

The Small Cause Courts Act, 1887

(ACT NO. IX OF 1887)

¹♣An Act to consolidate and amend the law relating to Courts of Small Causes

WHEREAS it is expedient to consolidate and amend the law relating to Courts of Small Causes; It is hereby enacted as follows:-

CHAPTER I PRELIMINARY

Title, extent and commencement

1. (1) This Act may be called the ²[* * *] Small Cause Courts Act, 1887.
- (2) It extends to the whole of Bangladesh; and
- (3) It shall come into force on the first day of July, 1887.

[Repealed]

2. [Repealed partly by the Amending Act, 1891(XII of 1891), section 2 and Schedule I, and partly by section 2 and Schedule of the Repealing Act, 1938 (I of 1938).]

Savings

3. Nothing in this Act shall be construed to affect-
 - (a) any proceedings before or after decree in any suit instituted before the commencement of this Act; or
 - (b) the jurisdiction of a Magistrate under any law for the time being in force with respect to debts or other claims of a civil nature, ³[* * *]; or
 - (c) any local law or any special law other than the ⁴[Code of Civil Procedure, 1908.]

Definition

4. In this Act, unless there is something repugnant in the subject or context, "Court of Small Causes" means a Court of Small Causes

The Small Cause Courts Act, 1887.
constituted under this Act, and includes any person exercising jurisdiction
under this Act in any such Court.

CHAPTER II

CONSTITUTION OF COURTS OF SMALL CAUSES

Establishment of Courts of Small Causes	<p>5. (1) The Government may, by order in writing, establish a Court of Small Causes at any place within the territories under its administration.</p> <p>(2) The local limits of the jurisdiction of the Court of Small Causes shall be such as the Government may define, and the Court may be held at such place or places within those limits as the Government may appoint.</p>
Judge	<p>6. When a Court of Small Causes has been established there shall be appointed, by order in writing, a Judge of the Court:</p> <p>Provided that if the Government so direct, the same person shall be the Judge of more than one such Court.</p>
[Omitted]	7. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]
[Omitted]	8. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]
[Repealed]	9. [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]
[Omitted]	10. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]
[Omitted]	11. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]
[Omitted]	12. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]
[Repealed]	13. [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

[Omitted]

14. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

CHAPTER III

JURISDICTION OF COURTS OF SMALL CAUSES

Cognizance of suits by Courts of Small Causes

15. (1) A Court of Small Causes shall not take cognizance of the suits specified in the second schedule as suits excepted from the cognizance of a Court of Small Causes.

(2) Subject to the exceptions specified in that schedule and to the provisions of any enactment for the time being in force, all suits of a civil nature of which the value does not exceed ⁵[twenty five thousand Taka] shall be cognizable by a Court of Small Causes.

(3) Subject as aforesaid, the Government may, by order in writing, direct that all suits of a civil nature of which the value does not exceed ⁶[thirty thousand Taka] shall be cognizable by a Court of Small Causes mentioned in the order.

Exclusive jurisdiction of Courts of Small Causes

16. Save as expressly provided by this Act or by any other enactment for the time being in force, a suit cognizable by a Court of Small Causes shall not be tried by any other Court having jurisdiction within the local limits of the jurisdiction of the Court of Small Causes by which the suit is triable.

CHAPTER IV

PRACTICE AND PROCEDURE

Application of the Code of Civil Procedure

17.(1) The procedure prescribed in the Code of Civil Procedure, 1908, shall, save in so far as is otherwise provided by that Code or by this Act, be the procedure followed in a Court of Small Causes in all suits cognizable by it and in all proceedings arising out of such suits:

Provided that an applicant for an order to set aside a decree passed ex parte or for a review of judgment shall, at the time of presenting his application, either deposit in the Court the amount due from him under the decree or in pursuance of the judgment, or give such security for the

performance of the decree or compliance with the judgment as the Court may, on a previous application made by him in this behalf, have directed.

(2) Where a person has become liable as surety under the proviso to sub-section (1), the security may be realized in manner provided by section 145 of the Code of Civil Procedure, 1908.

[Omitted] 18 [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

[Omitted] 19. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

[Omitted] 20. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

[Omitted] 21. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

[Omitted] 22. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

**Return of
plaints in
suits
involving
questions
of title**

23. (1) Notwithstanding anything in the foregoing portion of this Act, when the right of a plaintiff and the relief claimed by him in a Court of Small Causes depend upon the proof or disproof of a title to immoveable property or other title which such a Court cannot finally determine, the Court may at any stage of the proceedings return the plaint to be presented to a Court having jurisdiction to determine the title.

(2) When a court returns a plaint under sub-section (1), it shall comply with the provisions of the ⁷[Code of Civil Procedure, 1908, Schedule I, Order VII, rule 10]; and make such order with respect to costs as it deems just, and the Court shall, for the purposes of the ⁸[Limitation Act, 1908], be deemed to have been unable to entertain the suit by reason of a cause of a nature like to that of defect of jurisdiction.

**Appeal
from certain
orders of
Courts of
Small
Causes**

24. Where an order specified in clause (ff) or clause (h) of sub-section (1) of section 104 of the Code of Civil Procedure, 1908, is made by a Court of Small Causes, an appeal therefrom shall lie to the District court on any ground on which an appeal from such order would lie under that section.

**Revision of
decrees
and orders
of Courts of
Small
Causes**

25. The ⁹[High Court Division], for the purpose of satisfying itself that a decree or order made in any case decided by a Court of Small Causes was according to law, may call for the case and pass such order with respect thereto as it thinks fit.

[Repealed]

26. [Repealed by section 4 of the Presidency Small Cause Courts Law Amendment Act, 1888 (Act No. X of 1888),.]

**Finality of
decrees
and orders**

27. Save as provided by this Act, a decree or order made under the foregoing provisions of this Act by a Court of Small Causes shall be final.

**Application
for distress
warrant**

¹⁰[27A. (1) Any person claiming to be entitled to arrears of rent of any house or premises situate within the local limits of the Court's jurisdiction of which the annual rent does not exceed ¹¹[twenty five thousand Taka] or, where the Court is empowered under sub-section (3) or section 15, ¹²[thirty thousand Taka] may apply to the Court for a distress warrant.

(2) The application shall be supported by an affidavit or affirmation to the effect of Form A given in the Third Schedule.

(3) Nothing in this section shall apply to-

(a) any rent due to Government;

(b) any rent which has been due for more than twelve months before the application mentioned in sub-section (1) is made.

**Application
to
discharge
or suspend
warrant**

27B. (1) The debtor or any other person alleging himself to be the owner of any property seized under a distress warrant under section 27A may, at any time within five days or such extended time as the Court may grant for reasons recorded in writing from such seizure, apply to the Court to discharge or suspend the warrant, or to release a distrained article and the