

**Enhancement of Pecuniary Appellate Jurisdiction
of District Courts**

Report No. 37

(15-24)

ENHANCEMENT OF PECUNIARY APPELLATE JURISDICTION OF DISTRICT COURTS

The Pakistan Law Commission received a reference from the Ministry of Law, Justice and Human Rights to consider enhancement in the pecuniary appellate Jurisdiction of District Courts in the country to lessen the workload on the High Courts.

The pecuniary appellate jurisdiction of District Courts was originally fixed rupees twenty five thousand in Section 18 of the W.P. Civil Courts Ordinance 1962 which was later enhanced through amendment by the Punjab Ordinance XX of 1978 to rupees fifty thousand and subsequently to rupees two lac by the Punjab Civil Courts (Amendment) Act 1986 (Act V of 1986). The Province of Sindh enhanced this jurisdiction to rupees fifty thousand in 1981 by Sindh Ordinance No. XIII of 1981, which was further enhanced to rupees two lac fifty thousand in 1991. Civil Law Reforms Commission constituted in 1993 recommended that the pecuniary appellate jurisdiction of the District Courts may be further uniformly enhanced to rupees five lac. The provinces of Sindh, Balochistan and NWFP accordingly amended Section 18 of their Civil Courts Ordinances respectively and implemented the recommendation. However, the Province of the Punjab have so far, not implemented the said recommendation. Under Dastur-ul-Amal Diwani Kalat the pecuniary appellate jurisdiction of Majlis-e-Shura is without limit but such jurisdiction of Majlis-e-Shura (having status of District Court) under the Balochistan Civil Disputes (Shariat Application) Regulation 1976 in the Tribal Areas is rupees fifty thousand.

The frequent devaluation of rupee and high rate of inflation have increased the value of property, goods, etc. due to which the valuation of suits have registered increase. This has vitiated the earlier enhancement of pecuniary appellate jurisdiction of District Courts, thus enhancing pendency in the High Courts due to increased institutions of appeals. To reduce the burden of pendency in the High Courts, it was appropriate that the pecuniary appellate jurisdiction of District Courts be further enhanced. In this respect views of the Ministry of Law, Justice and Human Rights as well as of the Provincial High Courts were invited and all of them agreed to the enhancement of appellate jurisdiction of the District Courts.

The Ministry of Law, Justice and Human Rights has observed that keeping in view the proposed judicial reforms in the country and reducing the pendency in the High Courts, enhancement of pecuniary appellate

jurisdiction of District Courts is the need of the hour. The Ministry proposed a uniform pecuniary appellate jurisdiction of rupees twenty-five lac of the District Courts in all the four provinces with a view to bring uniformity in the justice system of the country.

Mr Justice Fayyaz Ahmed, Chief Justice of High Court of Balochistan, Member of the Commission, proposed this enhancement to rupees ten lac which reads as below:

"Presently District Judges and Additional District Judges have the jurisdiction to hear Civil Appeals, where the value of subject matter does not exceed rupees five lac (vide Balochistan Act II of 1994), whereas keeping in view the efflux of time and in view of the current inflation, providing justice at the doorstep and to lessen the burden with the pendency in the High Court, the appellate jurisdiction of District Judge may be enhanced from rupees five lac to that of rupees ten lac. This will almost save about half or more appeals to be decided at the respective district level without involving financial burden to the litigant public."

Similarly, the Peshawar High Court has in principle agreed to the enhancement of pecuniary appellate jurisdiction of the District Courts in the Province of NWFP to rupees ten lac by observing as follows:—

"Keeping in view the frequent devaluation of rupee and inflation, resulting in increase in the value of property, etc besides the fact that the appellate jurisdiction of District Courts in this Province was last raised from rupees fifty thousand to five lac in 1994, this Court would fully support the proposed enhancement in pecuniary appellate jurisdiction of District Courts to rupees ten lac."

The High Court of Sindh has proposed unlimited pecuniary appellate jurisdiction of District Courts in the province except Karachi for which it has proposed an enhancement to rupees thirty lac. The effect of proposed unlimited pecuniary appellate jurisdiction of the District Courts other than Karachi would be that all first appeals will lie in the District Court and only second appeal will lie in the High Court. The proposal of the High Court of Sindh is in line with the policy of providing inexpensive access to justice at the doorstep.

The Administration Committee of the Lahore High Court has approved to enhance the pecuniary appellate jurisdiction of the District Court to

Rs. 25 lac and the recommendation is under circulation of Judges of the full Court for approval.

The Commission considered the enhancement of appellate jurisdiction of District Courts, and the Majlis-e-Shura under the Balochistan Civil Disputes (Shariat Application) Regulations 1976 in its meeting held on 30th March 2002 and recommended the Provincial Governments to enhance the pecuniary appellate Jurisdiction of the District Judges and the Majlis-e-Shura as given in the chart at Appendix-I. This will necessitate amendments in Section 18 of the Civil Courts Ordinance 1962 of the respective provinces as per draft amendments at Appendixes II, III, IV & V.

