

Passed on 21-06-18

THE KERALA HIGH COURT (AMENDMENT) BILL, 2018

(As passed by the Assembly)

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*BILL*

*further to amend the Kerala High Court Act, 1958.*

*Preamble.*—WHEREAS, it is expedient further to amend the Kerala High Court Act, 1958 for the purposes hereinafter appearing;

BE it enacted in the Sixty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala High Court (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 15th day of December, 2017.

2. *Amendment of section 3.*—In the Kerala High Court Act, 1958 (5 of 1959) (hereinafter referred to as the principal Act), in clause (13) of section 3,—

(i) in sub-clause (b), for the words “one lakh rupees”, the words “forty lakh rupees” shall be substituted;

(ii) after sub-clause (g), the following sub-clause shall be inserted, namely:—

“(h) from an award passed by the Motor Accidents Claims Tribunal.”.

3. *Special provision in respect of pending appeals, suits and other proceedings.*—Notwithstanding anything contained in the principal Act or any other law for the time being in force, or in any judgment, decree or order of any court, the provisions of sub-clauses (b) and (h) of clause (13) of section 3 of the principal Act as amended by this Act shall apply to all suits, appeals and other proceedings and the applications for compensation under the Motor Vehicles Act, 1988 (Central Act 59 of 1988), as the case may be, instituted prior to the date of commencement of this Act and are pending disposal and all appeals pending before a Bench of two Judges of the High Court as on the said date, where the amount or value of the subject matter of suits or other proceedings involved

does not exceed forty lakh rupees, and all appeals from the awards passed by the Motor Accidents Claims Tribunals, shall be transferred to, and disposed of by the Single Judge:

Provided that the said provision shall not apply to appeals pending before a Bench of two Judges under section 5 of the principal Act.

4. *Repeal and saving.*—(1) The Kerala High Court (Amendment) Ordinance, 2018 (22 of 2018) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

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