

No 444

Collector of Bombay

Acts passed by the
Government of India
for the year

1877

A COLLECTION

OF

THE ACTS

PASSED BY THE

GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1877.

CALCUTTA: .

OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING.

1878.

Z2.
A877
12498

CALCUTTA:

PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING,
8, HASTINGS STREET.

TITLES
OF
ACTS PASSED BY THE GOVERNOR GENERAL OF INDIA
IN COUNCIL
IN THE YEAR 1877.

- I. An Act to define and amend the law relating to certain kinds of Specific Relief.
- II. to amend Act No. XIII of 1875.
- III. for the Registration of Documents.
- IV. to regulate the procedure and increase the jurisdiction of the Courts of Magistrates in the Presidency-towns.
- V. to regulate the Emigration of Native Labourers from the Presidency of Fort Saint George to the Straits Settlements.
- VI. for postponing the day on which the Opium Act, 1876, is to come into force.
- VII. to amend the law relating to assignments from the general Provincial Fund established under the North-Western Provinces Local Rates Act, 1871.
- VIII. for the licensing of certain trades and dealings in the North-Western Provinces.
- IX. to revive and amend Act No. XXIII of 1867.
- X. to consolidate and amend the Laws relating to the Procedure of the Courts of Civil Judicature.
- XI. to facilitate the admission of Military Lunatics into Asylums.
- XII. to amend the Chutia Nágpur Encumbered Estates Act, 1876.
- XIII. to provide for the execution of works urgently required in connection with embankments in British Burma.
- XIV. to relieve from Incumbrances the estates of Thákurs in Broach and Kaira.
- XV. to provide for the Limitation of Suits, and for other purposes.
- XVI. to amend the Bombay Revenue Jurisdiction Act, 1876.
- XVII. to consolidate and amend the law relating to Courts in the Panjáb.
- XVIII. to amend the law relating to Salt.
- XIX. to enable certain District Judges to suspend and remove certain ministerial officers, and for other purposes.

INDEX

TO THE

ACTS PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1877.

	ACT.	SEC.
ABANDONMENT of part of plaintiff's claim	X	373
of suit by election of late minor	"	452
ABATEMENT of suit by death	X	361
in absence of application by representative of sole or		
sole surviving plaintiff deceased	"	365
of suit, effect of,	"	371
of nuisance, plaint in suit for,	"	sch. IV, No. 101
<i>See Female party.</i>		
ABETMENT of offences, penalty for,	III	82
place of trial for,	IV	20, III. (a)
of breach of the peace, power to require security in case		
of conviction of,	"	208
of offence, a breach of recognizance	"	227
<i>See Jointly.</i>		
ABODE, fixing notice to place of,	IV	137
<i>See Place, Publication.</i>		
ABSCONDING of accused person, warrant to issue in case of, ...	IV	34
or concealing to prevent execution of warrant	"	137
of accused, record of evidence in case of,	"	155
witness, procedure in case of,	X	168
of person failing to comply with summons	"	175
or leaving jurisdiction to avoid or delay plaintiff	"	477 (a), (b); 478
<i>See Attachment, Proclamation.</i>		
ABSENCE of registrar from district, arrangement in case of, ...	III	10, 11
of sub-registrar, arrangement in case of,	"	12
of accused, record of evidence in,	IV	155
of judges of whose decree review is applied for	X	627
from British India, exclusion of time of, in reckoning limitation-period	XV	13
<i>See Adjournment, Complainant.</i>		
of respondent, see <i>Rehearing, Rehearing of appeal.</i>		

[Price four rupees.]

