



## The Uttar Pradesh Civil Laws (Reforms and Amendment) Act, 1976

Act 57 of 1976

**Keyword(s):**

Code of Civil Procedure, Appeal, Agreement

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**THE UTTAR PRADESH CIVIL LAWS (REFORMS AND AMENDMENT) ACT, 1976**

(U. P. ACT NO. 57 OF 1976)

\*[Authoritative English Text of the Uttar Pradesh Civil Vidhi (Sudhar Au' Sānshodhān) Adhiniyam, 1976]

AN ACT

further to amend the Code of Civil Procedure, 1908, the Arbitration Act, 1940, the Indian Contract Act, 1872, the Bengal, Agra and Assam Civil Courts Act, 1887, the Provincial Small Cause Courts Act, 1887, the Transfer of Property Act, 1882, the Registration Act, 1908, and the Hindu Adoption and Maintenance Act, 1956, in their application to the State of Uttar Pradesh.

It is hereby enacted in the Twenty-seventh Year of Republic of India as follows :-

**CHAPTER I**

**PRELIMINARY**

Short title, extent and commencement.

- (1) This Act may be called the Uttar Pradesh Civil Laws (Reforms and Amendment) Act, 1976.
- (2) It extends to the whole of Uttar Pradesh.
- (3) It shall come into force on such date as the State Government may by notification appoint in this behalf.

**CHAPTER II**

**AMENDMENT OF THE CODE OF CIVIL PROCEDURE, 1908**

Amendment of section 35-A of Act V of 1908.

2. In the Code of Civil Procedure, 1908 (hereinafter in this Chapter referred to as the principal Act) in section 35-A, after sub-section (1), the following sub-section shall be inserted, namely:-

“(1-A) The provisions of sub-section (1) shall *mutatis mutandis* apply to an appeal where the appellate court confirms the decision of the trial court and the trial court has not awarded, or has awarded insufficient, compensatory cost under that sub-section.”

Amendment of section 47.

3. In section 47 of the principal Act, Explanation II inserted by the U. P. Civil Laws (Reforms and Amendment) Act, 1954, shall be omitted.

U. P. A  
24 of 1976

\*For Statement of Objects and Reasons please see *Uttar Pradesh Gazette Extraordinary*, dated November 5, 1976.

Passed in Hindi by the Uttar Pradesh Legislative Assembly on November 2, 1975 and by the Uttar Pradesh Legislative Council on November 8, 1976.

Received the assent of the President on December 30, 1976 under Article 201 of the Constitution of India and was published in Part I (a) of the Legislative Supplement of the *Uttar Pradesh Gazette Extraordinary*, dated December 31, 1976.

Amendment of  
the First Schedule.  
Order II.

4. In the First Schedule to the principal Act (hereinafter in this Chapter referred to as the First Schedule), in Order II, in rule 2—

(a) the existing explanation shall be numbered as Explanation I, and after Explanation I, as so numbered the following Explanation II, shall be inserted, namely:—

*"Explanation II—For the purposes of this rule a claim for ejectment of the defendant from immovable property let out to him and a claim for money due from him on account of rent or compensation for use and occupation of that property, shall be deemed to be claims in respect of distinct causes of action."*

(b) for the illustration, the following illustration shall be substituted, namely:—

*"Illustration—A lets immovable property to B at a yearly rent. The rent for the whole of the years 1905, 1906 and 1907 is due and unpaid, and the tenancy is determined before A sues B in 1908, only for the rent due for 1906. A may afterwards sue B for ejectment but not for the rent due for 1905 or 1907."*

Insertion  
Order IV-A.

of 5. In the First Schedule, after Order IV, the following Order shall be inserted, namely:—

#### "ORDER IV-A

#### CONSOLIDATION OF CASES

1. Consolidation of suits and proceedings—When two or more suits or proceedings are pending in the same court, and the court is of opinion that it is expedient in the interest of justice, it may by order direct their joint trial, whereupon all such suits and proceedings may be decided upon the evidence in all or any such suits or proceedings."

