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HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171 001

No. HHC/Rules/Holiday Courts/2011-8259. Dated: 16.3.2012.

NOTIFICATION

In exercise of the powers conferred by Articles 227, 234 & proviso to Article 309 of the Constitution of India and all other powers enabling thereto, the Governor of Himachal Pradesh in consultation with the High Court of H.P. has been pleased to make the following rules:-

1. **Short title and commencement:**

- (a) These Rules shall be called “**The Himachal Pradesh Holiday Courts Rules, 2011.**”
- (b) They shall come into force with immediate effect.

2. **Definition:**

In these Rules, unless the context otherwise requires:-

- (a) “**Holiday Courts**” means any court notified under these Rules by the High Court.
- (b) “**Courts**” means the Court of District/Additional District and Sessions Judges established in all the Districts and the Subordinate Courts within the territorial jurisdiction of a Civil & Sessions Division.
- (c) “**Government**” means the Government of Himachal Pradesh.
- (d) “**High Court**” means the High Court of Himachal Pradesh.
- (e) “**Judicial Officers**” means a member of the Himachal Pradesh Judicial Service in the cadre of District Judges/ Additional District Judges and Civil Judges(Senior/Junior) Division.
- (f) “**Member of staff**” means any person(s) or employees working in the Courts.

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3. **Jurisdiction of Holiday Courts:**

The jurisdiction of Holiday Courts shall be in respect of following categories of cases:

- 1) Interlocutory Applications (under Order 38, 39 and 40 of the Code of Civil Procedure, 1908) and applications connected therewith or ancillary thereto;
- 2) Cases pertaining to Motor Vehicles Act and ancillary regulations;
- 3) Cases pertaining to Himachal Pradesh Shop and Commercial Establishment Act, 1969;
- 4) Cheque bouncing cases under Section 138 of the Negotiable Instruments Act, 1881;
- 5) Petitions for maintenance under Section 125 of the Code of Criminal Procedure, 1973;
- 6) Civil cases for recovery of money under Order XXXVII of the Code of Civil Procedure, 1908, where the claim is not more than ₹ 50,000/- (rupees fifty thousand);
- 7) Any other cases which may be transferred to the Holdiay Courts with the consent of the parties;
- 8) Petty offenses such as:
 - a. Section 320 of Code of Criminal Procedure, 1973 Table I and II excluding offence under Section 324, 325, 335, 344, 357, 379, 381, 406, 407, 408, 411, 414, 418, 419, 420, 429, 430, 451 and 494 of the Indian Penal Code;
 - b. Section 160, 279, 294 and 336 of the Indian Penal Code; and
 - c. All offences under any Act which are punishable with upto two years of imprisonment.

Explanation:- For removal of doubts, it is hereby clarified that:-

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