

THE SMALL CAUSE COURTS ACT, 1887

CONTENTS

CHAPTER I

PRELIMINARY

SECTIONS

1. Title, extent and commencement
2. *[Repealed]*
3. Savings
4. Definition

CHAPTER II

CONSTITUTION OF COURTS OF SMALL CAUSES

5. Establishment of Courts of Small Causes
6. Judge
7. *[Omitted]*
8. *[Omitted]*
9. *[Repealed]*
10. *[Omitted]*
11. *[Omitted]*
12. *[Omitted]*
13. *[Repealed]*
14. *[Omitted]*

CHAPTER III

JURISDICTION OF COURTS OF SMALL CAUSES

15. Cognizance of suits by Courts of Small Causes
16. Exclusive jurisdiction of Courts of Small Causes

CHAPTER IV

PRACTICE AND PROCEDURE

SECTIONS

17. Application of the Code of Civil Procedure
18. [*Omitted*]
19. [*Omitted*]
20. [*Omitted*]
21. [*Omitted*]
22. [*Omitted*]
23. Return of plaints in suits involving questions of title
24. Appeal from certain orders of Courts of Small Causes
25. Revision of decrees and orders of Courts of Small Causes
26. [*Repealed*]
27. Finality of decrees and orders
- 27A. Application for distress warrant
- 27B. Application to discharge or suspend warrant

CHAPTER V

SUPPLEMENTAL PROVISIONS

28. Subordination of Courts of Small Causes
- 28A. Power of District Court to withdraw and transfer cases
29. Seal
30. Abolition of Courts of Small Causes
31. Saving of Power to appoint Judge of Court of Small Causes to other office
32. Application of Act to Courts invested with jurisdiction of Courts of Small Causes

SECTIONS

33. Application of Act and Code to Court so invested as to two Courts
34. Modification of Code as so applied
35. Continuance of proceedings of abolished Courts
36. *[Repealed]*
37. Publication of certain orders

THE FIRST SCHEDULE – *[Repealed]***THE SECOND SCHEDULE** – SUITS EXCEPTED FROM
THE COGNIZANCE OF A COURT OF SMALL CAUSES.

THE SMALL CAUSE COURTS ACT, 1887

ACT NO. IX OF 1887

[24th February, 1887]

**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

1. (1) This Act may be called the ¹[* * *] Small Cause Courts Act, 1887. Title, extent and commencement

(2) It extends to the whole of Bangladesh; and

(3) It shall come into force on the first day of July, 1887.

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 [*Repealed partly by the Amending Act, 1891(XII of 1891), section 2 and Schedule I, and partly by the Repealing Act, 1938 (I of 1938), section 2 and Schedule.*]

3. Nothing in this Act shall be construed to affect— Savings

(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

* Throughout this Act, except otherwise provided, the words “Bangladesh”, “Government” and “Taka” or “Tk.” were substituted, for the words “Pakistan”, “Provincial Government” and “rupees” or “Rs.” respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ The word “Provincial” was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

claims of a civil nature,¹[* * *]; or

- (c) any local law or any special law other than the ²[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 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

5. (1) The Government may, by order in writing, establish a Court of Small Causes at any place within the territories under its administration.

(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.

Judge

6. When a Court of Small Causes has been established there shall be appointed, by order in writing, a Judge of the Court:

Provided that if the Government so direct, the same person shall be the Judge of more than one such Court.

7 and 8. [Omitted by the *Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973) section 3 and 2nd Schedule.*]

9. [Repealed by the *Government of India (Adaptation of Indian Laws) Order, 1937.*]

¹ The words, comma and figure “or of village munsifs under the Dekkan Agriculturists Relief Act, 1879” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words, comma and figure “Code of Civil Procedure, 1908.” were substituted, for the words “Code of Civil Procedure” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

10, 11 and 12. [Omitted by the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973) section 3 and 2nd Schedule.]

13. [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

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

CHAPTER III

JURISDICTION OF 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.

