

CHAPTER 2

SUPERINTENDENCE AND CONTROL - CIVIL COURTS

PART A – SUPERINTENDENCE AND CONTROL

1. The general superintendence and control over all civil courts (other than the High Court) is vested in and all such courts are subordinate to the High Court.

Controlling
Authority

Subject to the general superintendence and control of the High Court, every District Court has control over all other civil courts in the district (Section 33 of the Punjab Courts Act, 1918).

Courts of Small Causes are subject to the administrative control of the District Court, and to the superintendence of the High Court (Section 28 of the Provincial Small Cause Courts Act, IX of 1887).

2. The powers of appointment and punishment of the ministerial and other establishments of Civil Courts are regulated by Section 36 of the Punjab Courts Act, 1918, and by rules to be made by the State Government (generally in consultation with the High Court) under Article 309 of the Constitution of India. These rules are contained in Chapter 18 of the Rules and Orders, Volume I.

Control over
establishments
of Civil Courts.

3. Under rules framed by the High Court with the previous approval of the State Government under Sections 20 and 22 of the Court Fees Act, 1870, the establishment employed for serving and executing processes issued by all Civil, Criminal and Revenue Courts is subject to the control of the High Court. Their conditions of service are regulated by the rules mentioned in the preceding paragraph.

Control over
process-serving
establishment.

4. The establishments of officers who exercise civil powers conferred upon them under Section 28 of the Punjab Courts Act, 1918, but are also invested with revenue or

Control over
establishments
dealing with
civil work.

criminal powers, are under the control of Deputy Commissioners acting under the orders of Commissioners and the Financial Commissioners. District Record offices being under the control of Deputy Commissioners, the establishments attached to them are also under the control of Deputy Commissioners. The rule laid down by Government on the subject is that:-

“Where it is not specially provided otherwise by law, the control of all classes of district establishments rests with the Deputy Commissioner and District Magistrate of a district as such, and that in regard to such matters, where it is not otherwise especially provided by law, the superior officer of the Deputy Commissioner and District Magistrate is the Commissioner of the Division [No. 896, dated Lahore, 14th November, 1891 (H.Genl), from officiating Chief Secretary to Government, Punjab and its Dependencies, to the Registrar of the Chief Court.]

Fixing of cases during casual leave of Sub-Judges.

5. It has been found that some Subordinate Judges fix dates for proceedings which fall within the period for which they intend to apply for casual leave. This procedure necessarily leads to adjournments and consequent hardship to litigants. All Subordinate Judges should, therefore, submit their applications for casual leave well in advance of the time at which they intend to proceed on casual leave; and in so doing, they should arrange whenever this is practicable, that no cases are fixed for hearing during the period for which they intend to be absent.

Circular Orders issued by District Judges.

6. Whenever a District Judge proposes to issue a circular order to the Civil Courts subordinate to him dealing with judicial matters (other than mere office routine such as the distribution of work), he must send a draft of the proposed circular to the High Court for approval and may not issue it until such approval is obtained.