DISTRICT COURTS
Original /Appellate Jurisdiction

Enhancement approved by	Existing jurisdiction	Proposed enhancement
1. Ministry of Law, Justice & Human Rights		
Uniform Pecuniary Appellate Jurisdiction of Districts Courts in all four provinces.	—	Rupees twenty-five lac
2. High Court of Sindh		
(a) Original Pecuniary Jurisdiction		
(i) For Karachi	Rupees five lac	Rupees thirty lac
(ii) Sindh excluding Karachi	Unlimited	—
(b) Appellate Pecuniary Jurisdiction		
(i) Sindh excluding Karachi	Rupees five lac	Unlimited
(ii) For Karachi	Rupees five lac	Rupees thirty lac
3. High Court of Balochistan		
(i) Original Pecuniary Jurisdiction	Unlimited	—
(ii) Appellate Pecuniary Jurisdiction	Rupees five lac	Rupees ten lac
4. High Court of Peshawar		
(i) Original Pecuniary Jurisdiction	Unlimited	—
(ii) Appellate Pecuniary Jurisdiction	Rupees five lac	Rupees ten lac
5. Lahore High Court		
(i) Original Pecuniary Jurisdiction	Unlimited	—
(ii) Appellate Pecuniary Jurisdiction	Rupees two lac	Rupees twenty five lac

AN

ORDINANCE

further to amend the Sindh Civil Courts Ordinance 1962

Preamble.—Whereas it is expedient to amend the Sindh Civil Courts Ordinance 1962 (W.P. Ord. II of 1962) for the purpose hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred upon him under Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999 (Chief Executive's Order No.9 of 1999) as amended by Chief Executive's Order No.11 of 2000, the Governor of the Sindh is pleased to make and promulgate the following Ordinance:—

Short title and commencement.— (1) This Ordinance may be called the Sindh Civil Courts (Amendment) Ordinance 2002.

(2) It shall come into force at once.

2. **Amendment of Section 18, W.P. Ordinance II of 1962:**—In the Sindh Civil Courts Ordinance 1962, (W.P. Ordinance II of 1962), in Section 18, in Sub-section (1), in clause (a), for the words "five hundred" the words " thirty hundred" shall be substituted.

GOVERNOR OF SINDH

AN

ORDINANCE

further to amend the NWFP Civil Courts Ordinance 1962

Preamble.—Whereas it is expedient to amend the NWFP Civil Courts Ordinance 1962 (W.P.Ord.II of 1962) for the purpose hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred upon him under Article 4 of the Provisional Constitution (Amendment) Order No.9 of 1999 (Chief Executive's Order No.9 of 1999) as amended by Chief Executive's Order No.11 of 2000, the Governor of the NWFP is pleased to make and promulgate the following Ordinance:—

Short title and commencement.—(1) This Ordinance may be called the NWFP Civil Courts (Amendment) Ordinance 2002.

(2) It shall come into force at once.

2. **Amendment of Section 18, W.P. Ordinance II of 1962.**—
In the NWFP Civil Courts Ordinance 1962, (W.P. Ordinance II of 1962), in Section 18, in Sub-section (1), in clause (a), for the words "five hundred" the words " ten hundred" shall be substituted.

GOVERNOR OF NWFP

AN

ORDINANCE

further to amend the Baluchistan Civil Courts Ordinance 1962

Preamble.—Whereas it is expedient to amend the Baluchistan Civil Courts Ordinance 1962 (W.P.Ord. II of 1962) for the purpose hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred upon him under Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999 (Chief Executive's Order No.9 of 1999) as amended by Chief Executive's Order No.11 of 2000, the Governor of the Baluchistan is pleased to make and promulgate the following Ordinance:—

Short title and commencement.—(1) This Ordinance may be called the Baluchistan Civil Courts (Amendment) Ordinance 2002.

(2) It shall come into force at once.

2. Amendment of Section 18, W.P. Ordinance II of 1962.—In the Baluchistan Civil Courts Ordinance 1962, (W.P. Ordinance II of 1962), in Section 18, in Sub-section (1), in clause (a), for the words "five hundred" the words "ten hundred" shall be substituted.

GOVERNOR OF BALUCHISTAN

AN

ORDINANCE

further to amend the Punjab Civil Courts Ordinance 1962

Preamble.—Whereas it is expedient to amend the Punjab Civil Courts Ordinance 1962 (W.P. Ord. II of 1962) for the purpose hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred upon him under Article 4 of the Provisional Constitution (Amendment) Order No.9 of 1999 (Chief Executive's Order No. 9 of 1999) as amended by Chief Executive's Order No.11 of 2000, the Governor of the Punjab is pleased to make and promulgate the following Ordinance:—

Short title and commencement.—(1) This Ordinance may be called the Punjab Civil Courts (Amendment) Ordinance 2002.

(2) It shall come into force at once.

2. **Amendment of Section 18, W.P. Ordinance II of 1962.**—In the Punjab Civil Courts Ordinance 1962, (W.P. Ordinance II of 1962), in Section 18, in Sub-section (1), in clause (a), for the words "two hundred" the words " twenty five hundred" shall be substituted.

GOVERNOR OF PUNJAB