of 1899, s. 2.

4. *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908).

5. Ins. by Act 1 of 1895, s. 2.

7. The Indian High Courts Act, 1861, was rep. by the G. of I. Act, 1915. See now the constitution of India, Art. 227.

[1][**7. Appointment of Judges.—**There shall be appointed from time to time a Chief Judge of the Small Cause Court and as many other Judges as the State Government thinks fit.]

STATE AMENDMENT

Maharashtra

Amendment of section 7 of Act XV of 1882.—In the Presidency Small Cause Courts act, 1882 (XV of 1882), section 7 shall be renumbered as sub-section (1) of that section, and after sub-section (1) so renumbered the following new sub-section shall be added, namely:--

"(2) The State Government may also appoint any person to be an additional Chief Judge; and the Additional Chief Judge shall exercise such powers and perform such duties of the Chief Judge under this Act or under any law for the time being in force as the State Government may direct."

[*Vide* Bombay Act XV of 1966, s. 2]

8. Rank and precedence of Judges.—The Chief Judge shall be the first of the Judges in rank and precedence.

The other Judges shall have rank and precedence as the State Government may, from time to time, direct.

[2][**8A. Performance of duties of absentJudge.—**(*1*) During any absence of the Chief Judge or any Judge of the said Court, or during the period for which any Judge is acting as Chief Judge, the State Government may appoint any person, having [1][the requisite qualifications], to act as Chief Judge or Judge of the said Court, as the case may be.

(*2*)Every person so appointed shall be authorised to perform the duties of the Chief Judge or a Judge of the said Court until the return of the absent Chief Judge or Judge, or of the Judge acting as Chief Judge, or until the State Government sees cause to cancel the appointment of such acting Chief Judge or Judge, as the case may be.]

[3][**9. Procedure and practice of Small Cause Court.—**(*1*) The High Court may, from time to time, by rules[4] having the force of law,—

(*a*) prescribe the procedure to be followed and the practice to be observed by the Small Cause Court either in supersession of or in addition to any provisions which were prescribed with respect to the procedure or practice of the Small Cause Court on or before the thirty-first day of December, 1894, in or under this Act or any other enactment for the time being in force; and

[5][(*aa*) empower the Registrar to hear and dispose of undefended suits and interlocutory applications or matters; and]

(*b*) cancel or vary any such rule or rules.

Rules made under this section may provide, among other matters, for the exercise by one or more of the Judges of the Small Cause Court of any powers conferred on the Small Cause Court by this Act or any other enactment for the time being in force.

(*2*)The law, and any rules and declarations made, or purporting to be made, thereunder, with respect to procedure or practice, in force or treated as in force in the Small Cause Court on the thirty-first day of December, 1894, shall be in force, unless and until cancelled or varied by rules made by the High Court under this section.]

1. Subs. by the A.O. 1937.

2. Subs. by Act 3 of 1899, s. 3, for section 8A.

3. Subs. by Act 1 of 1895, s. 5, for section 9.

4. Cf. the Code of Civil Procedure, 1908 (Act 5 of 1908). s. 8, proviso.

5. Ins. by Act 3 of 1899, s. 4.

10. Chief Judge to distribute business of Court.—Subjectto such rules, the Chief Judge may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof.

11. Procedure in case of difference of opinion.—Saveas hereinafter otherwise provided, when two or more of the Judges sitting together differ on any question, the opinion of the majority shall prevail; and if the Court is equally divided, the Chief Judge, if he is one of the Judges so differing, or, in his absence, the Judge first in rank and precedence of the Judges so differing, shall have the casting voice.

STATE AMENDMENT

Maharashtra

Amendment of section 11 of Act XV of 1882.—In section 11 of the Presidency Small Causes Courts Act, 1882 (hereinafter referred to as "the principal Act"), for the portion beginning with the words "and if the Court is equally divided" and ending with the words "casting voice" the following shall be substituted, namely:--

> "and if the Court is equally divided, the Judged shall state the point upon which they differ, and the case shall then to heard upon that point by another Judge nominated by the Chief Judge and the point shall be decided, according to the opinion of the majority of the Judges, who have heard the case, including those who first heard it."

[*Vide* Maharashtra Act XXXV of 1961, s. 2]

12. Seal to be used.—TheSmall Cause Court shall use a seal of such form and dimensions as are for the time being prescribed by the State Government.

[1][**13. Appointment of Registrar and other officers.—**There shall be appointed an officer to be called the Registrar of the Court who shall be the chief ministerial officer of the Court; there shall also be appointed a Deputy Registrar and as many clerks, bailiffs and other ministerial officers as may be necessary for the administration of justice by the Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force.

The Registrar and other officers so appointed shall exercise such powers and discharge such duties, of a ministerial nature, as the Chief Judge may, from time to time, by rule direct.]

14. Registrar may be invested with powers of a Judge in suits not exceeding twenty rupees.—The State Government may invest the Registrar with the powers of a Judge under this Act for the trial of suits in which the amount or value of the subject-matter does not exceed twenty rupees. And, subject to the orders of the Chief Judge, any Judge of the Small Cause Court may, whenever he thinks fit, transfer from his own file to the file of the Registrar any suit which the latter is competent to try.

[2][*Explanation.*—For the purposes of this section an application for possession under section 41 shall be deemed to be a suit.]

15. Judge or other officer not to practise or trade.—No Judge or other officer appointed under this Act shall, during his continuance as such Judge or officer, either by himself or as a partner of any other person, practise or act, either directly or indirectly, as an advocate, attorney, vakil or other legal practitioner, or be concerned, either on his own account or for any other person, or as the partner of any other person, in any trade or profession.

Any such Judge or officer so practising, acting or concerned shall be deemed to have committed an offence under section 168 of the Indian Penal Code (45 of 1860).

1. Subs. by the A.O. 1937, for s. 13.
2. Ins. by Act 1 of 1895, s. 6.

Nothing herein contained shall be deemed to prohibit any such Judge or officer from being a member of any company incorporated or registered under Royal Charter, Letters Patent, [1][Act of Parliament of the United Kingdom or Central Act or Provincial Act or [2][State Act]].

CHAPTER III

LAW ADMINISTERED BY THE COURT

16. Questions arising in suits, etc., under Act to be decided according to law administered by High Court.—All questions, other than ure or practice, which arise in suits or

other proceedings under this Act in the Small Cause Court shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

CHAPTER IV

JURISDICTION IN RESPECT OF SUITS

17. Local limits of jurisdiction of Court.—The local limits of the jurisdiction of each of the Small Cause Courts shall be the local limits for the time being of the ordinary original civil jurisdiction of the High Court.

18. Suits in which Court has jurisdiction.—Subject to the exceptions in section 19, the Small Cause Court shall have jurisdiction to try all suits of a civil nature —

when the amount or value of the subject-matter does not exceed two thousand rupees; and

(*a*) the cause of action has arisen, either wholly or in part, within the local limits of the jurisdiction of the Small Cause Court, and the leave of the Court has, for reasons tobe recorded by it in writing, been given before the institution of the suit; or

(*b*) all the defendants, at the time of the institution of the suit, actually and voluntarily reside, or carry on business or personally work for gain, within such local limits; or

(*c*) any of the defendants at the time of the institution of the suit, actually and voluntarily resides, or carries on business or personally works for gain, within such local limits, and either the leave of the Court has been given before the institution of the suit, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution:

[3][Provided that where the cause of action has arisen wholly within the local limits aforesaid, and the Court refuses to give leave for the institution of the suit, it shall record in writing its reason for such refusal.]

Explanation I.—Whenin any suit the sum claimed is, by a set-off admitted by both parties, reduced to a balance not exceeding two thousand rupees, the Small Cause Court shall have jurisdiction to try such suit.

