

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD**

Dated the 8th November, 1989

No. 750-53/LD/89. The following Ordinance made by the President on the 8th day of November, 1989, is hereby published for general information:-

(ORDINANCE LXV OF 1989)

AN

ORDINANCE

to amend the Code of Civil Procedure, 1908.

WHEREAS it is necessary to amend the Code of Civil Procedure, 1908 (Act V of 1908) for the purposes hereinafter appearing;

AND WHEREAS the Legislative Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of Azad Jammu and Kashmir Interim Constitution Act, 1974 the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, and Commencement.**- (1) This Ordinance may be called the Code of Civil Procedure (Amendment) Ordinance, 1989.
(2) It shall come into force at once.
2. **Amendment of Order XXXIX, Act V of 1908.**- In the Code of Civil Procedure, 1908 (Act V of 1908), as adapted in Azad Jammu and Kashmir, in Order XXXIX,-
“(a) in Rule 3, after the first proviso the following second proviso shall be added:-

“Provided further that where the making of an interim order would have effect of prejudicing or interfering with the carrying out of a public work or of otherwise being harmful to public interest or the state property or of impeding the assessment or collection of public revenue, the Court shall not make an interim order unless the prescribed Law Officer has been given notice of the application and, or any person

authorized by him in that behalf has had an opportunity of being heard.”

(b) after Rule 4, the following new Rule 4-A shall be inserted:-

“4-A. Injunction to cease to be in force after certain period. -- An injunction granted by a Court in a suit which seeks to question the validity or legal effect of any order made, proceedings taken or act done by authority or person, which has been made, taken or done, or purports to have been made, taken or done under any law which under the Azad Jammu and Kashmir Interim Constitution Act, 1974 is within the Law making powers of the Azad Jammu and Kashmir Legislative Assembly or as specified in the third schedule of the said Act; or relates to or is connected with, Development Schemes, assessment or collection of public revenues, shall cease to have effect on the expiration of a period of six months following the day on which it is made, unless the case is finally decided, or the injunction is discharged or set aside by the Court earlier.

Explanation: In this rule, public revenue includes the dues of any bank owned by the Federal Government or of any Corporation or undertaking owned or controlled by the Federal Government or the Government of Azad Jammu and Kashmir.”

Sd/-

(SARDAR MUHAMMAD ABDUL QAYYUM KHAN)

PRESIDENT

AZAD JAMMU AND KASHMIR.

Sd/-

(SYED SHAKIR SHAH)

SECTION OFFICER LEGISLATION
LAW DEPARTMENT OF THE STATE
OF JAMMU & KASHMIR,
MUZAFFARABAD