A

	ACT.	SEC.
ABSENT WITNESS, see <i>Commission</i> .		
ABSOLUTE, when sale in execution becomes,	X	297
confirmation necessary to render sale,	"	314
ABSOLUTE OWNER, plaint in suit of, for possession of immoveable property	X	sch. IV, No. 94.
ABSOLUTE OWNERSHIP, see <i>Life-tenancy</i> .		
ABSOLVED from further liability, when discharged insolvent may be declared to be,	X	358
ABUSIVE LANGUAGE, bar of pauper-suit for,	X	402
ACCEPT, see <i>Bill</i> .		
ACCEPTANCE for registration, bar to,	III	71
by plaintiff of sum deposited in Court as satisfaction in part only, procedure upon,	X	379
by plaintiff of sum deposited, as satisfaction in full of title to property offered for sale, limitation-time to run from,	"	379
	XV	sch. II, No. 111
See <i>Accommodation-bill, Agreement, Revocation</i> .		
and payment, see <i>Sale of goods</i> .		
of arbitration, see <i>Refusal</i> .		
of security, see <i>Revocation</i> .		
ACCEPTED, see <i>Goods made</i> .		
ACCEPTOR, limitation-time to run from payment by,	XV	sch. II, No. 79
See <i>Accommodation-bill, Bills of exchange, Drawer, First indorsee, Indorsee, Payee, Subsequent indorsee</i> .		
ACCESS to land, the subject of contract of sale, as to which contract is silent, and which does not exist	I	22, <i>ill. (j)</i>
and use of light or air to or for building	XV	26
See <i>Public</i> .		
of light, see <i>Light</i> .		
ACCESSORY to fraud, limitation-period for suit against,	XV	18 (a)
ACCIDENT causing delay in presenting for registration	III	24
preventing appearance of executants, &c.	"	34
See <i>Landing</i> .		
ACCIDENTAL DEFECTS, see <i>Correction</i> .		
ACCOMMODATION in refreshment-room for sale of goods, contract for, not enforceable	I	21, <i>ill. (c)</i>
ACCOMMODATION-BILL, concise statement of claim for money paid on,	X	sch. IV, No. 114
suit on, by acceptor against drawer	XV	sch. II, No. 79
ACCOMPANIMENT of petition for enforcement of Queen's order to return of summons of other court, form of,	X	610
	"	sch. IV, No. 121
ACCOMPANIMENTS of memorandum of appeal	X	541
ACCOMPLICE, see <i>Tender</i> .		
ACCORDANCE with award, appeal from decree not in,	X	522
ACCOUNT of property, suit for,	X	213
discretion of court as to keeping of, in case of injunction granted	"	493
of arrears of rent, concise statement of claim for,	"	sch. IV, No. 114

	ACT.	SEC.
ACCOUNT (contd.)		
See <i>Books, Current, Demand and refusal, Factor, Mutual, Open, Partnership, Principal.</i>		
for receipts, see <i>Security.</i>		
of profits, see <i>Dissolved partnership.</i>		
ACCOUNTS not settled, statement of claim in suit for amount to be ascertained on taking,	X	50
order for taking of, in administration-suit	"	213
order for taking of, in suit for dissolution of partnership	"	215
power to compel production of, by representative	"	234
of receipts and disbursements to be rendered by collector to court	"	325
commissions for examination and adjustment of,	"	394, 395
to be passed by receiver	"	503 (f)
excluded from record in appeal to Queen as unnecessary ...	"	602 (2)
stated, suit for money found due on,	XV	sch. II, No. 64
See <i>Adjustment, Commissioner, Forms, Keeping.</i>		
ACCRUAL of right to sue, limitation-period to run from, ...	XV	sch. II, No. 120
of right to resume or assess, limitation-time to run from,	"	sch. II, No. 130
of right to redeem or recover possession, limitation-time to run from,	"	sch. II, No. 148
of right to apply, limitation-time to run from,	"	sch. II, No. 178
of right to enforce judgment, &c., limitation-time to run from,	"	sch. II, No. 180
of right to sue, see <i>Death.</i>		
ACCUSED, power to summon and examine witnesses for,	IV	83
evidence in behalf of,	"	143
right of, to demand re-hearing of witnesses	"	156
being of unsound mind, procedure in case of,	"	194
See <i>Examination, False answer, Found, Interrogatories, Presence, Punishment, Right.</i>		
ACKNOWLEDGMENT of service of summons, signature to,	X	79
of service of process on military man	"	468
in writing of liability in respect of property or right	XV	19
in writing of right to money secured by judgment, &c., effect of,		sch. II, No. 180
See <i>Latest.</i>		
ACQUIESCENCE in continuing breach, bar to injunction in case of applicant's,	I	56 (h)
of non-resident defendants as to place of suing	X	17
in obstruction to enjoyment of easement	XV	26, exp.
ACQUIRED, see <i>Title.</i>		
by theft, see <i>Specific moveable property.</i>		
ACQUISITION of property by conversion or exchange	IV	243, exp. 26, 27
of ownership by possession	XV	sch. II, No. 18
of land not completed, suit for compensation when,	"	87, exp. 2 125
ACQUITTAI, discharge not equivalent to,	IV	
of accused, withdrawal of complaint to operate as an,	"	