Explanation II.—Wherea person has a permanent dwelling at one place and also a lodging at another place for a temporary purpose only, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary lodging.

Explanation III.—ACorporation or Company shall be deemed to carry on business at its sole or principal office in [4][India], or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

1. Subs. by the A.O. 1950, for certain words.

2. Subs. by the A.O. (No. 2) 1956, for "Act of the Legislature of a Part A State or a Part C State". 3. Ins. by Act 1 of 1895, s. 7.

4. Subs. by the A.O. (No. 2) 1956, for "a Part A State or a Part C State".

STATE AMENDMENT

Maharashtra

Amendment of section 18 of Act XV of 1882.—In section 18 of the Presidency Small Cause Court Act, 1882 (XV of 1882), in its application to the State of Maharashtra (hereinafter referred to as the "Principal Act") after the first proviso, the following proviso shall be, and shall be deemed to have been, inserted with effect from the 3rd July 1975, namely:--

"Provided further that the Chief Judge may, subject to the direction and control of the High Court and to such conditions and limitations as he deems fit to impose, empower the Registrar to entertain and dispose of applications for the purpose of giving such leave under clauses (a) and (c) and, when so empowered, the Registrar shall be deemed to be the Court for that purpose." [*Vide* Maharashtra Act XXVI of 1987, s. 2]

[1]**[18A. Plaintiff may abandon suit against defendant resident out of jurisdiction.—**TheSmall Cause

Court may allow a plaintiff at or before the first hearing of a suit in which a joint and several liability is alleged on a cause of action arising either wholly or in part within the local limits of the jurisdiction of the Court to abandon the suit as against any defendant who does not reside or carry on business or personally work for gain within such local limits, and to sue for a decree against such defendants only as do so reside, carry on business or personally work for gain.]

19. Suits in which Court has no jurisdiction.—TheSmall Cause Court shall have no jurisdiction in—

(*a*) suits concerning the assessment or collection of the revenue;

[2][(*b*) suits concerning any act done by or by order of the Central Government, [3]*** or the State Government;]

(*c*) suits concerning any act ordered or done by any Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court or any such Judge or judicial officer;

(*d*) suits for the recovery of immovable property;

(*e*) suits for the partition of immovable property;

(*f*) suits for the foreclosure or redemption of a mortgage of immovable property;

(*g*) suits for the determination of any other right to or interest in immovable property; (*h*) suits for the specific performance or rescission of contracts;

(*i*) suits to obtain an injunction;

(*j*) suits for the cancellation or rectification of instruments;

(*k*) suits to enforce a trust;

(*l*) suits for a general average loss and suits on policies of insurance on sea-going vessels; (*m*) suits for compensation in respect of collisions on the high seas;

(*n*) suits for compensation for the infringement of a patent, copyright or trade-mark; (*o*) suits for a dissolution of partnership or for an account of partnership-transactions; (*p*) suits for an account of property and its due administration under the decree of the Court; (*q*) suits for compensation for libel, slander, malicious prosecution, adultery or breach of promise of marriage;

1. Ins. by Act 1 of 1895, s. 8.

2. Subs. by the A.O. 1937.

3. The words “the Crown Representative” omitted by the A.O. 1950.

(*r*) suits for the restitution of conjugal rights, [1]*** or for a divorce;

(*s*) suits for declaratory decrees;

(*t*) suits for possession of a hereditary office;

(*u*) suits against Sovereign Princes or Ruling Chiefs, or against Ambassadors orEnvoys of Foreign States;

(*v*) suits on any judgment of a High Court;

(*w*) suits the cognizance whereof by the Small Cause Court is barred by any law for the time being in force.

[2][**19A. Return of plaint.—**Whenever the Court finds that for want of jurisdiction it cannot finally determine the question at issue in the suit, it may at any stage of the proceedings return the plaint to be presented to a Court having jurisdiction to determine the question. When the Court so returns a plaint, it shall comply with the provisions of the second paragraph of section 57 of the [3]Code of Civil Procedure (14 of 1882) and make such order with respect to costs as it may think just, and the Court shall for the purposes of the [4]Indian Limitation Act, 1877 (15 of 1877), be deemed to have been unable to entertain the suit by reason of defect of jurisdiction. When a plaint so returned is afterwards presented to a High Court, credit shall be given to the plaintiff for the amount of the court-fee paid in the Small Cause Court in respect of the plaint in the levy of any fees which according to the practice of the High Court are credited to the Government.]

20. Court may by consent try suits beyond pecuniary limits of jurisdiction.—When the parties to a suit, which, if the amount or value of the subject-matter thereof did not exceed two thousand rupees, would be cognizable by the Small Cause Court, have entered into an agreement in writing that the Small Cause

Court shall have jurisdiction to try such suit, the Court shall have jurisdiction to try the same, although the amount or value of the subject-matter thereof may exceed two thousand rupees.

Every such agreement shall be filed in the Small Cause Court, and, when so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.

21. Suits by and against officers of Court.—All suits to which an officer of the Small Cause Court is, as such, a party, except suits in respect of property taken in execution of its process, or the proceeds or value thereof [5][and all suits whereof the amount or value of the subject-matter exceeds one thousand rupees] may be instituted in the High Court at the election of the plaintiff as if this Act had not been passed.

22. Costs when plaintiff sues in High Court in other cases cognizable by Small Cause Court.—If any suit cognizable by the Small Cause, Court other than a suit to which section 21 applies, is instituted in the High Court, and if in such suit the plaintiff obtains, in the case of a suit founded on contract, a decree for any matter of an amount or value less than [6][one thousand] rupees, and in the case of any other suit a decree for any matter of an amount or value of less than three hundred rupees, no costs shall be allowed to the plaintiff;

and if in any such suit the plaintiff does not obtain a decree, the defendant shall be entitled to his costs as between attorney and client.

The foregoing rules shall not apply to any suit in which the Judge who tries the same certifies that it was one fit to be brought in the High Court.

1. The words "for the recovery of a wife" rep. by Act 10 of 1914, s. 3 and II Sch. 2.Added by Act 1 of 1895, s. 9.

3. *See* now the relevant provision of the Code of Civil Procedure, 1908 (Act 5 of 1908). 4. *See* no the Indian Limitation Act, 1908 (9 of 1908).

5. Ins. by Act 1 of 1895, s. 10.

6. Subs. by s. 11, *ibid.,* for "two thousand".

CHAPTER V
PROCEDURE IN SUITS

23. [*Portions of Civil Procedure Code extending to Court.*] *Rep. by the Presidency Small Cause Courts Act,* 1895(1 *of* 1895), *s*. 12.

24. No written statement except in cases of set-off.—Except in cases of set-off under the [1]Code of Civil Procedure (14 of 1882), section 111 [2], no written statement shall be received unless required by the Court.

25. Return of documents admitted in evidence.—Whena period of eight days from the decision of a suit has expired without any application for a new trial or re -hearing of such suit having been made, or when any such application has been made within such period and such application has been refused, or the new trial or re-hearing (as the case may be) has ended, any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record, shall, unless the document is impounded under section 143 of the [1]Code of Civil Procedure (14 of 1882), be entitled to receive back the same:

Provided that a document may be returned at any time before any of such events on such terms as the Court may direct: provided also that no document shall be returned which, by force of the decree, has become void or useless.

On the return of a document which has been admitted in evidence, a receipt shall be given, by the party receiving it, in a receipt-book to be kept for the purpose.

26. Compensation payable by plaintiff to defendant in certain cases.—Inany suit in which the defendant appears and does not admit the claim, and the plaintiff does not obtain a decree for the full amount of his claim, the Small Cause Court may in its discretion order the plaintiff to pay to the defendant, by way of satisfaction for his trouble and attendance, such sum as it thinks fit.

