

THE DECREES AND ORDERS VALIDATING ACT.1936

ACT No.5 OF 1936

[AS ON 1956]

An Act to remove certain doubts and to establish the validity of certain proceedings in High Courts of Judicature {The words in the Provinces omitted by the A.O.1950.Subs., ibid., for sub-section (2).}

[26th April, 1936.]

WHEREAS doubts have arisen as to the validity of certain proceedings in High Courts of Judicature {The words "in the Provinces" omitted by the A.O.1950.Subs., ibid., for sub-section (2).} under the Letters Patent erecting and establishing those Courts;

AND WHEREAS it is expedient to terminate those doubts and to establish the validity of those proceedings;

It is hereby enacted as follows:-

1.Short title and extent.- (1) This Act may be called the Decrees and Orders Validating Act, 1936.

{Subs., ibid., for sub-section (2).} [(2) It extends to the whole of India, except Part B States.]

2.Certain decrees and orders not be called in question.- No decree passed or order made by the High Court of Judicature at Fort William in Bengal, the High Court of Judicature at Madras or the High Court of Judicature at Bombay, in the exercise of its ordinary original civil jurisdiction under clause 12 of its Letters Patent, or by the High Court of Judicature at Rangoon, in the exercise of its original civil jurisdiction under clause 10 of its Letters Patent, shall be called in question in any proceedings before any other Court on the ground that the High Court passing the decree or making the order had no jurisdiction to pass or make the decree or order.

3.Restoration of proceedings.- Where in any proceedings concluded on or after the 26th day of August, 1935, any such decree or order has been found to be invalid on such ground by any Court, such finding shall be void and of no effect; and the Court shall, notwithstanding anything to the contrary in the Indian Limitation Act, 1908, 9 of 1908.or any other law for the time being in force, on application made within six months from the Commencement of this Act by any person prejudicially affected by such finding, restore the proceedings at and continue the proceedings from the state reached immediately before the order embodying or based on such finding was made.