Cognizance of suits by Courts 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 ¹[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 ²[thirty thousand Taka] shall be cognizable by a Court of Small Causes mentioned in the order.

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.

Exclusive jurisdiction of Courts of Small Causes

¹ The words “twenty five thousand Taka” were substituted, for the words “twelve thousand Taka” by section 2(ka) of the Small Cause Courts (Amendment) Act, 1990 (Act No. XLVII of 1990).

² The words “thirty thousand Taka” were substituted, for the words “fifteen thousand Taka” by section 2(kha) of the Small Cause Courts (Amendment) Act, 1990 (Act No. XLVII of 1990).

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.

18-22. [Omitted by the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973), section 3 and 2nd Schedule.]

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 ¹[Code of Civil Procedure,

¹ The words, commas and figures “Code of Civil Procedure, 1908, Schedule 1, Order VII, rule 10” were substituted, for the words and figure “second paragraph of section 57 of the Code of Civil Procedure” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration), Act, 1973 (Act No. VIII of 1973).

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 ¹[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.

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.

Appeal from certain orders of Courts of Small Causes

25. The ²[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.

Revision of decrees and orders of Courts of Small Causes

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

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.

Finality of decrees and orders

³[**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 ⁴[twenty-five thousand Taka] or, where the Court is empowered under sub-section (3) or section 15, ⁴[thirty thousand Taka] may apply to the Court for a distress warrant.

Application for distress warrant

¹ The words, comma and figure "Limitation Act, 1908" were substituted, for the words, comma and figure "Indian Limitation Act, 1877" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act 1973 (Act No. VIII of 1973).

² The words "High Court Division" were substituted, for the words "High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ Sections 27A and 27B were inserted by section 3 of the Provincial Small Cause Courts (Amendment) Ordinance, 1962 (Ordinance No. LI of 1962).

⁴ The words "twenty-five thousand Taka" and "thirty thousand Taka" were substituted, for the words "twelve thousand Taka" and "fifteen thousand Taka" respectively by section 3 of the Small Cause Courts (Amendment) Act, 1990 (Act No. XLVII of 1990).

(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 court may discharge or suspend such warrant or release such article accordingly, upon such terms as it thinks just and the Court may, in its discretion, give reasonable time to the debtor to pay the rent due from him.

(2) Upon any such application, the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Court and shall be paid as the Court directs.]

CHAPTER V

SUPPLEMENTAL PROVISIONS

Subordination of Courts of Small Causes

28. (1) A Court of Small Causes shall be subject to the administrative control of the District Court and to the superintendence of the ¹[High Court Division], and shall—

- (a) keep such registers, books and accounts as the ¹[High Court Division] from time to time prescribes, and
- (b) comply with such requisitions as may be made by the District Court, the ¹[High Court Division] or the Government for records, returns and statements in such form and manner as the authority making the requisition directs.

¹ The words “High Court Division” were substituted, for the words “High Court” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(2) The relation of the District Court to a Court of Small Causes, with respect to administrative control, shall be the same as that of the District Court to a Civil Court of the lowest grade competent to try an original suit of the value of ¹[one lac Taka] in that portion of the territories administered by the Government in which the Court of Small Causes is established.

²[**28A.** (1) Where a District Court is satisfied that any particular suit cannot be adequately tried by a Court of Small Causes it may withdraw such suit from that Court and—

Power of District Court to withdraw and transfer cases

- (i) try or dispose of that suit itself, or
- (ii) transfer such suit to another Court subordinate to the District Court.

(2) Where any suit is so withdrawn, the District Court or the Court to which such suit is transferred shall try and dispose of the same as if such suit were not cognizable by a Court of Small Causes.]

29. A Court of Small Causes shall use a seal of such form and dimensions as are prescribed by the Government.

Seal

30. The Government may, by order in writing, abolish a Court of Small Causes.

Abolition of Courts of Small Causes.

