

Relevant Extract of the West Pakistan Civil Court Ordinance, 1962.

2. **Definition.**--- In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say: —

- (a) "Government" means the Government of the 3 [Khyber Pakhtunkhwa];
- (b) "High Court" means the 1 [Peshawar High Court]
- (c) "Land " means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture or for pasture, and includes the sites of buildings and other structures on such lands;
- (d) "land suit" means a suit relating to land or to any right or interest in land;
- (e) "prescribed" means prescribed by rules made under this Ordinance;
- (f) "small cause" means a suit of the nature cognizable by a Court of Small Causes under the Provincial Small Cause Courts Act, 1887;
- (g) "unclassed suit" means a suit which is neither a small cause nor a land suit; and
- (h) "value" used with reference to a suit means the amount or value of the subject matter of the suit.

3. **Classes of Courts.**--- Besides the Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887, and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts, namely:—

- (a) the Court of the District Judge;
- (b) the Court of the Additional District Judge; and
- (c) the Court of the Civil Judge.

11. **Power to invest Civil judges with Small Cause Courts jurisdiction.**--- The High Court may, by notification, within such local limits as it thinks fit, confer upon any Civil Judge the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, for the trial of suits cognizable by such Courts, up to such value not exceeding one thousand rupees as it thinks fit.

24. **Civil courts having unlimited jurisdiction regarding value to try suits against the State and its servants in their official capacity.**--- (1) No Civil Court not having jurisdiction in original suits without limit as regards value and no Court of the Small Causes shall receive, entertain or register any suit in which Pakistan or any of its Provinces or any public officer as defined in clause (17) of section 2 of the Code of Civil Procedure, 1908, in his official capacity is party.

(2) In every such case the plaintiff shall be referred to the Court of the Civil Judge having jurisdiction in original suits without limit as regard value and such suit shall be instituted only in the Court of such Civil Judge and shall be heard at the headquarters of district. (2A) 2 [* * *] (2B) 3 [* * *]

(3) Nothing in this section shall be deemed to apply to a suit relating to the affairs of a Government Railway or to any suit merely because a public officer is a party thereto, in his capacity as —

- (a) a member of a local authority; or
- (b) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under—
 - (i) Order XXXII, rule 4 (4) of the Code of Civil Procedure, 1908;
 - (ii) section 195 of the Succession Act, 1925;
 - (iii) section 69 or 71 of the Lunacy Act, 1912;
 - (iv) section 7, 18 or 42 of the Guardians and Wards Act, 1890; or
 - (v) any provision of any 1 [Provincial] enactment relating to Court of Wards.