When any claim preferred, or objection made, under section 278 of the [3]Code of Civil Procedure (14 of 1882), is disallowed, the Small Cause Court may in its discretion order the person preferring or making such claim or objection to pay to the decree-holder, or to the judgment-debtor, or to both by way of satisfaction as aforesaid, such sum or sums as it thinks fit.

And when any claim or objection is allowed the Court may award such compensation by way of damages to the claimant or objector as it thinks fit; and the order of the Court awarding or refusing such compensation shall bar any suit in respect of injury caused by the attachment.

Any order under this section may, in default of payment of the amount payable thereunder, be enforced by the person in whose favour it is made against the person against whom it is made as if it were a decree of the Court.

27. Decree-holder to accompany officer executing warrant.—Whenever the Small Cause Court issues a warrant for the arrest of a judgment-debtor on the attachment of his property, the decree-holder, or some other person on his behalf, shall accompany the officer of the Court entrusted with the execution of such warrant, and shall point out to such officer the judgment-debtor or the property to be attached, as the case may be.

28. Things attached to immovable property and removable by tenant to be deemed movable in execution.—Whenthe judgment-debtor under any decree of the Small Cause Court is a tenant of immovable property, anything attached to such property, and which he might before the termination of his tenancy lawfully remove without the permission of his landlord, shall, for the purpose of the execution of such decree [3][and for the purpose of deciding all questions arising in the execution of such decree], be deemed to be movable property and may, if sold in such execution, be severed by the

1. *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908). 2.
See now Order XIII, rule 8, *ibid*.

2. Ins. by Act 4 of 1906, s. 2.

purchaser, but shall not be removed by him from the property until he has done to the property whatever the judgment-debtor would have been bound to do to it if he had removed such thing.

29. Discharge of judgment-debtor on sufficient security.—Whenever any judgment-debtor, who has been arrested or whose property has been seized in execution of a decree of the Small Cause Court, offers security to the satisfaction of such Court for payment of the amount which he has been ordered to pay and the costs, the Court may order him to be discharged or the property to be released.

30. Court may in certain cases suspend execution of decree.—Wheneverit appears to the Small Cause Court that any judgment-debtor under its decree is unable, from sickness, poverty or other sufficient cause, to pay the amount of the decree, or, if such Court has ordered the same to be paid in instalments, the amount of any instalment thereof, it may, from time to time, for such time and upon such terms as it thinks fit, suspend the execution of such decree and discharge the debtor, or make such order as it thinks fit.

31. Execution of decree of Small Cause Court by other Courts.—If the judgment-debtor under any decree of the Small Cause Court has not, within the local limits of its jurisdiction, movable property sufficient to satisfy the decree, the Court may, on the application of the decree-holder, send the decree for execution—

(*a*) in the case of execution against immovable property situate within such local limits—[1][to the Madras City Civil Court or the High Court of Judicature at Fort William or Bombay, as the case may be];

(*b*) in all other cases—to any Civil Court within the local limits of whose jurisdiction such judgment-debtor, or any movable or immovable property of such judgment-debtor, may be found.

Procedure when decree transferred.—Theprocedure prescribed by the [2]Code of Civil Procedure (14 of 1882) for the execution of decrees by Courts other than those which made them shall be the procedure followed in such cases.

32. Minors may sue in certain cases as if of full age.—Notwithstanding anything contained in the [2]Code of Civil Procedure (14 of 1882) a inor may institute a suit for any sum of

money not exceeding five hundred rupees, which may be due to him under section 70 of the Indian Contract Act, 1872 (9 of 1872), for wages or piecework or for work as a servant, in the same manner as if he were of full age.

33. Power to delegate non-judicial duties.—Any non-judicial or quasi-judicial act which the [2]Code of Civil Procedure (14 of 1882) as applied by this Act requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394 of that Code as so applied, may be done by the Registrar of the Small Cause Court or by such other officer of that Court as that Court may, from time to time, appoint in this behalf.

The High Court may, from time to time, by rule, declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

34. Registrar to hear and determine suits like a Judge.—Thesuits cognizable by the Registrar under section 14 shall be heard and determined by him in like manner in all respects as a Judge of the Court might hear and determine the same:

Proviso.—Provided that, subject to the control of the Chief Judge, any Judge of the Court may, whenever he thinks fit, transfer to his own file any suit on the file of the Registrar.

35. Registrar may execute all decrees with the same powers as a Judge.—The Registrar may receive applications for the execution of decrees of any value passed by the Court, and may commit and

1. Subs. by Act 7 of 1892, s. 12, for "to the High Court". 2. *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908).

discharge judgment-debtors, and make any order in respect thereof which a Judge of the Court might make under this Act.

36. Decrees and orders of Registrar to be subject to new trial as if made by a Judge.—Every decree and order made by the Registrar in any suit or proceeding shall be subject to the same provisions in regard to new trial as if made by a Judge of the Court.

[1][CHAPTER VI
NEW TRIALS AND APPEALS

37. General finality of decrees and orders of Small Cause Court.—Saveas otherwise provided by this Chapter or by any other enactment for the time being in force, every decree and order of the Small Cause Court in a suit shall be final and conclusive.

STATE AMENDMENT

Maharashtra

Amendment of section 37 of Act XV of 1882.—In section 37 of the Presidency Small Cause Courts Act, 1882 (XV of 1882), in its application to the State of Maharashtra (hereinafter to as "the principal Act"), after the words "by this Chapter" the words "or by Chapter VII" shall be inserted.

[*Vide* Maharashtra Act XIX of 1976, s. 2]

38. New trial of contested cases.—Where a suit has been contested, the Small Cause Court may, on the application of either party, made within eight days from the date of the decree or order in the suit [not being a decree passed under section 522 of the [2]Code of Civil Procedure (14 of 1882)], order a new trial to be held, or alter, set aside or reverse the decree or order, upon such terms as it thinks reasonable, and may, in the meantime, stay the proceedings.

Explanation.—Every suit shall be deemed to be contested in which the decree is made otherwise than by consent of or in default of appearance by the defendant.

STATE AMENDMENT

Maharashtra

Amendment of section 38 of Act XV of 1882.—In section 38 of the principal Act,—

(a) the *Explanation* shall be renumbered as Explanation 1;

(b) after *Explanation I* so renumbered, the following Explanation shall be added, namely:—

"*Explanation* 2.—Nothing contained in this section shall apply to suits under Chapter VII,"

[*Vide* Maharashtra Act XIX of 1976, s. 3]

39. Removal of certain causes into High Court.—(*1*)In any suit instituted in a Small Cause Court in which the amount of value of the subject-matter exceeds the sum of one thousand rupees, the defendant or any one of the defendants may, before the day fixed by the summons for the appearance of the defendant or within eight days after the service of the summons on him, whichever period shall last expire, apply *ex parte* on an affidavit setting forth the facts on which he relies for his defence to a Judge of the High Court for an order removing the cause into the High Court.

3[(*2*) Unless the Judge is of opinion that the application has been made solely for the purpose of delay, the applicant shall be entitled to such order as of right:

Provided that the removal directed by such order shall, unless the Judge otherwise directs, be conditional upon the applicant giving security, to the approval of the Judge, within a reasonable time to be prescribed in the order for the payment of the amount claimed and of the costs which may become payable by him to the plaintiff in respect of the said suit.]

1. Subs. by Act 1 of 1895, s. 13, for Chapter VI.

2. *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908), Sch. II, s. 16.

2. Subs. by Act 4 of 1906, s. 3, for sub-section (*2*).

(*3*) If the applicant fail or neglect to complete the required security (if any) within the prescribed time (if any), the said order shall be discharged and the suit shall proceed in the Small Cause Court as if such order had never been made.

