

Reciprocating Territory

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Recently India declared the UAE to be a Reciprocating Territory.

The Ministry of Law and Justice issued a Gazette Notification, declaring the United Arab Emirates to be a “reciprocating territory” under Section 44A of the Civil Procedure Code, 1908. The notification also declared a list of courts in the UAE to be “superior Courts” under the same section.

These courts include:

1. The Federal Supreme Court, and
2. Certain local courts, such as the Abu Dhabi Judicial Department and the Dubai Courts

What is meant by a ‘reciprocating territory’ and what are superior courts?

- “Reciprocating territory” means any country or territory outside India which the Central Government may, by notification in the Official Gazette, declare to be a reciprocating territory for the purposes Section 44(1) of the CPC
- “Superior Courts”, with reference to any such territory, means such Courts as may be specified in the said notification.”
- Essentially, orders passed by certain **designated courts** from a ‘reciprocating territory’ can be implemented in India, by filing a copy of the decree concerned in a District Court here.
- The courts so designated are called ‘superior Courts’.
- Local orders passed by Superior Courts from a reciprocating territory can be executed in India as if it were passed by a civil court in India.

Other countries declared to be “reciprocating territories” are:

United Kingdom, Singapore, Bangladesh, Malaysia, Trinidad & Tobago, New Zealand, the Cook Islands (including Niue) and the Trust Territories of Western Samoa, Hong Kong, Papua New Guinea, Fiji, Aden.

What does Section 44 of the CPC say?

- Section 44A, titled “Execution of decrees passed by Courts in the reciprocating territory”, provides the law on the subject of execution of decrees of Courts in India by foreign Courts and vice versa.
- The scope of the Section is restricted to decrees for the payment of money, not being sums payable in respect of taxes or other charges of a like nature or in respect of fine or other penalties.
- It also cannot be based on an arbitration award, even if such an award is enforceable as a decree or judgment.

Significance of the move

- The decision is believed to help bring down the time required for executing decrees between the two countries.