31. (1) Nothing in this Act shall be construed to prevent the appointment of a person who is a Judge or Additional Judge of a Court of Small Causes to be also a Judge of any other Civil Court or to be a Magistrate of any class or to hold any other public office.

Saving of power to appoint judge of Court of Small Causes to other office

(2) When a Judge or Additional Judge is so appointed, the ministerial officers of his Court shall, subject to any rules which the Government may make in this behalf, be deemed to be ministerial officers appointed to aid him in the discharge of the duties of the other office.

¹ The words “one lac Taka” were substituted, for the words “fifty thousand Taka” by section 4 of the Small Cause Courts (Amendment) Act, 1990 (Act No. XLVII of 1990).

² Section 28A was inserted by section 4 of the Provincial Small Cause Courts (Amendment) Ordinance, 1962 (Ordinance No. LI of 1962).

Application of Act to Courts invested with jurisdiction of Court of Small Causes

- 32.** (1) So much of Chapters III and IV as relates to—
- (a) the nature of the suits cognizable by Courts of Small Causes,
 - (b) the exclusion of the jurisdiction of other Courts in those suits,
 - (c) the practice and procedure of Courts of Small Causes,
 - (d) appeal from certain orders of those Courts and revision of cases decided by them, and
 - (e) the finality of their decrees and orders subject to such appeal and revision as are provided by this Act,

applies to Courts invested by or under any enactment for the time being in force with the jurisdiction of a Court of Small Causes so far as regards the exercise of that jurisdiction by those Courts.

(2) Nothing in sub-section (1) with respect to Courts invested with the jurisdiction of a Court of Small Causes applies to suits instituted or proceedings commenced in those Courts before the date on which they were invested with that jurisdiction.

Application of Act and Code to Court so invested as to two Courts.

33. A Court invested with the jurisdiction of a Court of Small Causes with respect to the exercise of that jurisdiction, and the same Court with respect to the exercise of its jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, shall, for the purposes of this Act and the Code of Civil Procedure, be deemed to be different Courts.

Modification of Code as so applied

34. Notwithstanding anything in the last two foregoing sections,—

- (a) when in exercise of the jurisdiction of a Court of Small Causes, a Court invested with that jurisdiction sends a decree for execution to itself as a Court having jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, or

- (b) when a Court, in the exercise of its jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, sends a decree for execution to itself as a Court invested with the jurisdiction of a Court of Small Causes,

the documents mentioned in ¹[Order XXI, rule 6 of the Code of Civil Procedure, 1908,] shall not be sent with the decree unless in any case the Court, by order in writing, requires them to be sent.

35. (1) Where a Court of Small Causes, or a Court invested with the jurisdiction of a Court of Small Causes, has from any cause ceased to have jurisdiction with respect to any case, any proceeding in relation to the case, whether before or after decree, which, if the Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court which, if the suit out of which the proceeding has arisen were about to be instituted, would have jurisdiction to try the suit.

Continuance of proceedings of abolished Courts

(2) Nothing in this section applies to cases for which special provision is made in the ²[Code of Civil Procedure, 1908,] as extended to Courts of Small Causes or in any other enactment for the time being in force.

36. [Repealed by the Limitation Act, 1908 (IX of 1908).]

37. All orders required by this Act to be made in writing by the Government shall be published in the official Gazette.

Publication of certain orders

THE FIRST SCHEDULE.—*Repealed by the Amending Act, 1891 (Act No. XII of 1891), section 2 and Schedule I.*

¹ The words, letter, commas and figures “Order XXI, rule 6 of the Code of Civil Procedure, 1908,” were substituted, for the words and figure “section 224 of the Code of Civil Procedure” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words, comma and figure “Code of Civil Procedure, 1908,” were substituted, for the words “Code of Civil Procedure” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

THE SECOND SCHEDULE**SUITS EXCEPTED FROM THE COGNIZANCE OF A COURT OF
SMALL CAUSES**

(See section 15)