(*4*) If the plaintiff in any case which has been removed under this section into the High Court has abandoned a portion of his claim in order to be able to bring the suit within the jurisdiction of a Small Cause Court, he shall be permitted to revive the portion of his claim so abandoned.

40.Rules with respect to suits removed under the last foregoing section.—(*1*) When a suit has been removed into the High Court under the last foregoing section, it shall be heard and disposed of by such Court in the exercise of its original jurisdiction, and the said Court shall have all the same powers and jurisdiction in respect thereof as if it had been originally instituted such Court.

(*2*) In every suit so removed as aforesaid the affidavit filed under section 39, sub-section (*1*), shall be treated as a written statement of the defendant tendered under section 110 of the 1Code of Civil Procedure (14 of 1882) unless the Court shall otherwise order.

(*3*) In every suit so removed as aforesaid credit shall be given to the plaintiff for the amount of the court-fee paid in the Small Cause Court in respect of the plaint in the levy of any fees which according to the practice of the High Court are payable to the Government.]

CHAPTER VII

RECOVERY OF POSSESSION OF IMMOVABLE PROPERTY

41. Summons against person occupying property without leave.—When any person has had possession of any immovable property situate within the local limits of the Small Cause Court's jurisdiction and of which the annual value at a rack-rent does not exceed 2[two] thousand rupees, as the tenant, or by permission, of another person, or of some person through whom such other person claims,

and such tenancy or permission has determined or been withdrawn,

and such tenant or occupier or any person holding under or by assignment from him (hereinafter called the occupant) refuses to deliver up such property in compliance with a request made to him in this behalf by such other person,

such other person (hereinafter called the applicant) may apply to the Small Cause Court for a summons against the occupant, calling upon him to show cause, on a day therein appointed, why he should not be compelled to deliver up the property.

42. Service of summons.—Thesummons shall be served on the occupant in the manner provided by the [1]Code of Civil Procedure (14 of 1882) for the service of a summons on a defendant.

43. Order for possession.—If the occupant does not appear at the time appointed and show cause to the contrary, the applicant shall, if the Small Cause Court is satisfied that he is entitled to apply under section 41, be entitled to an order addressed to a bailiff of the Court directing him to give possession of the property to the applicant on such day as the Court thinks fit to name in such order.

Explanation.—If the occupant proves that the tenancy was created or permission granted by virtue of a title which determined previous to the date of the application, he shall be deemed to have shown cause within the meaning of this section.

44. Such order to justify bailiff entering on property and giving possession. Bar to proceedings against Judge or officer for issuing, etc., order or summons.—Any such order shall justify the bailiff to whom it is addressed in entering after the hour of six in the morning and before the hour of six in the afternoon upon the property named therein, with such assistants as he thinks necessary, and giving possession of such property to the applicant: and no suit or prosecution shall be

1. *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908).

2. Subs. by Act 9 of 1912, s. 2, for "one".

maintainable against any Judge or officer of the Small Cause Court by whom any such order as aforesaid was issued, or against any bailiff or other person by whom the same was executed, or by whom any such summons as aforesaid was served, for the issue, execution or service of any such order or summons, by reason only that the applicant was not entitled to the possession of the property.

45. Applicant, if entitled to possession, not to be deemed trespasser for any error in proceedings. Occupant may sue for compensation.—When the applicant, at the time of applying for any such order as aforesaid, was entitled to the possession of such property, neither he nor any person acting in his behalf shall be deemed, on account of any error, defect or irregularity in the mode of proceeding to obtain possession thereunder, to be a trespasser; but any person aggrieved may bring a suit for the recovery of compensation for any damage which he has sustained by reason of such error, defect or irregularity:

when no such damage is proved, the suit shall be dismissed; and when such damage is proved but the amount of the compensation assessed by the Court does not exceed ten rupees, the Court shall award to the plaintiff no more costs than compensation, unless the Judge who tries the case certifies that in his opinion full costs should be awarded to the plaintiff.

46. Liability of applicant obtaining order when not entitled.—Nothing herein contained shall be deemed to protect any applicant obtaining possession of any property under this Chapter from a suit by any person deeming himself aggrieved thereby, when such applicant was not at the time of applying for such order as aforesaid entitled to the possession of such property.

Application for order in such case an act of trespass.—And when the applicant was not, at the time of applying for any such order as aforesaid, entitled to the possession of such property, the application for such order, though no possession is taken thereunder, shall be deemed to be an act of trespass committed by the applicant against the occupant.

47. Stay of proceedings on occupant giving security to bring suit against applicant.—Whenever on an application being made under section 41 the occupant binds himself, with two sureties, in a bond for such amount as the Small Cause Court thinks reasonable, having regard to the value of the property and the probable costs of the suit next hereinafter mentioned, to institute without delay a suit in the High Court against the applicant for compensation for trespass and to pay all the costs of such suit in case he does not prosecute the same or in case judgment therein is given for the applicant, the Small Cause Court shall stay the proceedings on such application until such suit is disposed of.

If the occupant obtains a decree in any such suit against the applicant, such decree shall supersede the order (if any) made under section 43.

Nothing contained in section 22 shall apply to suits under this section.

48. Proceedings to be regulated by Code of Civil Procedure.—In all proceedings under this Chapter, the Small Cause Court shall, as far as may be and except as herein otherwise provided, follow the procedure prescribed for a Court of first instance by the [1]Code of Civil Procedure (14 of 1882).

49. Recovery of possession no bar to suit to try title.—Recovery of the possession of any immovable property under this Chapter shall be no bar to the institution of a suit in the High Court for trying the title thereto.

STATE AMENDMENT

Maharashtra

Substitution of Chapter VII of Act XV of 1882.—For Chapter VII of the principal Act, the following Chapter shall be substituted, namely:--

"**CHAPTER VII**

RECOVERY OF POSSESSION OF CERTAIN IMMOVABLE PROPERTY AND CERTAIN LICENCE FEES AND RENT.

"41.Suits or Proceedings between licensors and licenses or landlords and fenants for recovery of possession of immovable property and licence fees or rent, except to those to which other

1. *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908).

Acts apply to lie in Small Cause Court.—(1) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force, but subject to the provisions of sub-section (2), the Court of Small Causes shall have jurisdiction to entertain and try all suits and proceedings between a licensor and licensee, or a landlord and tenant, relating to the recovery of possession of any immovable property situated in Greater Bombay, or relating to the recovery of the licence fee or charges or rent therefore, irrespective of the value of the subject matter of such suits or proceedings.

(2) Nothing contained in sub-section (1) shall apply to suits or proceedings for the recovery of possession of any immovable property, or of licence fee or charges or rent thereof, to which the provisions of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947), the Bombay Government Premises (Eviction) act, 1955 (Bom. II of 1956), the Bombay Muncipal Corporation Act, the Bombay Housing Board Act, 1948 (Bom LXIX of 1948), or any other law for the time being in force, applies.

42. Appeal.—(*1*) An appeal shall lie from a decree or order made by the Small Cause Court exercising jurisdiction under section 41, to a bench of two Judges of the said Court, which shall not include the Judge who made such decree or order:

Provided that, no such appeal shall lie from a decree or order made in any suit or proceeding in respect of which no appeal lies under the Code of Civil Procedure, 1908 (V of 1908).

(2) Every appeal under sub-section (1) shall be made within thirty days from the date of the deree or order, as the case may be.

Provided that, in computing the period, of limitation prescribed by this sub-section, the provisions contained in section 4, 5 and 12 of the Limitation Act, 1963 (XXX of VI of 1963), shall, so far as may be apply.

(4) Where no appeal lies under sub-section from a decree or order in any suit or proceeding, the bench of two Judges specified in sub-section (1) may, for the purpose of satisfying itself that the decree or order was according to law, call for the case in which such decree or order was made and pass such order with respect thereto as it thinks fit.

