

India Code

The Delhi High Court Act, 1966

(ACT NO. 26 OF 1966)

[*As on the* 30*th August*, 2026]

LIST OF AMENDING ACTS

1. The Delhi High Court (Amendment) Act, 1969 (37 of 1969).
2. The Repealing and Amending Act, 1974 (56 of 1974).
3. The Delhi High Court (Amendment) Act, I980 (37 of 1980).
4. The Appropriation (No. 5) Act, 1991 (60 of 1991).
5. The Delhi High Court (Amendment) Act, 2003 (35 of 2003).

LIST OF ABBREVIATIONS USED

Cl., cls.	. . . . .	*for*	Clause, clauses.
Ins.	. . . . .	,,	Inserted.
Notifn.	. . . . .	,,	Notification.
S., ss.	. . . . .	,,	Section, sections.
Sch.	. . . . .	,,	Schedule.
Subs.	. . . . .	,,	Substituted.
w.e.f.	. . . . .	,,	with effect from.

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THE DELHI HIGH COURT ACT, 1966

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SECTIONS

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THE DELHI HIGH COURT ACT, 1966

ACT NO. 26 OF 1966

[5*th September*, 1966.]

An Act to provide for the constitution of a High Court for the Union territory of Delhi, for the extension of the jurisdiction of that High Court to the Union territory of Himachal Pradeshand for matters connected therewith.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. Short title and commencement.—(*1*) This Act may be called the Delhi High Court Act, 1966.

(*2*) Section 17 shall come into force on such date[1]as the Central Government may, by notification in the Official Gazette, appoint; and the remaining provisions of this Act shall come into force at once.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "appointed day" means the date appointed under section 3;

(*b*) "notified order" means order notified in the Official Gazette.

3. High Court.—(*1*) As from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be a High Court for the Union territory of Delhi (hereinafter referred to as the High Court of Delhi).

(*2*) The principal seat of the High Court of Delhi shall be at Delhi or at such other place as the President may, by notified order, appoint.

(*3*) Notwithstanding anything contained in sub-section (*2*), the Judges and Division Courts of the High Court of Delhi may sit at such other place or places other than its principal seat as the Chief Justice may, with the approval of the President, appoint.

[2][**3A. Salaries and allowances or Judges to be expenditure charged on Consolidated Fund of India.**—Expenditure in respect of the salaries and allowances of Judges of the High Court of Delhi shall be expenditure charged on the Consolidated Fund of India.]

4. Exceptions and modifications subject to which the provisions of Chapter V of Part VI of the Constitution apply to the High Court of Delhi.—(*1*) The provisions of Chapter V of Part VI of the Constitution shall, in their application to the High Court of Delhi, have effect subject to the following exceptions and modifications, namely:—

(*a*) in article 217, the words "the Governor of the State" shall be omitted and in relation to appointments to be made under sub-section (*2*), that article shall be construed as if the words "and, in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court," had also been omitted;

(*b*) in article 219, the reference to the Governor of the State, and in the proviso to clause (3) of article 227, the reference to the Governor, shall be construed as a reference to the administrator of the Union territory of Delhi;

(*c*) the provisions of article 225 shall not apply;

(*d*) in article 229,—

(*i*) the references to the Governor of the State shall be construed as references to the administrator of the Union territory of Delhi;

1.1st May, 1967, *vide* notifn. No. G.S.R. 508(E), dated 11th April, 1967, *see* Gazette of India, Extraordinary, Part II, sec. 3(*i*).

2. Ins. by Act 37 of 1969, s. 2 (w.e.f. 1-10-1969).

(*ii*) the references to the State Public Service Commission, the Legislature of the State and the Consolidated Fund of the State shall be construed, respectively as references to the Union Public Service Commission, Parliament and the Consolidated Fund of India;

(*e*) the provisions of article 230 shall apply subject to the modifications that—

(*i*) in clause (1) thereof, for the words "High Court" in both the places where they occur, the words "High Court for a Union territory", and for the words "any Union territory", the words "any other Union territory" shall be substituted;

(*ii*) for clause (2) thereof, the following clause shall be substituted, namely:—

"(*2*) Where the High Court for a Union territory exercises jurisdiction in relation to another Union territory, the reference in article 227 to the administrator of the Union territory of Delhi shall, in relation to any rules, forms or tables for subordinate courts in that other Union territory, be construed as a reference to the administrator of that other Union territory.".

(*2*) Between the coming into force of this section and the appointed day, the President may, after consultation with the Chief Justice of India, appoint the Chief Justice of the High Court of Delhi and as many other Judges of the said High Court as he thinks fit, and any appointments so made shall take effect as from the appointed day.

5. Jurisdiction of High Court of Delhi.—(*1*) The High Court of Delhi shall have, in respect of the territories for the time being included in the Union territory of Delhi, all such original, appellate and other jurisdiction as, under the law in force immediately before the appointed day, is exercisable in respect of the said territories by the High Court of Punjab.

(*2*) Notwithstanding anything contained in any law for the time being in force, the High Court of Delhi shall also have in respect of the said territories ordinary original civil jurisdiction in every suit the value of which exceeds [1][rupees two crore].

