

2005 SESSION

INTRODUCED

051185484

HOUSE BILL NO. 1583

Offered January 12, 2005

Prefiled December 10, 2004

A BILL to amend and reenact § 16.1-114.1 of the Code of Virginia, relating to appeals and removals to circuit court.

Patron—Reese

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-114.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-114.1. Principles applicable in trial of appeals and removals; defective or irregular warrants or motions.

Actions or proceedings appealed or removed from district courts shall be tried according to the principles of law and equity, and when the same conflict the principles of equity shall prevail. No warrant, motion or other pleading shall be dismissed by reason of a mere defect, irregularity or omission in the proceedings in the district court, or in the form of any such pleading, when the same may be corrected by a proper order of the court of record. In any such case the court of record shall retain the same, with full power to direct all necessary amendments, to enter orders and direct proceedings to correct such defects, irregularities and omissions, to promote substantial justice to all parties, and to bring about a trial of the merits of the controversy. In any case where an appeal is taken by a defendant ~~the~~ *to the circuit court, or the case is removed to the circuit court, such circuit court may direct permit* amendments to increase the amount of the claim above the jurisdictional amount set forth in § 16.1-77. This section shall be liberally construed, to the end that justice is not delayed or denied by reason of errors in the pleadings or in the form of the proceedings.

INTRODUCED

HB1583