43. Procedure.—In all suit, appeals and proceedings under this Chapter, the Small Cause Court shall as far as possible and except as herein otherwise provided, follow the procedure prescribed by the Code of Civil Procedure, 1908 (V of 1908).

44. Court fees.—The court fees leviable in suits, appeals and proceedings under this Chapter shall be the same as are chargeable under Chapter III of the Bombay Court-fees Act, 1959 (Bom. XXXVI of 1959), and the provisions of that Act shall apply to the recovery of such court-fees.

45. Savings of suits involving title.—Nothing contained in this Chapter shall be deemed to bar a party to a suit, appeal or proceeding mentioned therein in which a question of title to any immovable property arises and is determined, from suing in a competent court to establish his title to such property.

46. Saving of pending proceedings.—(1) All suits and other proceedings cognizable by the Small Cause Court under this Chapter and pending in the high Court or the Bombay City Civil Court, on the date of coming into force of the Presidency Small Cause courts (Maharashtra Amendment) act, 1975 (Mah. XIX of 1976), shall be continued and disposed of by the High Court or the City Civil Court, as the case may be, as if this Act had not been passed.

(2) All applications and other proceedings filed in the Small Cause Court under this Chapter and pending in that Court, on the date aforesaid, shall be continued and disposed of by the Small Cause Court, as if this Act had not been passed."

[*Vide* Maharashtra act XIX of 1976, s. 4]

CHAPTER VIII
DISTRESSES

50. Local extent of Chapter. Saving of certain rents.—This Chapter extends to every place within the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras and Bombay. But nothing contained in this Chapter applies—

(*a*) to any rent due to Government;

(*b*) to any rent which has been due for more than twelve months before the application mentioned in section 53.

[1][**51. Appointment of bailiffs and appraisers.**—Four or more persons shall be appointed bailiffs and appraisers for the purposes of this Chapter.]

52. Appointees to be public servants.—The persons so appointed [2]*** shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860).

53. Application for distress-warrant.—Any person claiming to be entitled to arrears of rent of any house or premises to which this Chapter extends, or his duly constituted attorney, may apply to any Judge of the Small Cause Court, or to the Registrar of the Small Cause Court, for such warrant as is hereinafter mentioned.

The application shall be supported by an affidavit or affirmation to the effect of the form (marked A) in the Third Schedule hereto annexed.

STATE AMENDMEMT

Maharashtra

Amendment of section 53 of Act XV of 1882.—In section 53 of the principal Act,--

(a) the first paragraph shall be numbered as sub-section (1) of that section and to sub-section (1) as so numbered, the following proviso shall be added, namely:--

"Provided that before making an application such person shall give 15 days' notice to the person liable to pay the arrears of rent making a demand of the said arrears."

(b) the second paragraph shall be numbered as sub-section (2) of that section and in sub-section (2) as so numbered, after the words "The application" the words, brackets and figure "made under sub-section ()" shall be inserted.

[*Vide* Maharashtra Act XXXV of 1961, s. 3]

54. Issue of distress-warrant.—The Judge or Registrar may thereupon issue a warrant under his hand and seal and returnable within six days, to the effect of the form (marked B) contained in the same Schedule, addressed to any one of such bailiffs.

The Judge or Registrar may at his discretion, upon personal examination of the person applying for such warrant, decline to issue the same.

55. Time for distress.—Every distress under this Chapter shall be made after sunrise and before sunset, and not at any other time.

56. What places bailiff may force open.—The bailiff directed to make the distress may force open any stable, outhouse or other building, and may also enter any dwelling-house, the outer door of which may be open, and may break open the door of any room in such dwelling-house for the purpose of seizing property liable to be seized under this Chapter:

Provided that he shall not enter or break open the door of any room appropriated for the zenana or residence of women, which by the usage of the country is considered private.

1. Subs. by the A.O. 1937, for section 51.
2. Certain words omitted, *ibid.*

57. Property which may be seized.—In pursuance of the warrant aforeasaid, the bailiff shall seize the movable property found in or upon the house or premises mentioned in the warrant and belonging to the person from whom the rent is claimed (hereinafter called the debtor), or such part thereof as may, in the bailiff's judgment, be sufficient to cover the amount of the said rent, together with the costs of the said distress:

Provided that the bailiff shall not seize—

(*a*) things in actual use; or

(*b*) tools and implements not in use, where there is other movable property in or upon the house or premises sufficient to cover such amount and costs; or

(*c*) the debtor's necessary wearing apparel; or

(*d*)goods in the custody of the law.

58. Impounding distress.—The bailiff may impound or otherwise secure the property so seized in or on the house or premises chargeable with the rent.

59. Inventory. Notice of intended appraisement and sale.—On seizing any property under section 57 the bailiff shall make an inventory of such property and shall give a notice in writing to the effect of the form (marked C) in the third schedule hereto annexed to the debtor, or to any other person upon his behalf in or upon the said house or premises.

Copies of inventory and notice to be filed.—The bailiff shall, as soon as may be, file in the Small Cause Court copies of the said inventory and notice.

60. Application to discharge or suspend warrant.—The debtor or any other person alleging himself to be the owner of any property seized under this Chapter, or the duly constituted attorney of such debtor or other person, may, at any time within five days from such seizure, apply to any Judge of the said Court to discharge or suspend the warrant, or to release a distrained article, and such Judge may discharge or suspend such warrant or release such article accordingly, upon such terms as he thinks just,

and any of the Judges of the said Court may in his discretion give reasonable time to the debtor to pay the rent due from him.

Upon any such application, the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Judge, and shall be paid as he directs.

61. Claim to goods distrained made by a stranger.—If any claim is made to, or in respect of, any property seized under this Chapter, or in respect of the proceeds or value thereof, by any person not being the debtor, the Registrar of the Small Cause Court, upon the application of the bailiff who seized the

property, may issue a summons calling before the Court the claimant and the person who obtained the warrant.

And thereupon any suit which may have been brought in the High Court in respect of such claim shall be stayed, and any Judge of the High Court, on proof of the issue of such summons and that the property was so distrained, may order the plaintiff to pay the costs of all proceedings in such suit after the issue of such summons.

And a Judge of the Small Cause Court shall adjudicate upon such claim and make such order between the parties in respect thereof and of the costs of the proceedings as he thinks fit;

and such order shall be enforced as if it were an order made in a suit brought in such Court.

The procedure in Small Cause Courts in cases under this section shall conform, as far as may be, to the procedure in an ordinary suit in such Courts.

62. Powerto award compensation to debtor or claimant.—In any case under section 60 or section 61 the Judge by whom the case is heard may award such compensation by way of damages to the applicant or claimant (as the case may be) as the Judge thinks fit,

and may for that purpose make any inquiry he thinks necessary;

and the order of the Judge awarding or refusing such compensation shall bar any suit for the recovery of compensation for any damage caused by the distress.

63. Power to transfer to High Court casesinvolving more than one thousand rupees.—In any case under section 60 or section 61, if the value of the subject-matter in dispute exceeds one thousand rupees, the applicant or claimant may apply to the High Court to transfer the case to itself, and the High Court, on being satisfied that it is expedient that the case should be disposed of by itself, may direct the case to be transferred accordingly, and may thereupon alter or set aside any order passed in the case by a Judge of the Small Cause Court, and may make such order therein as the High Court thinks fit.

Every application under this section shall be made within seven days from the date of the seizure of the subject-matter in dispute.

In granting applications under this section, the High Court may impose such terms as to payment of, or giving security for, costs or otherwise as it thinks fit.

