

Volume X (1994-2000)
AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD

Dated the 18th June, 1994

No. 433-37/LD/94. The following Ordinance made by the President on the 17th day of June, 1994, is hereby published for general information:-

(ORDINANCE XXIII OF 1994)

AN
ORDINANCE

to amend the Azad Jammu and Kashmir Family Courts Act, 1994

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Family Courts Act, 1994 (Act XI of 1994) 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 the sub-section (1) of Section 41 of the 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 Azad Jammu and Kashmir Family Courts (Amendment) Ordinance, 1994.
(2) It shall come into force at once.
2. **Amendment Section 2, Act XI of 1994.-** In the Azad Jammu and Kashmir Family Courts Act, 1994 (Act XI of 1994), hereinafter referred to as the said Act, in Section 2, the existing provisions shall be re-numbered as sub-section (1) and thereafter the following new sub-section (2) shall be inserted, namely:-
“(2) words and expressions used in this Act but not defined, shall have the meanings respectively assigned to them in the Code of Civil Procedure, 1908.”
3. **Amendment of Section 7, Act XI of 1994.-** In the said Act, in Section 7,-
 - (a) in sub-section (2) between the words “all” and “facts” the word “material” shall be inserted;
 - (b) sub-section (3) shall be substituted as under:-

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- “(3) (i) where a plaintiff sues or relies upon a document in his possession or power, he shall produce it in Court when the plaint is presented, and shall at the same time, deliver document or a copy thereof to be filed with the plaint;
- (ii) where he relies on any other document not in his possession or power, as evidence in support of his claim, he shall enter such documents in a list to be appended to the plaint.”

4. **Amendment of Section 11, Act XI of 1994.-** In the said Act, in Section 11,-

- (a) for sub-section (3) the following shall be substituted namely:-

“(3) The witnesses shall give their evidence in their own words:

Provided that the parties or their counsel may further examine, cross-examine or re-examine the witnesses:

Provided further that the Family Court may forbid any question which it regards as indecent, scandalous or frivolous or which appear to it to be intended to insult or annoy any one or is needlessly offensive in form.”

- (b) after sub-section (3) as amended aforesaid the following new sub-section (3-A) shall be inserted, namely:-

“(3-A) The Family Court may, if it so deems, fit, put any question to any witness for the purposes of elucidation of any point which it considers material in the case.”

5. **Amendment of Section 14, Act XI of 1994.-** In the said Act, in Section 14, in sub-section (1), between the words “appealable” and “to” the words “within thirty days” shall be inserted.

6. **Insertion of Section 21-A, Act XI of 1994.-** In the said Act, after Section 21, the following new Section 21-A shall be inserted, namely:-

“21-A. Transfer of pending cases.- On commencement of this Ordinance,-

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- (a) all suits and applications pending before any Court regarding any matter which hitherto for is within the jurisdiction of a Family Court, shall stand transferred to the Family Court concerned and the Family Court shall start proceedings from the stage which the case has reached.
- (b) all appeals in respect of any matter falling within the purview of this Ordinance pending before Additional District Judge or District Judge or High Court, shall stand transferred to Azad Jammu and Kashmir Shariat Court.”

Sd/- (Sardar Sikandar Hayat Khan)
President

Azad Jammu and Kashmir

Sd/- (Syed Shakir Shah)
Deputy Secretary Law.