



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND
PARLIAMENTARY AFFAIRS
(*Legislation Section*)

Jammu, the 13th December, 2018.

The following Act has been assented to by the Governor on 13th December, 2018 and is hereby published for general information :—

**THE JAMMU AND KASHMIR CIVIL PROCEDURE
(AMENDMENT) ACT, 2018**

(Governor Act No. XLI of 2018)

[13th December, 2018.]

Enacted by the Governor in the Sixty-ninth Year of the Republic of India.

An Act to amend the Code of Civil Procedure, Samvat, 1977.

In exercise of the powers vested under Proclamation No. P-1/18 of 2018 dated 20th June, 2018, the Governor is pleased to enact as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Code of Civil Procedure (Amendment) Act, 2018.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of section 35.*—For section 35 of the Code of Civil Procedure, Samvat 1977 (hereinafter referred to as the 'Code'), the following section shall be substituted, namely:—

“35. Costs.—(1) In relation to any dispute, the court, notwithstanding anything contained in any other law for the time being in force or rule, has the discretion to determine :

- (a) whether costs are payable by one party to another ;
- (b) the quantum of those costs ; and
- (c) when they are to be paid.

Explanation :— For the purpose of clause (a), the expression "costs" shall mean reasonable costs relating to—

- (i) the fees and expenses of the witnesses incurred ;
- (ii) legal fees and expenses incurred ;
- (iii) any other expenses incurred in connect with the proceedings.

(2) If the court decides to make an order for payment of costs, the general rule is that the unsuccessful party shall be ordered to pay the costs to the successful party :

Provided that the court may make an order deviating from the general rule for reasons to be recorded in writing.