The procedure in cases transferred under this section shall conform, as far as may be, to the procedure in suits before the High Court in the exercise of its ordinary original civil jurisdiction; and orders made under this section may be executed as if they were made in the exercise of such jurisdiction, and every such order awarding or refusing compensation shall bar any suit for the recovery of compensation for any damage caused by the distress which gave rise to the case wherein such order was made.

64. Appraisement.—In default of any order to the contrary by a Judge of the Small Cause Court or by the High Court, any two of the said bailiffs may, at the expiration of five days from a seizure of property under this Chapter, appraise the property so seized, and give the debtor notice in writing to the effect of the form (marked D) in the third schedule hereto annexed.

Notice of sale.—The bailiffs shall file in the Small Cause Court a copy of every notice given under this section.

65. Sale. Application of proceeds.—In default of any such order to the contrary, the distrained property shall be sold on the day mentioned in such notice, and the said bailiffs shall, on realizing the proceeds, pay over the amount thereof to the Registrar of the Small Cause Court; and such amount shall be applied first in payment of the costs of the said distress and then in satisfaction of the debt; and the surplus, if any, shall be returned to the debtor:

Provided that the debtor may direct that the sale shall take place in any other manner, first giving security for any extra costs thereby occasioned.

66. Costs of distresses.—No costs of any distress under this Chapter shall be taken or demanded except those mentioned in the part (mar hereto annexed.

[1]* * * * *

67. Account of costs and proceeds.—The Registrar of the Small Cause Court shall keep a book in which all sums received as costs upon distresses made under this Chapter, and all sums paid as remuneration to the said bailiffs, and all contingent charges incurred in respect of such distresses, shall be duly entered.

He shall also enter in the said book all sums realised by sale of the property distrained and paid over to landlords under the provisions of this Chapter.

68. Bar of distresses except under this Chapter.—No distress shall be levied for arrears of rent except under the provisions of this Chapter;

1. Second paragraph Rep. by the A.O. 1937.

Penalty for making illegal distresses.—and any person, except a bailiff appointed under section 51, levying or attempting to levy any such distress, [1][shall be liable to such penalty as may be imposed by the adjudicating officer].

CHAPTER IX

REFERENCES TO HIGH COURT

[2][**69. Reference when compulsory.**—(*1*) If two or more Judges of the Small Cause Court sit together in any suit, or in any proceeding under Chapter VII of this Act, and differ in their opinion as to any question of law or usage having the force of law or the construction of a document, which construction may affect the merits, or

if in any suit or in any such proceeding, in which the amount or value of the subject-matter exceeds five hundred rupees, any such question arises upon which the Court entertains reasonable doubt, and either party so requires,

the Small Cause Court shall draw up a statement of the facts of the case and the point on which there is a difference of opinion or on which doubt is entertained, and refer such statement with its own opinion on the point for the opinion of the High Court; and the provisions of sections 619 to 621 of the [3]Code of Civil Procedure (14 of 1882), shall, so far as they are applicable, be deemed to apply as if such reference had been made under section 617 of the said Code.

(*2*)When the Small Cause Court refers any question for the opinion of the High Court as provided in sub-section (*1*),it shall either reserve judgment or give judgment contingent upon such opinion.]

STATE AMENDMENT

Maharashtra

Amendment of section 69 of Act XV of 1882.—In section 69 of the principal Act, in sub-section (1), the words and figures "Chapter VII of " shall be deleted.

[*Vide* Maharashtra act XIX of 1976, s. 5]

70. Security to be furnished on such reference by party against whom contingent judgment given.—Whenjudgment is given under section 69 contingent upon the opinion of the High Court, the party against whom such judgment is given shall at once furnish security, to be approved by the Small Cause Court, for the costs of the reference to the High Court and for the amount of such judgment:

Provided that no security for the amount of such judgment shall be required in any case in which the Judge who tried the case has ordered such amount to be paid into Court, and the same has been paid accordingly.

If no such security given, party to be deemed to have submitted to judgment.—Unlesssuch security as aforesaid is at once furnished, the party against whom such contingent judgment has been given shall be deemed to have submitted to the same.

CHAPTER X

71. Institution-fee.—Afee not exceeding—

(*a*) when the amount or value of the subject-matter does not exceed five hundred rupees—the sum of two annas in the rupee on such amount or value,

(*b*) when the amount of value of the subject-matter exceeds five hundred rupees—the sum of sixty-two rupees eight annas, and one anna in the rupee on the excess of such amount or value over five hundred rupees,

1. Subs. by Act 8 of 2026, s. 2 and Sch., for certain words (w.e.f. 1-7-2026).

2. Subs. by Act 4 of 1906, s. 4, for section 69.

3. *See n*ow the Code of Civil Procedure, 1908 (Act 5 of 1908), Sch. I, Order XLVI, rules 3 to 5.

shall be paid on the plaint in every suit, and every application under [1]*** section 41; and no such plaint or application shall be received until such fee has been paid.

An additional fee of ten rupees shall be paid on the filing of every agreement under section 20.

STATE AMENDMENT

Maharashtra

Amendment of section 71 of Act XV of 1882.—In section 71 of the principal Act,--

(a) for the words "A fee not exceeding" the words and figures "Save as otherwise provided in section 44, a fee not exceeding" shall be substituted.

(b) for the portion beginning with the words "on the plaint in every suit," and ending with the words "until such fee has been paid," the following shall be substituted, namely:--

"on the plaint in every suit, and no such plaint shall be received until such fee has been paid."

[*Vide* Maharashtra Act XIX of 1976, s. 6]

72. Fees for processes.—Thefees specified in the third and fourth columns of the fourth schedule hereto annexed shall be paid previous to the issue in any suit or in any proceeding under Chapter VII of this Act of the processes, to which the said columns respectively relate, by the persons on whose behalf such processes are issued, when the amount or value of the subject-matter exceeds the sum specified in the first column, but does not exceed the sum specified in the second column of the said schedule.

STATE AMENDMENT

Maharashtra

Substitution of section 72 of Act XV of 1882.—For section 72 of the principal Act, the following section shall be substituted, namely:--

"72. Fees for process.—The fees specified in the third and fourth columns of the Fourth Schedule hereto annexed shall be paid previous to the issue, in any suit or appeal or proceeding under this Act, of the processes, to which the said columns respective relate, by the persons in whose behalf such processes, to which the said columns respectively relate, by the persons in whose behalf such processes are issued, when the amount or value of the subject-matter exceeds the sum specified in the first column, but does not exceed the sum specified in the second column of the said Schedule, When the amount or value of the subject-matter exceeds Rs. 3000; the additional fees to be paid for summonses shall be at the rate of 10 paise for every Rs. 100 or part thereof in excess of Rs. 3,000 and the additional fees to be paid for other processes shall be at the rate of 40 paise for every Rs. 100 or part thereof in excess of Rs. 3000."

[*Vide* Maharashtra Act XIX of 1976, s. 7]

73. Repayment of half feeson settlement before hearing.—Whenever any such suit or proceeding is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the Small Cause Court to the parties by whom the same have been respectively paid.

STATE AMENDMENT

Maharashtra

Amendment of section 78 of Act XV of 1882.—In Section 73 of the Presidency Small Cause Courts Act, 1882 (XV of 1882), shall be renumbered as sub-section (1) of that section, and in sub-

1. The words and figures "section 38 or" rep. by Act 7 of 1896 .

section (1) so renumbered after the words "have been respectively paid" the following proviso and sub-section shall be inserted, namely:--

"Provided that no such fees shall be repaid if the amount of institution fee on the plaint or application does not exceed five rupees or the claim for repayment is not made within one year from the date on which the suit or proceeding was so settled.

(2) The State Government may, from time to time, by order, provide for repayment to the plaintiffs, or applicant of any part of the fees paid on plaints or applications by them in suits or proceedings, as the case may be, disposed of under such circumstances and subject to such conditions as may be specified in the order."

