

THE INDIAN COURTS (BURMA JURISDICTION)
REPEALING (AMENDMENT) ACT, 1947.

[BURMA ACT NO. XXXIV OF 1947.]

[23rd August 1946.]

WHEREAS it is expedient to amend the Indian Courts (Burma Jurisdiction) Repealing Act, 1946, for certain purposes ;

AND WHEREAS by Proclamation, dated the tenth day of December, 1942, the Governor of Burma has assumed to himself all powers vested by or under the Government of Burma Act, 1935, in the Legislature or in either Chamber thereof ;

NOW, THEREFORE, in exercise of the said powers, it is hereby enacted by the Governor of Burma as follows :—

1. (1) This Act may be called the Indian Courts (Burma Jurisdiction) Repealing (Amendment) Act, 1947.

(2) It shall be deemed to have come into force on the twenty-third day of August, 1946.

2. After section 2 of the Indian Courts (Burma Jurisdiction) Repealing Act, 1946, the following shall be inserted as sections 3, 4 and 5 thereof :—

“ 3. (1) The High Court of Judicature at Rangoon shall, on application made to it in this behalf, have jurisdiction to continue to try, hear and determine any suit or proceeding, which was instituted or preferred in a High Court or Chief Court in British India by virtue of the provisions of the Indian Courts (Burma Jurisdiction) Act, 1943, and was pending on the 24th February 1946 in the said High Court or Chief Court, as the case may be, as if such suit or proceeding had originally been instituted or preferred in the High Court of Judicature at Rangoon.

(2) The Court before which the hearing of such suit or proceeding is continued, may, if it thinks fit, order any witness who had already been examined in India to be re-examined.”

“ 4. Where a decree for the dissolution or nullity of a marriage has been pronounced by any High Court or Chief Court in British India under the provisions of the Burma Divorce Act, read with the provisions of the Indian Courts (Burma Jurisdiction) Act, 1943, and where such decree has not been confirmed or made absolute, the High Court of Judicature at Rangoon shall, on application made to it in this behalf, have jurisdiction to confirm or make absolute such decree, as if the aforesaid decree for the dissolution or nullity of a marriage were a decree

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which had been passed by the High Court of Judicature at Rangoon ; and the High Court of Judicature at Rangoon shall, in such cases, have power to make all incidental orders under the provisions of the Burma Divorce Act as it may deem fit."

"5. The High Court of Judicature at Rangoon shall have jurisdiction to hear and determine, on application made to it in this behalf, any proceeding arising out of a grant of probate, letters of administration or succession certificate made by a High Court or Chief Court in India by virtue of the provisions of section 4 (1) of the Indian Courts (Burma Jurisdiction) Act, 1943."