6. Power to enrol legal practitioners, etc.—(*1*) The High Court of Delhi shall have like powers to approve, admit, enrol, remove and suspend legal practitioners, and to make rules with respect to them, as are, under the law in force immediately before the appointed day, exercisable by the High Court of Punjab.

(*2*) The right of audience in the High Court of Delhi shall be regulated in accordance with the like principles, as, immediately before the appointed day, are in force with respect to the right of audience in the High Court of Punjab:

Provided that subject to any rule made or direction given by the High Court of Delhi in the exercise of the powers conferred by this section, any person who immediately before the appointed day is an advocate entitled to practise or an attorney entitled to act in the High Court of Punjab shall be recognised as an advocate or an attorney entitled to practise or act, as the case may be, in the High Court of Delhi.

7. Practice and procedure in the High Court of Delhi.—Subject to the provisions of this Act, the law in force immediately before the appointed day with respect to practice and procedure in the High Court of Punjab shall, with the necessary modifications, apply in relation to the High Court of Delhi and accordingly the High Court of Delhi shall have all such powers to make rules and orders with respect to practice and procedure as are immediately before the appointed day exercisable by the High Court of Punjab and shall also have powers to make rules and orders with respect to practice and procedure for the exercise of its ordinary original civil jurisdiction:

Provided that any rules or orders which are in force immediately before the appointed day with respect to practice and procedure in the High Court of Punjab shall, until varied or revoked by rules or orders made by the High Court of Delhi, apply with the necessary modifications in relation to practice and procedure in the High Court of Delhi as if made by that High Court.

1. Subs. by Act 23 of 2015, s. 2, for "rupees twenty lakhs" (w.e.f. 26-10-2015).

8. Custody of the Seal of the High Court of Delhi.—The law in force immediately before the appointed day with respect to the custody of the Seal of the High Court of Punjab shall, with the necessary modifications, apply with respect to the custody of the Seal of the High Court of Delhi.

9. Form of writs and other processes.—The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded, by the High Court of Punjab shall, with the necessary modifications, apply with respect to the form of writs and other processes, used, issued or awarded by the High Court of Delhi.

10. Powers of Judges.—(*1*) Where a single Judge of the High Court of Delhi exercises ordinary original civil jurisdiction conferred by sub-section (*2*) of section 5 on that Court, an appeal shall lie from the judgment of the single Judge to a Division Court of that High Court.

(*2*) Subject to the provisions of sub-section (*1*), the law in force immediately before the appointed day relating to the powers of the Chief Justice, single Judges and Division Courts of the High Court of Punjab and with respect to all matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the High Court of Delhi.

11. Procedure as to appeals to Supreme Court.—The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court of Punjab and the Judges and Division Courts thereof shall, with the necessary modifications, apply in relation to the High Court of Delhi.

12. Transfer of proceedings from the High Court of Punjab to the High Court of Delhi.—(*1*) Except as hereinafter provided, the High Court of Punjab shall, as from the appointed day, have no jurisdiction in respect of the Union territory of Delhi.

(*2*) Such proceedings pending in the High Court of Punjab immediately before the appointed day as are certified, whether before or after that day, by the Chief Justice of that High Court having regard to the place of accrual of the cause of action and other circumstances to be proceedings which ought to be heard and decided by the High Court of Delhi, shall, as soon as may be after such certification, be transferred to the High Court of Delhi.

(*3*) Notwithstanding anything contained in sub-sections (*1*)and (*2*)of this section and in section 5, but save as hereinafter provided, the High Court of Punjab shall have, and the High Court of Delhi shall not have, jurisdiction to entertain, hear or dispose of, appeals, applications for leave to appeal including leave to appeal to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court of Punjab before the appointed day:

Provided that if after any such proceedings have been entertained by the High Court of Punjab, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Delhi, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(*4*) Any order made by the High Court of Punjab—

(*a*)before the appointed day, in any proceedings transferred to the High Court of Delhi by virtue of sub-section (*2*);

(*b*)in any proceedings with respect to which the High Court of Punjab retains jurisdiction by virtue of sub-section (*3*),

shall for all purposes have effect, not only as an order of the High Court of Punjab, but also as an order made by the High Court of Delhi.

13. Right to appear or to act in proceedings transferred to the High Court of Delhi.—Any person who, immediately before the appointed day, is an advocate entitled to practise or an attorney entitled to act, in the High Court of Punjab, and was authorised to appear or to act in any proceedings transferred from that High Court to the High Court of Delhi under section 12, shall have the right to appear or to act, as the case may be, in the High Court of Delhi in relation to those proceedings.

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14. Interpretation.—For the purposes of sections 12 and 17,—

(*a*)proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs;

(*b*)references to a High Court shall be construed as including references to a Judge or Division Court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

15. Savings.—Save as provided in section 4, nothing in this Act shall affect the application to the High Court of Delhi of any provisions of the Constitution, and this Act shall have effect subject to any provision that maybe made on or after the appointed day with respect to the High Court by any Legislature or other authority having power to make such provision.

