

**[THE] COLONIAL COURTS OF ADMIRALTY (INDIA) ACT,
1891**
(ACT NO.16 OF 1891)^a
[14th May, 1891.]

An Act to declare certain Courts in [India] to be Colonial Courts of Admiralty.

Whereas it is provided by the Colonial Courts of Admiralty Act, 1890 that the Legislature of a British possession may by any colonial law declare any Court of unlimited civil jurisdiction in that possession to be a Colonial Court of Admiralty;

And whereas it is expedient, in pursuance of that provision, to declare certain Courts in b[India] to be Colonial Courts of Admiralty;

It is hereby enacted as follows :-

[a] For Statement of Objects and Reasons, see Gazette of India, 1891, Part V, p. 140; for Proceedings in Council, see *ibid*; p.116.

[b] Adapted by A.C.A.O., 1948.

1. Title and commencement - (1) This Act may be called The Colonial Courts of Admiralty (India) Act, 1891; and

(2) It shall come into effect -

(a) If Her Majesty's pleasure thereon has been signified, by notification^a in the b[Official Gazette], on or before the first day of July, 1891, then on that day,
or

(b) If Her Majesty's pleasure thereon has been signified on or before that day, then on the date on which Her Majesty's pleasure shall be signified by such a notification as aforesaid.

[a] For notification publishing Her Britannic Majesty's Assent to this Act, see Gazette of India, 1891, Pt.I, p.371.

[b] Adapted by A.L.O., 1937.

2. Appointment of Colonial Courts of Admiralty - The following Courts of unlimited civil jurisdiction are hereby declared to be Colonial Courts of Admiralty, namely :-

(1) the High Court of Judicature at Fort William in Bengal;

(2) the High Court of Judicature at Madras, a[and]

(3) the High Court of Judicature at Bombay, b[*]

c[*****]

[a] Inserted by A.C.A.O., 1948.

[b] The word "and" was repealed by A.C.A.O., 1948.

[c] The words and figures "(4)the High Court of Judicature at Rangoon, (5) the Court of the Resident at Aden and" were repealed by A.O., 1937 and "(6) the District Court of Karachi" repealed by A.C.A.O., 1948.

3. Construction of Indian Acts referring to Admiralty and Vice-Admiralty Courts - The expressions "Court having Admiralty jurisdiction" and "Admiralty Court" and the expression "Admiralty or Vice-Admiralty cause" and other expressions referring to Admiralty or vice-Admiralty Courts or causes, shall, wherever any such expression occurs in any a[Indian law], be deemed to include a Colonial Court of Admiralty and a Colonial Court of

Admiralty cause, and to refer to a Colonial Court of Admiralty or a Colonial Court of Admiralty cause, respectively.

[a] Substituted by A.O. 1937 for "enactment of the Governor-General-in-Council or of a Governor-in-Council or Lieutenant-Governor-in-Council]"

4. Court-fees in suits in the Colonial Courts of Admiralty at Karachi - [Repealed by A.C.A.O., 1948]

5. Repeal - [Repealed by the Repealing and Amending Act, 1914 (10 of 1914)].

THE SCHEDULE [ENACTMENTS REPEALED]. [Repealed by the Repealing and Amending Act, 1914 (10 of 1914).]

Section 2

(1) A Suit for damages to the cargo can be entertained by the High Court in exercise of the admiralty jurisdiction of the High Court in view of S.6 of the Admiralty Courts Act, 1861 and S.2(2) of Colonial Courts of Admiralty Act, 1891.

AIR 1986 AP. 184 (187) : (1986) 1 Andh W R 474 (DB).

(2) The suit relating to the mortgage of a foreign vessel and arising between foreigners, filed in the Bombay High Court by the consent of parties since the dispute arose when the vessel arrived at Bombay port. Held, that the Court had jurisdiction to entertain the suit.

AIR 1983 Bom 178 (185) : (1983) 85 Bom LR 250

(3) A suit for damage to the cargo imported from Indian Port to foreign country can be entertained by the Bombay High Court in exercise of the admiralty jurisdiction of the High Court.

AIR 1973 Bom 18 (24).

(4) Where the suit was filed by plaintiff under admiralty jurisdiction of Bombay High Court for recovery of certain amount in respect of various spare parts supplied and repairs carried out to the vessel of defendants of Hamburg and elsewhere and the defendant owner of vessel having their office, elsewhere filed a counter-claim in the suit claiming damages from plaintiff, for defective repairs to the suit ship, the counter-claim of the defendant directly relating to same repairs could be entertained by Bombay High Court under O.8, R.6 and it could not be strike off on grounds that it did not arose under admiralty jurisdiction of Bombay High Court.

AIR 1988 Bom 380 (383) : (1988) Mah. LJ 728.