

Civil Courts Act, 1964

Section 26 - Transfer of Proceedings on Vacation of Office by Civil Judge (Senior Division) or Civil Judge (Junior Division)

1[26. Transfer of proceedings on vacation of office by 2[Civil Judge (Senior Division)] or 2[Civil Judge (Junior Division)]]

(1) In the event of the death, suspension, resignation or removal of a 2[Civil Judge (Senior Division)] or 2[Civil Judge (Junior Division)] or of his being incapacitated by illness or otherwise from performing his duties or of his absence on leave or for any other reason from the place at which the court is held, the District Judge may, subject to the general or special orders of the High Court, withdraw any of the proceedings in the court of such 2[Civil Judge (Senior Division)] or 2[Civil Judge (Junior Division)] to his own court or transfer them to any other court under his administrative control, competent to dispose them.

(2) Proceedings withdrawn or transferred under sub-section (1) shall be disposed of as if they had been instituted in the court to which they had been so withdrawn or transferred.

(3) The District Judge may re-transfer to the Court of 2[Civil Judge (Senior Division)] or 2[Civil Judge (Junior Division)] any proceedings withdrawn or transferred under sub-section (1) to his own or any other court.

(4) For the purpose of proceedings which are not pending in the Court of a 2[Civil Judge (Senior Division)] or 2[Civil Judge (Junior Division)] on the occurrence of an event referred to in sub-section (1), and with respect to which that court has exclusive jurisdiction, the District Judge may exercise all or any of the powers and jurisdiction of that Court.]

1 . Section 25 and 26 substituted by Act 81 of 1976 (w.e.f. 1.10.1978).

2 . Substituted by Act 16 of 1996 (w.e.f. 21.9.1996).