(1) A suit concerning any act done or purporting to be done by or by order of the ¹[Government];

(2) a suit concerning an act purporting to be done by any person in pursuance of a judgment or order of a Court or of a judicial officer acting in the execution of his office;

(3) a suit concerning an act or order purporting to be done or made by any other officer of the Government in his official capacity, or by a Court of Wards, or by an officer of a Court of Wards in the execution of his office;

(4) a suit for the possession of immoveable property other than a suit for ejectment of a tenant unless, any other Court or officer has exclusive jurisdiction in the matter or for the recovery of an interest in such property;

(5) a suit for the partition of immoveable property;

(6) except in the case of simple mortgage, a suit by a mortgagee of immoveable property for the foreclosure of the mortgage or for the sale of the property, or by a mortgagor of immoveable property for the redemption of the mortgage;

(7) a suit for the assessment, enhancement, abatement or apportionment of the rent of immoveable property;

(8) [*Omitted by the Provincial Small Cause Courts (Amendment) Ordinance, 1962 (Act No. LI of 1962), section 5.*]

¹ The word “Government” was substituted, for the words and comma “Central Government, Government representative or the Provincial Government” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(9) a suit concerning the liability of land to be assessed to land-revenue;

(10) a suit to restrain waste;

(11) a suit for the determination or enforcement of any other right to or interest in immoveable property;

(12) a suit for the possession of an hereditary office or of an interest in such an office, including a suit to establish an exclusive or periodically recurring right to discharge the functions of an office;

(13) a suit to enforce payment of the allowance or fees respectively called *malikana and hakk*, or of cesses or other dues when the cesses or dues are payable to a person by reason of his interest in immoveable property or in an hereditary office or in a shrine or other religious institution but nothing in this article shall apply to any claim for money based on contract in writing;

(14) a suit to recover from a person to whom compensation has been paid under the ¹[Land Acquisition Act, 1894], the whole or any part of the compensation;

(15) a suit for the specific performance or rescission of a contract;

(16) a suit for the rectification or cancellation of an instrument;

(17) a suit to obtain an injunction;

(18) a suit to enforce a trust, including a suit to make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust, and a suit by a co-trustee to enforce against the estate of a deceased trustee a claim for contribution;

¹ The words, comma and figure “Land Acquisition Act, 1894” were substituted, for the words, comma and figure “Land Acquisition Act, 1870” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(19) a suit for a declaratory decree, not being a suit instituted under ¹[Order XXI, rules 63 and 100 of the Code of Civil Procedure, 1908];

(20) [*Omitted by the Provincial Small Cause Courts (Amendment) Ordinance, 1962 (Ordinance No. LI of 1962), section 5.*]

(21) a suit to set aside an attachment of immoveable property by a Court or a revenue-authority, or a sale, mortgage, lease or other transfer of immoveable property by a Court or a revenue-authority or by a guardian;

(22) a suit for property which the plaintiff has conveyed while insane;

(23) a suit to alter or set aside a decision, decree or order of a Court or of a person acting in a judicial capacity;

(24) a suit to contest an award;

(25) and (26) [*Omitted by the Provincial Small Cause Courts (Amendment) Ordinance, 1962 (Ordinance No. LI of 1962), section 5.*]

²[(27) a suit under sections 360 and 361 of the Succession Act, 1925, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets];

(28) a suit for a legacy or for the whole or a share of a residue bequeathed by a testator, or for the whole or a share of the property of an intestate;

(29) a suit—

- (a) for a dissolution of partnership or for the winding up of the business of a partnership after its dissolution;
- (b) for an account of partnership transactions; or
- (c) for a balance of partnership-account, unless the balance has been struck by the parties or their agents;

¹ The words, commas and figures “Order XXI, rules 63 and 100 of the Code of Civil Procedure, 1908” were substituted, for the words and figures “section 283 or section 332 of the Code of Civil Procedure” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² Item (27) was substituted, for item (27) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(30) a suit for an account of property and for its due administration under decree;

