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years from the date of registration of the document. This suit for possession, therefore, is clearly time-barred.

For the reasons given, we accept the appeal and, setting aside the decrees of the Courts below, we dismiss the plaintiff's suit. The parties will, however, bear their own costs throughout.

A. N. C.

*Appeal accepted.*

### REVISIONAL CIVIL.

*Before Addison and Din Mohammad JJ.*

BAKHT SINGH (DEBTOR)—Petitioner,

*versus*

THE MUNICIPAL COMMITTEE, SARGODHA,  
 AND OTHERS (CREDITORS) Respondents.

Civil Revision No. 170 of 1937.

*Punjab Relief of Indebtedness Act (VII of 1934), S. 25 — Insolvency Court, whether Civil Court within the meaning of section.*

*Held*, that Section 25 of the Punjab Relief of Indebtedness Act applies to an Insolvency Court and on an application made by the debtor to a Debt Conciliation Board an Insolvency Court is bound to stay proceedings of an insolvency application in respect of a debt for the settlement of which an application has been made to the Board.

*Chanan Das v. Ghulam Mohammad (1) and Murad v. Hans Raj, Official Receiver, Jhang (2)*, relied upon.

*Revision from the order of Mr. T. D. Bedi, District Judge, Shahpur at Sargodha, dated 22nd December, 1936, affirming that of Lala Dina Nath Narang, Insolvency Judge, Shahpur at Sargodha, dated 12th*

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*March, 1936, refusing to suspend the insolvency proceedings pending in this Court, till the decision of the Debt Conciliation Board, Jhang.*

R. C. CHAWLA, for Petitioner.

AMOLAK RAM KAPUR and BHAGWAT DAYAL, for Respondents.

The judgment of the Division Bench was delivered by—

ADDISON J.—The point raised in this civil revision is whether section 25 of the Punjab Relief of Indebtedness Act Applies to an Insolvency Court and whether on an application made by the debtor to a Debt Conciliation Board an Insolvency Court is bound to stay proceedings of an insolvency application in respect of a debt for the settlement of which an application has been made to the Board. The Courts below have held that an Insolvency Court is not a Civil Court for the purpose of section 25 of the Punjab Relief of Indebtedness Act and the debtor has preferred this civil revision against their decision.

Section 25 of the Punjab Relief of Indebtedness Act runs as follows:—

“ When an application has been made to a board under section 9, no Civil Court shall entertain any new suit or other proceedings brought for the recovery of any debt for the settlement of which application has been made to the board, and any suit or other proceedings pending before a Civil Court in respect of any such debt shall be suspended until the board has dismissed the application or an agreement has been made under section 17.”

An application has been made to a Debt Conciliation Board by the debtor in respect of the debt of the creditor who put in the application in the Insolvency

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Court, and in respect of other debts. This matter was brought to the notice of the Insolvency Court which has refused to stay the insolvency proceedings. Section 18 of the Punjab Courts Act runs as follows:—

“ Besides the Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887, and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts, namely :—

- (1) The Court of the District Judge;
- (2) The Court of the Additional District Judge;

and

- (3) The Court of the Subordinate Judge.”

This seems to us to mean that Civil Courts include the Court of the District Judge, the Court of the Additional District Judge, the Court of the Subordinate Judge, the Court of Small Causes and any other Court established under any other enactment for the time being in force. As this section is worded, that seems to us to be the only possible interpretation of the section. According to section 18 of the Punjab Courts Act, therefore, an Insolvency Court is a Civil Court.

In section 2 (1) (b) of the Provincial Insolvency Act ‘ District Court ’ means the principal Civil Court of original jurisdiction, that is, the Court of the District Judge, while under the proviso to section 3 (1) of the same Act a Subordinate Court may be invested with jurisdiction as a District Court under the Provincial Insolvency Act. By reason of section 5 of the Provincial Insolvency Act the Insolvency Court, that is, the District Court, shall have the same powers and shall follow the same procedure as it has and follows in the exercise of original civil jurisdiction while

it has already been pointed out that the District Court, which is the Insolvency Court, is a Civil Court according to section 18 of the Punjab Courts Act. There seems, therefore, to be no doubt that Insolvency Courts are Civil Courts.

It was objected, however, that in a later Act the Punjab Debtors' Protection Act, 1936—in section 2 (4) of that Act 'Court' was defined as including a Court acting in the exercise of insolvency jurisdiction and that this showed that 'Court' did not include an insolvency Court without special legislation. This does not follow. By the time this later Act was passed, the point now before us had been raised in many insolvency Courts and numerous applications were pending in this Court and the Legislature may have specifically defined 'Court' to include an insolvency Court for the purpose of this later Act by reason of its knowledge that this point had been raised under the earlier Act. There is no force, therefore, in this objection.

In the present case an application has been made to a Debt Conciliation Board under section 9 of the Punjab Relief of Indebtedness Act. Under section 25 of the Act, therefore, any suit or other proceeding pending before a Civil Court in respect of any debt for the settlement of which application has been made to the Board shall be suspended until the Board has dismissed the application or an agreement had been made under section 17. The application of the creditor in the insolvency Court to have the debtor adjudicated an insolvent is obviously a proceeding pending before a Civil Court in respect of a debt for the settlement of which application has been made to the Board. It follows that the insolvency Court must stay proceedings under section 25.

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This has already been held by a Division Bench of this Court, the decision of which is published as *Chanan Das v. Ghulam Mohammad* (1). It was said there that if an application under section 9 is made to the Board and this is brought to the notice of the Insolvency Judge the proceedings pending before the insolvency Court must be suspended under section 25 of the Act. There is also a decision of a Single Judge to the same effect. This is published as *Murad v. Hans Raj, Official Receiver, Jhang* (2).

For the reasons given we hold that the insolvency Court is a Civil Court for the purpose of section 25 of the Punjab Relief of Indebtedness Act and we accept this petition, set aside the orders of the Courts below and direct the insolvency Court to stay the proceedings pending before it until the Board has dismissed the application of the debtor or an agreement has been made under section 17. We allow the petitioner his costs in this Court but parties will bear their own costs in the other Courts.

A. N. C.

*Revision accepted.*

(1) (1937) 39 P. L. R. 756.

(2) (1937) 39 P. L. R. 333.