Amendment  
Order VI.

of 6. In the First Schedule, in Order VI, in rule 15, in sub-rule (1), for the words "at the foot", the following words shall be substituted, namely:—  
"on oath administered by an officer empowered under section 139 of the Code."

Amendment  
Order XV.

of 7. In the First Schedule, in Order XV, for the existing rule 5, the following rule shall be substituted, namely:—

*"5. Striking off defence on failure to deposit admitted rent, etc.—*

(1) In any suit by a lessor for the eviction of a lessee after the determination of his lease and for the recovery from him of rent or compensation for use and occupation, the defendant shall, at or before the first hearing of the suit, deposit the entire amount admitted by him to be due together with interest thereon at the rate of nine per centum per annum and whether or not he admits any amount to be due, he shall throughout the continuation of the suit regularly deposit the monthly amount due within a week from the date of its accrual, and in the event of any default in making the deposit of the entire amount admitted by him to be due or the monthly amount due as aforesaid, the court may subject to the provisions of sub-rule (2), strike off his defence.

*Explanation 1—The expression 'first hearing' means the date for filing written statement or for hearing mentioned in the summons, or where more than one of such dates are mentioned, the last of the dates mentioned.*

*Explanation 2—The expression 'entire amount admitted by him to be due' means the entire gross amount, whether as rent or compensation for use and occupation, calculated at the admitted rate of rent for the admitted period of arrears after making no other deduction except the taxes, if any, paid to a local authority in respect of the building on lessor's account and the amount, if any, deposited in any court under section 30 of the U. P. Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972.*

*Explanation 3—The expression 'monthly amount due' means the amount due every month, whether as rent or compensation for use and occupation at the admitted rate of rent, after making no other deductions except the taxes, if any, paid to a local authority in respect of the building on lessor's account.*

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(2) Before making an order for striking off defence, the court may consider any representation made by the defendant in that behalf provided such representation is made within 10 days, of the first hearing or, of the expiry of the week referred to in sub-section (1), as the case may be.

(3) The amount deposited under this rule may at any time be withdrawn by the plaintiff:

Provided that such withdrawal shall not have the effect of prejudicing any claim by the plaintiff disputing the correctness of the amount deposited:

Provided further that if the amount deposited includes any sums claimed by the depositor to be deductible on any account, the court may require the plaintiff to furnish security for such sum before he is allowed to withdraw the same."

8. In the First Schedule, in Order XVI—

Amendment of Order XVI.

(a) in rule 2,—

(i) in sub-rule (1) at the end, the following proviso shall be inserted, namely :—

"Provided, where Government is the party applying for a summons to a Government servant, it shall not be necessary for it to make any such payment into court."

(ii) sub-rule (4) as inserted by the Allahabad High Court shall be omitted and after sub-rule (4) as inserted by the Code of Civil Procedure (Amendment) Act, 1976, the following sub-rule shall be inserted, namely :—

"(4-A) Allowances, etc. of Government servant witnesses to be taxed as costs. Any travelling and daily allowances and the salary payable to a Government servant who attends the Court to give evidence or to produce a document shall, on the amount being certified by such witness be taxable as costs.

Explanation 1. The travelling and daily allowances shall be in accordance with the rules governing such allowances, applicable to the Government servant in question.

Explanation 2. The daily allowance and salary of the Government servant shall be proportionate to the number of days of his attendance required by the Court."

(b) in rule 4, the following proviso shall be inserted, namely :—

"Provided that nothing in this rule shall apply to a case where the witness is a Government servant summoned at the instance of Government as a party."

9. In the First Schedule, in Order XIX, in rule 1, for the existing proviso, the following proviso shall be substituted, namely :—

Amendment of Order XIX.

Provided that if it appears to the Court, whether at the instance of either party or otherwise and whether before or after the filing of such affidavit, that the production of such witness for cross-examination is necessary and his attendance can be procured, the Court shall order the attendance of such witness, whereupon the witness may be examined, cross-examined and re-examined."

10. In the First Schedule, in Order XXI, rule 104, rule 105 and rule 106 as inserted by Allahabad High Court shall be re-numbered as rule 106-A, rule 106-B and rule 106-C, respectively.

Amendment of Order XXI.

