



GOVERNMENT OF TAMIL NADU

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## Part IV—Section 1

### Tamil Nadu Bills.

#### CONTENTS.

#### BILLS

|                                                                                     |         |
|-------------------------------------------------------------------------------------|---------|
| No. 14 of 1994—Tamil Nadu Public Property (Prevention of Damage and Loss) Amendment | 290—292 |
| No. 15 of 1994—Provincial Small Cause Courts (Tamil Nadu Amendment)                 | 293     |
| No. 16 of 1994—Tamil Nadu Compulsory Elementary Education                           | 295—297 |

BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF TAMIL NADU.

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on the 29th April 1994 is published together with Statement of Objects and Reasons for general information :—

L. A. BILL No. 15 OF 1994.

*A bill further to amend the Provincial Small Cause Courts Act, 1887, in its application to the State of Tamil Nadu.*

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-Fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Provincial Small Cause Courts (Tamil Nadu Amendment) Act, 1994.

Short title:  
extent and  
commence-  
ment.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force at once.

2. In section 17 of the Provincial Small Cause Courts Act, 1887, in sub-section (1), for the proviso, the following proviso shall be substituted, namely :—

Amendment of  
section 17.

“Provided that an applicant for a review of judgment shall, at the time of presenting his application, either deposit in the Court, the amount due from him in pursuance of the judgment or give such security for the compliance with the judgment as the Court may on a previous application made by him in this behalf, have directed.”

## STATEMENT OF OBJECTS AND REASONS.

There is a difference between the procedure in setting aside the ex-parte decrees passed by the Provincial Small Cause Courts and the Presidency Small Cause Courts. In the mufussil, an applicant against whom a decree has been passed ex-parte by a court of Small Cause under the Provincial Small Cause Courts Act, 1887 (Central Act IX of 1887) has to deposit into court the decree amount as a condition precedent to the entertainment of his application for setting aside the ex-parte decree but such a pre-condition is not found in the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882). The above difference in the procedure sets the parties in the mofussil, especially those who are poor, at a serious disadvantage and it is also discriminatory. The Tamil Nadu State Legal Aid and Advice Board has requested the Government to amend the provisions of the said Provincial Small Cause Courts Act, 1887 to be in conformity with the procedure prescribed under the said Presidency Small Cause Courts Act, 1882. The Government have, therefore, decided to amend the provisions of the said Provincial Small Cause Courts Act, 1887 to make a provision therein, in conformity with the procedures prescribed under the said Presidency Small Cause Courts Act, 1882.

2. The Bill seeks to give effect to the above decision.

K. A. KRISHNASAMY,  
Minister for Law.

C. S. JANAKIRAMAN,  
Secretary.

Central Act IX  
of 1887.