(2) For the marginal note to the said section 73, the following shall be substituted, namely:--

"Repayment of fees under certain circumstances."

[*Vide* Bombay Act XLIV of 1955, s. 2]

74. Fees and costs of poor persons.—The Small Cause Court may, whenever it thinksfit, receive and register suits instituted, and applications under section 41 made by poor persons, and may issue processes on behalf of such persons, without payment or on a part-payment of the fees mentioned in sections 71 and 72.

STATE AMENDMENT

Maharashtra

Amendment of section 74 of Act XV of 1882.—In section 74 of the principal Act**,--**

(a) the words, figures and letter "and applications under section 41 made, and appeals under section 42A made," shall be deleted;

(b) for the words and figures "section 71 and 72" the words and figures "section 44, 71 and 72," shall be substituted.

[*Vide* Maharashtra Act XIX of 1976, s. 8]

75. Power to vary fees.—The State Government may from time to time, by notification inthe Official Gazette, vary the amount of the fees payable under sections 71 and 72:

Provided that the amount of such fees shall in no case exceed the amount prescribed by the said sections.

76. Expense ofemploying legal practitioners.—The expense of employing an advocate,vakil, attorney or other legal practitioner incurred by any party shall not be allowed as costs in any suit or in any proceeding under Chapter VII of this Act, in the Small Cause Court, in which suit or proceeding the amount or value of the subject-matter does not exceed twenty rupees, unless the Court is of opinion that the employment of such practitioner was under the circumstances reasonable.

STATE AMENDMENT

Maharashtra

Amendment of section 76 of Act XV of 1882.—In section 76 of the principal Act,--

(a) the words and figures "or in any application or appeal under Chapter VII of this Act," shall be deleted;

(b) the words "or application or appeal" shall be deleted.

[*Vide* Maharashtra Act XIV of 1976, s. 9]

77. Sections 3, 5 and 25 of Court-fees Act, 1870, saved.—Nothing contained inthis Chapter shall affect the provisions of sections 3, 5 and 70 (7 of 1870).

CHAPTER XI

MISCONDUCTOF INFERIOR MINISTERIAL OFFICERS

[1]**78.** [*Power to fine officers.*] *Rep. by the A.O.* 1937.

79. Default of bailiff or other officer in execution of order or warrant.—If any clerk, bailiff or other inferior ministerial officer of the Small Cause Court who is employed as such in the execution of any order or warrant, loses, by neglect, connivance or omission, an opportunity of executing such order or warrant, he shall be liable, by order of the Chief Judge, on the application of the person injured by such neglect, connivance or omission, to pay such sum, not exceeding in any case the sum for which the said order or warrant was issued, as, in the opinion of the Chief Judge, represents the amount of the damage sustained by such person thereby.

80. Extortion or default of officers.—If anyclerk, bailiff or other inferior ministerial officer of the Small Cause Court is charged with extortion or misconduct while acting under colour of its process, or with not duly paying or accounting for any money levied by him under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted, or of any money so levied as aforesaid, and of damages and costs, by such officer, as it thinks fit.

81. Court empowered to summon witnesses, etc.—For the purposes ofany inquiry under this Chapter, the Small Cause Court shall have all the powers of summoning and enforcing the attendance of witnesses and compelling the production of documents which it possesses in suits under this Act.

82. Enforcement of order.—Any order under this Chapter for the payment or repayment of money may, in default of payment of the amount payable thereunder, be enforced by the person to whom such amount is payable as if the same were a decree of the Small Cause Court in his favour.

CHAPTER XII

CONTEMPTOF COURT

83. [*Procedure of Court in certain cases of contempt*.] *Rep. by the Repealing and Amending Act,* 1914 (10 *of* 1914), *s*. 3 *and Sch. II*.

84. [*Record in such cases*.] *Rep. by s. 3 and Sch. II*, *ibid.*

85. [*Procedure where Court considers that case should not be dealt with under section 83*.] *Rep. by s. 3 and Sch. II*, *ibid*.

86. [*Discharge of offender on submission or apology*.] *Rep. by s*. 3 *and Sch. II*, *ibid.*

87.[2][**Penalty for] refusing to answer or produce document.**—If any witness before the Small Cause Court refuses to answer such questions as are put to him, or to produce any document in his possession or power which [3][he shall be liable to penalty as may be imposed by the adjudicating officer].

[4][**87A. Adjudication of penalties**.—For the purpose of adjudication of penalties under sections 68 and 87, the State Government, may designate the Deputy Registrar appointed under section 13 of this Act, to be the adjudicating officer, for holding an inquiry and imposing penalties in the manner as may be provided by rules by the High Court:

Provided that the State Government may appoint as many adjudicating officers as may be required:

Provided further that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

1. This power is now regulated by rules made or deemed to have been made under Art. 309 of the Constitution of India.

2. Subs. by Act 8 of 2026, s. 2 and Sch., for "Imprisonment or committal of person" (w.e.f. 1-7-2026).

3. Subs. by s. 2 and Sch., *ibid*., for certain words (w.e.f. 1-7-2026).

4. Ins. by s. 2 and Sch., *ibid*. (w.e.f. 1-7-2026).

87B. Appeal.—(*1*) Any person aggrieved by an order of the adjudicating officer under section 87A may, within thirty days from the date of receipt of such order, prefer an appeal to such officer, at least one rank higher than the adjudicating officer, as may be appointed by the State Government as an appellate authority, in such form and manner as may be provided by rules by the High Court.

(*2*) The appellate authority may admit an appeal after the expiry of the said period of thirty days, if the appellant satisfies the Appellate authority that he had sufficient cause for not preferring the appeal within that period.

(*3*) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such an order as he may deem fit.

(*4*) An appeal under sub-section (*1*) shall be disposed of within sixty days from the date of filing.

(*5*) If penalty imposed by the adjudicating officer under section 87A or by an order of the appellate authority under this section is not deposited, the amount shall be recovered as an arrear of land revenue.

87C. Amount of penalty.—Notwithstanding anything contained in this Act, the quantum of penalty or fine shall be such amount as the State Government concerned may, by notification in the Official Gazette, determine from time to time, having regard to the pecuniary jurisdiction and local requirements of the Court.

Explanation.—For the purposes of this section, "State Government concerned" means the Government of the States of Maharashtra, Tamil Nadu and West Bengal, within whose respective jurisdictions the Act is in force; and such determination shall be consistent with the amendments and adaptations made by the respective State Acts.]

88. [*Appeal from orders under section 87*.]*Omitted by the Jan Vishwas* (*Amendment of* Provisions) *Act,* 2026 (8 *of* 2026), *s*. 2 *and Sch*. (*w.e.f.* 1-7-2026).

CHAPTER XIII

MISCELLANEOUS

89. Persons by whom process may be served.—Notices to produce documents, summonses to witnesses, and all other processes issued in the exercise of any jurisdiction conferred on the Small Cause Court by this Act, except summonses to defendants and writs of execution, may, if the Court by general or special order so directs, be served by such persons as the Court, from time to time, appoints in this behalf.

90. Registers and returns.—The Small Cause Court shall keep such registers, books and accounts, and submit to the High Court such statements and returns, as may, subject to the approval of the State Government, be prescribed by the High Court.

91. Court to furnish records, etc., called for by State Government or High Court.—The Small Cause Court shall comply with such requisitions as may, from time to time, be made by the State Government or High Court for records, returns and statements in such form and manner as such Government or Court, as the case may be, thinks fit.

92. Holidays and vacations.—The Small Cause Court shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for the approval of the State Government.

Such list, when it has received such approval, shall be published in the Official Gazette, and the said holidays and vacations shall be observed accordingly.