11. In the First Schedule, in Order XXVII—

Amendment of Order XXVII.

(a) in the marginal heading after the words "official capacity" the words "or Statutory Authorities, etc." shall be inserted;

(b) after rule 9, as inserted, by the Allahabad High Court, the following rule shall be inserted, namely:—

**"10. Suits by or against statutory authorities—**

(1) Any authority or Corporation, constituted by or under any law, may, from time to time appoint a Standing Counsel, to be called Corporation pleader of that authority, in any district and give information of such appointment to the District Judge.

(2) The Corporation pleader so appointed shall be the agent in that district of the appointing authority or Corporation for purposes of receiving processes against it, but shall not act or plead without filing a Vakalatnama or memorandum of appearance."

Amendment of Order XXIX. 12. In the First Schedule, in Order XXIX, in rule 2, after clause (a), the following clause shall be inserted, namely:—

"(aa) on its corporation pleader in the district where the Court issuing summons is located, if one has been appointed and the appointment has been notified to the District Judge under rule 10 of Order XXVII, or."

Amendment of Order XXXIX. 13. In the First Schedule, in Order XXXIX—

(a) in rule 2, in sub-rule (2), the following proviso shall be inserted, namely:—

"Provided that no such injunction, shall be granted—

(a) where no perpetual injunction could be granted in view of the provisions of section 38 and section 41 of the specific Relief Act, 1963, or

(b) to stay the operation of an order for, transfer, suspension, reduction in rank, compulsory retirement, dismissal, removal or otherwise termination of service of, or taking charge from, any employee including any employee of the Government, or

(c) to stay any disciplinary proceeding pending or intended or, the effect of any adverse entry against any employee of the Government, or

(d) to affect the internal management or affairs of, any educational institution including a University, or a society, or

(e) to restrain any election, or

(f) to restrain, any auction intended to be made or, the effect of any auction made, by the Government, or

(g) to stay the proceedings for the recovery of any dues recoverable as land revenue unless adequate security is furnished, or

(h) in any matter where a reference can be made to the Chancellor of a University under any enactment for the time being in force;

and any order for injunction granted in contravention of these provisions shall be void."

in rule 4—

(i) after the words "by the court", the words "for reasons to be recorded, either on its own motion or" shall be inserted;

(ii) at the end, the following proviso shall be inserted, namely:—

"Provided that if at any stage of the suit it appears to the Court that the party in whose favour the order of injunction exists is dilating the proceeding or is otherwise abusing the process of Court, it shall set aside the order for injunction."

Act 4  
1963.



Amendment of section 34.

19. In section 34 of the principal Act, at the end the following explanations shall be inserted, namely:—

"Explanation 1—Where the arbitration agreement provides for reference to a person by name or designation, the fact that the arbitrator or the umpire so named or designated is an employee of, or is otherwise connected with, one of the parties, shall not, by itself, be deemed to be a sufficient reason for not referring the matter in accordance with the arbitration agreement.

Explanation 2—A mere application for time to file a written statement or a mere contest to an interlocutory application for injunction, appointment of Receiver or the like, shall not amount to taking any steps in the proceedings."

Amendment of section 37.

20. In section 37 of the principal Act, for the words and figures "the Indian Limitation Act, 1908," wherever occurring, the words and figures "the Limitation Act, 1963" shall be substituted.

Amendment of section 38.

21. In section 38 of the principal Act, for the words "fees demanded" where they occur for the second time, the following words shall be substituted namely:—

"fees determined in accordance with any rules framed by the High Court, and in the absence of any such rule, or where such rules are not applicable, the fees demanded."

Amendment of section 39.

22. In section 39 of the principal Act, in sub-section (1) for the existing clause (iv) the following clause shall be substituted, namely:—

"(iv) under section 20, making or refusing to make a reference ;".

Amendment of section 44.

23. In section 44 of the principal Act, after clause (a), the following clause shall be inserted, namely:—

"(aa) the fees and other charges payable to an arbitrator or an Umpire ;".

Amendment of the First Schedule.

