

**Presidency Small Cause Courts (Madras Amendment) Act,
1956**

16 of 1956

[10 October 1956]

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PREAMBLE

An Act further to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Madras.

Whereas it is expedient further to amend the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), in its application to the State of Madras, for the purpose hereinafter appearing;

Be it enacted in the Seventh Year of the Republic of India as follows;--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, Part IV-A, dated the 6th June 1956, page 46.

1. Short title and extent :-

(1) This Act may be called the Presidency Small Cause Courts (Madras Amendment) Act, 1956.

(2) It extends to the whole of the State of Madras.

2. Substitution of new section for section 47 in Central Act XV of 1882 :-

For section 47 of the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), the following section shall be substituted,

namely:--

"47. Stay of proceedings on occupant giving security to bring suit against applicant.--

(1) Where on an application being made under section 41 the occupant, within a month from the service on him of the summons under section 42 or where the summons had not been personally served on him, within a month of his knowledge of the making of the application under section 41, enters into a bond as hereinafter provided to the satisfaction of the Small Cause Court, the Small Cause Court shall stay further proceedings on the application from the stage reached when the bond was accepted by the Small Cause Court.

(2) The occupant shall, by the bond aforesaid, bind himself, with two sureties, for such sum as the Small Cause Court thinks reasonable, having regard to the value of the property and the probable costs of the suit to institute, within a month from the date of the acceptance of the bond by the Small Cause Court, a suit in the High Court or in the City Civil Court, as the case may be, to establish his title to continue in possession of the property and in the event of such suit being dismissed, to pay the applicant the cost that may be decreed to him in such suit.

(3) Where such suit is not instituted within a month of the date of the acceptance of the security by the Small Cause Court or where such suit having been instituted within the said period is dismissed, the Small Cause Court shall proceed with the application from the stage reached when security under sub-section (1) was accepted.

(4) A degree passed in such suit against the applicant shall supersede the order, if any, made under section 43.

(5) Nothing contained in section 22 shall apply to suits under this section".