16. Pending proceedings before subordinate courts in Delhi.—All proceedings pending immediately before the appointed day in any subordinate court in the Union territory of Delhi in or in relation to any such civil suit as is referred to in sub-section (*2*) of section 5 shall on that day stand transferred to the High Court of Delhi which shall proceed to try, hear and determine the matter as if it had been pending therein.

17. Extension of the jurisdiction of the High Court of Delhi.—(*1*) As from such date as the Central Government may, by notification in the Official Gazette, appoint hereinafter referred to as the prescribed date), the jurisdiction of the High Court of Delhi shall extend to the Union territory of Himachal Pradesh.

(*2*) As from the prescribed date the Court of the Judicial Commissioner for Himachal Pradesh shall cease to function and is hereby abolished:

Provided that nothing in this sub-section shall prejudice or affect the continued operation of any notice served, injunction issued, direction given, or proceedings taken before the prescribed date by the Court of the Judicial Commissioner for Himachal Pradesh abolished by this sub-section.

(*3*) The High Court of Delhi shall have, in respect of the territories for the time being included in the Union territory of Himachal Pradesh,—

(*a*) all such original, appellate and other jurisdiction as under the law in force immediately before the prescribed date, is exercisable in respect of the said territories by the Court of the Judicial Commissioner for Himachal Pradesh; and also

(*b*) ordinary original civil jurisdiction in every suit the value of which exceeds[1][fifty thousand rupees],notwithstanding anything contained in any law for the time being in force.

(*4*) All proceedings pending in the Court of the Judicial Commissioner for Himachal Pradesh before the prescribed date shall stand transferred to the High Court of Delhi.

(*5*) Any order made before the prescribed date by the Court referred to in sub-section (*4*) shall for all purposes have effect not only as an order of that Court but also as an order of the High Court of Delhi.

(*6*) For the removal of doubts, it is hereby declared that the provisions of sections 6 to 11 and 13 shall, with the necessary modifications, apply to the High Court of Delhi in the exercise of jurisdiction conferred upon it by this section.

(*7*) All proceedings pending immediately before the prescribed date in any subordinate court in the Union territory of Himachal Pradesh in or in relation to any such civil suit as is referred to in clause (*b*) of sub-section (*3*) shall on that date stand transferred to the High Court of Delhi which shall proceed to try, hear and determine the matter as if it had been pending therein.

1. Subs. by Act 37 of 1969, s. 4, for "twenty-five thousand rupees" (w.e.f. 1-10-1969).

18. Rule of construction.—(*1*) References in any law in force in the Union territory of Delhi to the High Court of Punjab shall, as from the appointed day, be construed in relation to that Union territory as references to the High Court of Delhi.

(*2*) References in any law in force in the Union territory of Himachal Pradesh to the High Court of Punjab or to the Court of the Judicial Commissioner for that territory shall, as from the prescribed date, be construed in relation to that Union territory as references to the High Court of Delhi.

19. [*Amendment of certain laws*.] *Rep. by Repealing and Amending Act,* 1974 (56 *of* 1974) *s*.2 *and* Sch. I (*w.e.f.* 20-12-1974).

20. Power to remove difficulties.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by notified order, make such provision as appears to it to be necessary or expedient for the removal of the difficulty.

(*2*) Every order made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the cases may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

21. Power to adapt laws.—For the purpose of facilitating the application of any law in relation to the Union territory of Delhi or Himachal Pradesh, the Central Government may, before the expiration of two years from the appointed day in relation to the Union territory of Delhi and before the expiration of two years from the prescribed date in relation to the Union territory of Himachal Pradesh, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient to give effect to the provisions of this Act and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

[*The Schedule*.] *Rep. by Repealing and Amending Act,* 1974 (56 *of* 1974) *s*. 2 *and Sch. I* (*w.e.f.* 20-12-1974).

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STATEMENT OF OBJECTS AND REASONS

Under the existing arrangement, a Circuit Bench of the Punjab High Court functions In Delhi to deal with the High Court cases arising in the union territory of Delhi and the Delhi Administration is paying to the Punjab Government the actual cost of the Circuit Bench in Delhi and also the proportionate cost on account of the High Court at Chandigarh. This arrangement is not very satisfactory and the question of having a separate High Court for Delhi has been under consideration for some time past. The volume of work in Delhi has been on the increase and is likely to increase further. Having regard to the importance of Delhi, its growing population and other considerations, it is proposed to have a separate High Court for Delhi. This would also facilitate the implementation of the scheme for Separation of the judiciary from the executive in the Union territory of Delhi. At the same time, the cost of the new High Court may not exceed the expenses incurred at present.

2. it is also proposed to extend the jurisdiction of the new High Court of Delhi to the Union territory. of Himachal Pradesh and abolish the Court of the Judicial Commissioner there. It is further proposed that the new High Court should have original civil jurisdiction in respect of suits the value of which exceeds Rs. 25,000/-.

NEW DELHI; JAISUKHLAL HATHI.

The 1st *Decembe*r, 1965.

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