24. In the First Schedule to the principal Act—

(a) in paragraph 2, for the words "not later than one month from the latest date of their respective appointments" the words "within one month from the latest date of their respective appointments or within such extended time as the parties to the reference agree to, and in the absence of such agreement as the court may allow" shall be substituted ;

(b) in paragraph 3, for the words "or within such extended time as the court may allow" the words "or within such extended time as the parties to the reference agree to, and in the absence of such agreement, as the court may allow" shall be substituted ;

(c) in paragraph 5, for the words "or within such extended time as the court may allow" the words "or within such extended time as the parties to the reference agree to, and in the absence of such agreement, as the court may allow" shall be substituted ;

(d) after paragraph 7, the following paragraph shall be inserted, namely:—

"7-A. Where and in so far as an award is for the payment of money, the arbitrators or the umpire may, in the award, order interest at such rate as the arbitrators or umpire may deem reasonable to be paid on the principal sum awarded, from the date of the commencement of the arbitration, as defined in sub-section (3) of section 37, to the date of award, in addition to any interest awarded on such principal sum for any period prior to such commencement, with further interest at such rate not exceeding six per cent per annum as the arbitrators or umpire may deem reasonable on such principal sum from the date of the award to the date of payment or to such earlier date as the arbitrators or umpire may think fit, but in no case beyond the date of the decree to be passed on the award."

Act 1908 Act 1963

Act 972.

CHAPTER IV

AMENDMENT OF THE INDIAN CONTRACT ACT, 1872

25. In section 5 of the Indian Contract Act, 1872, hereinafter in this Chapter referred to as the principal Act, at the end of the first paragraph, the following explanation shall be inserted, namely:

Amendment of section 5 of Act 9 of 1872.

"Explanation—Where an invitation to a proposal contains a condition that any proposal made in response to such invitation shall be kept open for a specified time and a proposal is thereupon made accepting such condition, such proposal may not be revoked within such time."

26. In section 55 of the principal Act, in the third paragraph, for the words "unless at the time of such acceptance he gives notice to the promiser of his intention to do so", the words "where at the time of such acceptance he has waived his right to do so" shall be substituted.

Amendment of section 55.

CHAPTER V

AMENDMENT OF BENGAL, AGRA AND ASSAM CIVIL COURTS ACT, 1887

27. For section 19 of the Bengal, Agra and Assam Civil Courts Act, 1887, hereinafter in this Chapter referred to as the principal Act, the following section shall be substituted, namely:—

Amendment of section 19 of Act 12 of 1887.

"19 (1) Save as aforesaid, and subject to the provisions of sub-section (2), the jurisdiction of a Munsif extends to all like suits of which the value does not exceed five thousand rupees."

(2) The State Government may, on the recommendation of the High Court, direct by notification in the official Gazette, with respect to any Munsif named therein, that his jurisdiction shall extend to all like suits of such value not exceeding ten thousand rupees as may be specified in the notification:

Provided that the State Government may, by notification in the official Gazette, delegate to the High Court its powers under this section"

28. In section 25 of the principal Act, in sub-section (1) as amended from time to time in its application to Uttar Pradesh,

Amendment of section 25.

(a) for the words "one thousand rupees and five hundred rupees", the words "two thousand rupees" and "one thousand rupees" shall respectively be substituted;

(b) for the proviso, as substituted by the Uttar Pradesh Civil Laws Amendment Act, 1972, the following proviso shall be substituted, namely:—

"Provided that in relation to suits of the nature referred to in the proviso to sub-section (3) of section 15 of the said Act the reference in this sub-section to two thousand rupees and one thousand rupees shall be construed respectively as references to five thousand rupees and two thousand rupees."

CHAPTER VI

AMENDMENT OF THE PROVINCIAL SMALL CAUSE COURTS ACT, 1887

29. In section 15 of the Provincial Small Cause Courts Act, 1887,

Amendment of section 15 of Act 9 of 1887.

(a) in sub-section (2), for the words "one thousand rupees", the words "two thousand rupees" shall be substituted;

(b) in sub-section (3) and in the proviso thereto, for the words, "two thousand rupees" wherever they occur, the words "three thousand rupees" shall be substituted.

