

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Code of Civil Procedure, 1908

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908 (No. V of 1908), for the purpose hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 2010.

(2) It shall come into force at once.

2. **Amendment of section 2, Act V of 1908.**- In the Code of Civil Procedure, 1908 (No. V of 1908), in Section 2, after sub-section (1), the following new sub-section (2), shall be inserted and the existing sub-sections, shall be renumbered accordingly:-

“(2) “Court of inheritance” means a Court of inheritance and civil dispute regarding the inheritance whether related to women or any other legal heirs shall be brought before the civil court that shall be called as Court for Inheritance. Whenever a civil dispute regarding a civil matter is presented before a civil court acting as a court of inheritance matters. It shall first try to mediate between the legal heirs. The mediation court shall direct the parties to produce two senior persons to act as *Saalis* and try to solve the matters in dispute between the legal heirs. If they come to a compromise the court of inheritance matters shall decree the inheritance suit in terms of the settlement between the legal heirs. In case of failure it shall decide the case within six months of the failure of compromise.”

STATEMENT OF OBJECTS AND REASONS

It is generally observed that all the genuine legal heirs especially the women, orphans or widows and old and infirm persons go through the agony of long litigations which is Justice Delayed, Justice Denied. The civil courts are over burdened with the volume of civil cases, therefore, the courts cannot decide these cases earlier. After the adoption of this Bill, when these cases will be presented before the courts for being decided within a stipulated time, the court will be bound to decide the inheritance matter in time and this will bring a sigh of relief to the litigants.

2. The Bill seeks to achieve the afore-said objectives.

Sd/-

Justice (Retd) Fakhar-un-Nisa Khokhar
Member, National Assembly