(31) any other suit for an account, including a suit by a mortgagor, after the mortgage has been satisfied, to recover surplus collections received by the mortgagee, and a suit for the profits on immoveable property, but not including suit, for mesne profits, belonging to the plaintiff which have been wrongfully received by the defendant;

(32) a suit for a general average loss or for salvage;

(33) a suit for compensation in respect of collision between ships;

(34) a suit on a policy of insurance or for the recovery of any premium paid under any such policy;

(35) a suit for compensation—

- (a) for loss occasioned by the death of a person caused by actionable wrong;
- (b) for wrongful arrest, restraint or confinement;
- (c) for malicious prosecution;
- (d) for libel;
- (e) for slander;
- (f) for adultery or seduction;
- (g) for breach of contract of betrothal or promise of marriage;
- (h) for inducing a person to break a contract made with the plaintiff;
- (i) for obstruction of an easement or diversion of a water-course;

¹[(ii) for an act which is, or, save for the provisions of Chapter IV of the ²[Penal Code], would be, an offence punishable under Chapter XVII of the said Code;]

(j) for illegal, improper or excessive distress, attachment or search, or for trespass committed in, or damage caused by, the illegal or improper execution of any distress, search or legal process;

(k) for improper arrest under ³[provisions of the Code of Civil Procedure, 1908,] or in respect of the issue of an injunction wrongfully obtained under Chapter XXXV of that Code; or

(l) for injury to the person in any case not specified in the foregoing sub-clauses of this clause;

(36) a suit by a ⁴[Muslim] for exigible (mu'ajjal) or deferred (mu'wajjal) dower;

(37) a suit for the restitution of conjugal rights, for the custody of a minor, or for a divorce;

(38) a suit relating to maintenance, except where a claim for maintenance is based on contract in writing;

(39) a suit for arrears of land-revenue, village-expenses or other sums payable to the representative of a village-community or to his heir or other successor in title;

(40) a suit for profits payable by the representative of a village-community or by his heir or other successor in title after payment of land-revenue, village-expenses and other sums;

¹ Sub-clause (ii) was inserted by section 2 of the Provincial Small Cause Courts (Amendment) Act, 1914 (Act No. VI of 1914).

² The words "Penal Code" was substituted, for the words "Pakistan Penal Code" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The words, commas and figure "provisions of the Code of Civil Procedure, 1908," were substituted, for the words "Chapter XXXIV of the Code of Civil Procedure" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁴ The word "Muslim" was substituted, for the word "Muhammadan" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(41) a suit for contribution by a sharer in joint property in respect of a payment made by him of money due from a co-sharer, or by a manager of joint property, or a member of an undivided family in respect of a payment made by him on account of the property or family;

(42) a suit by one of several joint mortgagors of immoveable property for contribution in respect of money paid by him for the redemption of the mortgaged property;

(43) a suit against the Government to recover money paid under protest in satisfaction of a claim made by a revenue-authority on account of an arrear of land-revenue or of a demand recoverable as an arrear of land-revenue;

(43A) a suit to recover property obtained by an act which is, or, save for the provisions of Chapter IV of the ¹[Penal Code], would be, an offence punishable under Chapter XVII of the said Code;

(44) a suit the cognizance whereof by a Court of Small Causes is barred by any enactment for the time being in force.

THIRD SCHEDULE

(See section 27A)

In the Court of Small Cause.....

A. B. (Plaintiff)

versus

C. D. (defendant).

A. B. of, in the town of, makes oath (or affirms) and says that C. D., of, is justly indebted to, in the sum of Tk....., for arrears of rent of the house and premises No., situate at, the house and premises No., situate at, in the town of, due for months, to wit, from to, at the rate of Tk..... per mensem.

Sworn or affirmed before me theday of 19
Judge (or Registrar).

¹ The words "Penal Code" were substituted, for the words "Pakistan Penal Code" by section 3 and 2nd Schedule the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).