CHAPTER VII

AMENDMENT OF THE TRANSFER OF PROPERTY ACT, 1882

30. In section 54 of the Transfer of Property Act, 1882, hereinafter in this Chapter referred to as the principal Act,—

Amendment of section 54 of Act 4 of 1882.

(a) in the second paragraph the words "of the value of one hundred rupees and upwards" shall be omitted;

(b) the third and fourth paragraphs shall be omitted;

Act 1906 Act 1963

Act 972.

Handwritten notes in Hindi: "संशोधन" and "संशोधन"



(c) after the last paragraph, the following paragraph shall be inserted, namely:—

"Such contract can be made only by a registered instrument."

Amendment of section 107.

31. In section 107 of the principal Act—

(a) for the second paragraph, the following paragraph shall be substituted, namely:—

"All other leases of immovable property may be made either by a registered instrument or, by an agreement oral or written, accompanied by delivery of possession."

(b) the third paragraph and the proviso shall be omitted.

#### CHAPTER VIII

#### AMENDMENT OF THE REGISTRATION ACT, 1908

Amendment of section 17 of Act 16 of 1908.

32. In section 17 of the Registration Act, 1908, hereinafter in this Chapter referred to as the principal Act,—

(a) in sub-section (1) —

(i) in clause (b), the words "of the value of one hundred rupees and upwards," shall be omitted;

(ii) in clause (e), the words "of the value of one hundred rupees and upwards," shall be omitted;

(iii) after clause (e), the following clause shall be inserted, namely:—

"(f) any other instrument required by any law for the time being in force, to be registered.";

(iv) the proviso shall be omitted;

(b) in sub-section (2) —

(i) in clause (v), after the words "any document" occurring in the beginning, the words "other than contract for sale" shall be inserted, and the words "of the value of one hundred rupees and upwards" shall be omitted;

(ii) the Explanation shall be omitted;

(c) in sub-section (3), after the words "by a will" the words "and an instrument recording adoption of a child executed after the first day of January, 1977" shall be inserted.

Amendment of section 18.

33. In section 18 of the principal Act, clauses (a), (b) and (cc) shall be omitted.

Amendment of section 49.

34. In section 49 of the principal Act,—

(a) in the first paragraph after the words "or by any provision of the Transfer of Property Act, 1882" the words "or of any other law for the time being in force" shall be inserted;

(b) for clause (b), the following clause shall be substituted, namely:—

"(b) confer any power or create any right or relationship, or";

(c) in clause (c), after the words "such power" the words "or creating such right or relationship" shall be inserted;

(d) in the proviso, the words "as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877, or" shall be omitted.

Act 44 of 1882.

#### CHAPTER IX

#### AMENDMENT OF THE HINDU ADOPTION AND MAINTENANCE ACT, 1956

Amendment of section 16 of Act 78 of 1956.

35. In the Hindu Adoption and Maintenance Act, 1956, section 16 shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) In case of an adoption made on or after the first day of January, 1977 no Court in Uttar Pradesh shall accept any evidence in proof of the giving and taking of the child in adoption, except a document recording an adoption, made and signed by the person giving and the person taking the child in adoption, and registered under any law for the time being in force :

Provided that secondary evidence of such document shall be admissible in the circumstances and the manner laid down in the Indian Evidence Act, 1872."

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उत्तर प्रदेश, लखनऊ

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CHAPTER X  
TRANSITORY PROVISIONS

36. A civil suit, or proceeding to which the Code of Civil Procedure, 1908 applies, pending on the date of commencement of this Act shall be disposed of in accordance with the provisions of the said Code as amended by this Act.

Disposal of pending civil cases.

37. An application under section 20 of the Arbitration Act, 1940 pending on the date of the commencement of this Act shall be disposed of in accordance with the provisions of that section as amended by this Act.

Disposal of pending applications under section 20 of Act 10 of 1940.

38. Where a period prescribed in the Arbitration Act, 1940 has been extended by virtue of any amendment made in its provisions by this Act and the said period had not expired before the date of commencement of this Act, then the thing required to be done within such period may be done within the period so extended.

Effect of extension of time in Act 10 of 1940.

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Act 44 of 1882.