93. Certain persons exempt from arrest by Court.—The President [1]***, the Governors of [2][Madras], [3][Bombay and [4][West Bengal], [5]*** [6]*** and the Chief Justices and Judges of the High Courts [7]***, shall not be liable to arrest by order of the Small Cause Court.

94.**No suit to lie upon decree of Court.—**No suit shall lie on any decree of the Small Cause Court.

1. The words "and Members of his Council" rep. by the A.O. 1948.

2. Subs. *ibid*., for "Fort St. George".

3. Subs. by Act 7 of 1912, s. 7 and Sch. E, for "and Bombay".

4. Subs. by A.O. 1948, for "Fort William in Bengal".

5. The words "and the Members of their respective Councils" rep. by the A.O.1937. 6. The words "the Lieutenant-Governor of Bengal" rep. by Act 7 of 1912, s. 7 and Sch E. 7. The words and letter "for Part A States" omitted by the A.O. (No. 2) 1956.

95. [*Place of imprisonment***.**] *Omitted by the Jan Vishwas* (*Amendment ofProvisions*) *Act,* 2026 (8 *of* 2026), *s*. 2 *and Sch*. (*w.e.f.* 1-7-2026).

96. Tender in suit for anything done under Act.—If any person against whom any suit is brought for anything purporting to be done by him under this Act has, before the institution of the suit, tendered sufficient amends to the plaintiff, the plaintiff shall not recover.

97. Limitation of prosecutions.—All prosecutions for anything purporting to be done under this Act must be commenced within three months after the offence was committed.

[1] [**98. Power of the High Court to make rules**.—(*1*) The High Courts may make rules not inconsistent with the provisions of this Act to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of holding inquiry and imposing penalties under section 87A; and

(*b*) the form and manner of appeal under sub-section (*1*) of section 87B.]

1. Ins. by Act 8 of 2026, s. 2 and Sch. (w.e.f. 1-7-2026).

THE FIRST SCHEDULE.—[*Enactments repealed*.] *Rep. by the Repealing Act,* 1938 (1 *of* 1938), *s.* 2 *and Sch.*

THE SECOND SCHEDULE.—[*Portions of Civil Procedure Code extending to Court*.] *Rep. by the Presidency Small Cause CourtsAct*, 1895 (1 *of* 1895), s. 12.

THE THIRD SCHEDULE

FORMS

A

[*See* section 53.]

In the Small Cause Court for

*A. B.*_____ (plaintiff),

Versus

*C.D.*_____ (Defendant),

A.B., of_____, in the town of_____, make oath [*or* affirms]and saith that *C.D.*_____*, of*_____*,* is justly indebted to_____in the sum of Rs._____ for arrears of rent of the house and premises No._____, situated at_____, in the town of_____, due for_____ months, to wit from_____ to_____, at the rate of Rs._____ per mensem.

Sworn [*or* affirmed] before me the _____day of_____188.

Judge [or *Registrar*].

B

[*See* section 54.]

In the Small Cause Court for

FORM OF WARRANT

I hereby direct you to distrain the movable property of C.D., on the house and premises situate at No._____, in the town of _____, for the sum of _____ Rs. and the costs of the distress, according to the provisions of Chapter VIII of the Presidency Small Cause Courts Act, 1882.

Dated day of 18 .

(*Signed and sealed*).

To *E.F.*, *Bailiff and Appraiser.*

C

[*See* section 59.]

In the Small Cause Court for

FORMOF INVENTORYAND NOTICE

(*State particulars of property seized*.)

Take notice that I have this day seized the movable property contained in the above inventory for the sum of _____ Rs., being the amount of _____ month's rent due to *A.B.*,at _____ last, and that unless you pay the amount thereof, together with the costs of this distress, within five days from the date hereof, or obtain an order from one of the Judges or the Registrar of the Small Cause Court to the contrary, the same will be appraised and sold pursuant to the provisions of Chapter VIII of the Presidency Small Cause Courts Act, 1882. Dated the day of 18 .

(Signed) *E.F.,*
Bailiff and Appraiser.

To *C. D.*

D

[*See* section 64.]

In the Small Cause Court for

Take notice that we have appraised the movable property seized on the _____ day of _____, under the provisions of Chapter VIII of the Presidency Small Cause Courts Act, 1882, of which seizure and property a notice and inventory were duly served upon you [*or* upon……..., *as the case may be*]under date the _____, and that the said property will be sold on the _____ [*two*

clear days at least after the date of the notice]at _____ pursuant to the provisions of the said Act.
Dated this _____ day of _____18 .

(*Signed*) *E. F.,*
G. H.,
Bailiffs and Appraisers.

To *C. D.*

E

[*See* section 66.]

In the Small Cause Court for

SCALEOF FEESTOBELEVIEDIN DISTRAINTSFOR HOUSE-RENT

Sums sued for	Affidavit and warrant to distrain	Order to sell	Commission	Total
Rs. Rs.	Rs. A. P. 0	Rs. A. P. 0	Rs. A. P. 0	Rs. A. P. 1
1 and under 5. . . 5	4 0 0 8	8 0 0 8	8 0 1 0	4 0 2 0
” 10 . . 10 ”	0 0 8 0	0 0 8 0	0 1 8 0	0 2 8 0
15 . . 15 ” 20	0 8 0 0	1 0 0 1	2 0 0 2	3 8 0 4
. . 20 ” 25 . .	12 0 1 0	0 0 1 0	8 0 3 0	4 0 5 0
25 ” 30 . . 30	0 1 0 0	0 1 0 0	0 3 8 0	0 5 8 0
” 35 . . 35 ”	1 0 0 1	1 8 0 2	4 0 0 4	6 8 0 7
40 . . 40 ” 45	4 0 1 8	0 0 2 0	8 0 5 0	12 0 8 8
. . 45 ” 50 . .	0 2 0 0	0 2 0 0	0 6 0 0	0 10 0 0
50 ” 60 . . 60	2 8 0 3	2 8 0 3	6 8 0 7	11 8 0
” 80 . . 80 to	0 0 3 0	0 0 3 0	0 0 7 per	13 0 0
100 . Upwards of 100 . .	0	0	centum.	…

The above scale includes all expenses, except in suits where the tenant disputes the landlord’s claim, and witnesses have to be subpoenaed, in which case each subpoena for sums under Rs. 40 must be paid for at four annas each, and twelve annas above that amount; and also where peons are kept in charge of property distrained, four annas per day must be paid per man.

THE FOURTH SCHEDULE

[*See*section 72.]

FEES FOR SUMMONSES AND OTHER PROCESSES

When the amount or value of the subject-matter exceeds	But does not exceed	Fee for summons	Fee for other processes
Rs.	Rs.	Rs. A. P.	Rs. A. P.
0	10	2 0 0	2 0 0
10	20	4 0 0	4 0 0
20	50	8 0 0	8 0 1 0
50	100	1 0 0	1 0 2 0
100	200	1 4 0	1 8 0 3 0
200	300	2 0 0	2 4 0 5 0
300	400	2 8 0	3 0 0 6 0
400	500	3 4 0	3 12 0 8 0
500	600	4 0 0	4 8 0 9 0
600	700	4 12 0	5 0 0 10 0
700	800	5 0 0	5 8 0 11 0
800	900	5 8 0	6 0 0 12 0
900	1,000	6 0 0	6 8 0 13 0
1,000	1,100	6 8 0	7 0 0 14 0
1,100	1,200	7 0 0	7 8 0 15 0
1,200	1,300	7 8 0	
1,300	1,400	8 0 0	
1,400	1,500	8 8 0	
1,500	1,600		
1,600	1,700		
1,700	1,800		
1,800	1,900		
1,900	2,000		

———