

PART T —RECIPROCAL ARRANGEMENTS WITH JAMMU
AND KASHMIR

1. Any decree passed by any civil court established in any part of India to which the provisions of the Code do not extend or by any court established or continued by the authority of the Central Government outside India may if it cannot be executed within the jurisdiction of the court which passed it, be executed by any civil court in India (Section 43 of the Code of Civil Procedure).

References.

2. The State of Jammu and Kashmir is a part of India (vide Article 1 of the Constitution of India) to which the provision of the Code of Civil Procedure do not extend [Section 1 (3) of the Code as amended by Act II of 1951]. Section 43 therefore, makes provision for the execution of decrees of civil courts of Jammu and Kashmir by civil Courts in those parts of India, where the Code extends.

Reciprocal
Arrangements.

3. The Jammu and Kashmir Government have substituted a new section 44 in the Jammu and Kashmir Code of Civil Procedure, 1977 by their Amending Act No. 1 of Sambat 2011. It runs as follows:

Ditto.

"Section 44. *Execution of decrees passed by Courts in other States in India:*—

(J & K state)

The Government may by notification in the Government Gazette declare that decrees of any civil or Revenue court situate in India beyond the limits of Jammu and Kashmir State or of any court established or continued by the authority of the Central Government of India outside India or any class of such decrees may be executed in the State as if they had been passed by courts of the State".

4. The Government of Jammu and Kashmir have issued the following notification under section 44 of their Code.

Notification by
Jammu and
Kashmir State.

"Government of Jammu and Kashmir Chief Secretariat-General Department.

Order No. 914-C of 1954, dated the 10th July, 1954.

Notification:—In exercise of the powers conferred by section 44 of the Code of civil Procedure, 1977, the

Government hereby declare that decrees of any civil court situate in India beyond the limits of the Jammu and Kashmir State or of any court established or continued by the authority of the Central Government outside India may if they cannot be executed within the jurisdiction of the Court by which they were passed, be executed in the State as if they had been passed by a Court of the State".

5. For a list of civil courts in the two Provinces of Jammu and Kashmir and the limits of their territorial jurisdictions see paragraph 6 Chapter 10 C of this Volume.