	Act.	Sec.
ACQUITTAL (contd.)		
when accused found not guilty	IV	126
composition to have effect of,	"	133
dismissal or discharge, appeal by government from order of,	"	168
limitation-time to run from,	XV	sch. II, No. 23
appeal from judgment of,	"	sch. II, No. 157
<i>See Finding, Proof.</i>		
ACQUITTALS, see Previous, Trials.		
ACT which party is bound to do, grant of relief by ordering the doing of,	I	5 (b)
relating to matter in dispute, decision by court as to doing or abstaining from, under agreement between parties	X	150
doing or refraining from doing of, according to finding of court on question referred by agreement	"	527 (c), 528
done in official capacity, security not to be required from pub- lic officer sued in respect of,	"	547
<i>See Commission, Failure, Forfeiture, Report.</i>		
company registered under, see <i>Call</i> .		
in pursuance of law, see <i>Compensation</i> .		
not actionable, see <i>Compensation</i> .		
or order, see <i>Government officer</i> .		
XIX of 1835, procedure in cases defined in,	X	7 & sch. III
IX of 1840 repealed	X	3 & sch. I
XV of 1840 (Bombay), see <i>Jágrdárs</i> .		
XXIII of 1840 repealed in part	X	3 & sch. I
VIII of 1841 repealed	X	3 & sch. I
XXVI of 1841 repealed	X	3 & sch. I
XIII of 1842, procedure in cases defined in,	X	7 & sch. III
VI of 1844, section 43 repealed	XVIII	2 & sch.
X of 1848, exception of State of Mándví as described in,	XVI	1 & sch.
XIV of 1848 repealed	X	3 & sch. I
XVII of 1852 repealed	X	3 & sch. I
XXXIII of 1852 repealed, except as to decrees of military courts of requests	X	3 & sch. I
VIII of 1853, exception of lapsed State of Colába mentioned in, VI of 1855 repealed	XVI	1 & sch.
XII of 1855, suits under, by executors, &c.,	XV	sch. II, No. 20
suits under, against executors, &c.	"	sch. II, No. 33
XIII of 1855, concise statement of claim under, as executor, for damages for death of passenger on railway from injuries caused by negligence of servants	X	sch. IV, No. 114
suits under, by executors, &c.,	XV	sch. II, No. 21
XXXIV of 1855 repealed		3 & sch. I
XIII of 1856, repeal of parts of,	IV	2 & sch. I
XXXV of 1856, or other law, persons adjudged under, to be of unsound mind	X	463
VIII of 1859, sections 15, 192 repealed	I	2 & sch.
repealed	X	3 & sch. I
XIV of 1859, section 15 repealed	I	2 & sch.
IX of 1860, section 1, suit under,	XV	sch. II, No. 4
XLV of 1860, see <i>Indian penal code</i> .		
XLVIII of 1860, repeal of part of,	IV	2 & sch. I
LII of 1860 repealed	IV	2 & sch. I

	Act.	Sec.
ACT (contd.)		
XXIII of 1861, section 26 repealed	I	2 & sch.
repealed	X	3 & sch. I
VI of 1862 (Bombay), amendment of,	XIV	39
taluqdári settlement-officer deemed an		
officer appointed under,	"	40, 41
declaration under, as to estates	"	40, 41
XX of 1862 repealed	X	3 & sch. I
XXIV of 1862 repealed	X	3 & sch. I
IX of 1863 repealed	X	3 & sch. I
XVIII of 1863 repealed	X	3 & sch. I
XXIII of 1863, suit to contest award of Board of revenue		
under,	XV	sch. II, No. 1
XXXII of 1863 repealed	X	3 & sch. I
VI of 1864, setting out of previous conviction of offence men-		
tioned in,	IV	94
VII of 1864 (Bengal), section 9, modification of,	XVIII	11
XVI of 1864, registration of documents executed on or after		
commencement of,	III	17
meaning of 'unregistered' in relation to docu-		
ments executed within extent of,	"	50, exp.
XXI of 1864 repealed	IV	2 & sch. I
X of 1865, section 321 partly repealed	XV	sch. I
<i>See Indian succession act.</i>		
XI of 1865 repealed in part	X	3 & sch. I
XIV of 1865, sections 17 and 18 repealed	X	3 & sch. I
<i>See Saving.</i>		
XIX of 1865, sections 13 and 17 repealed	X	3 & sch. I
repealed	XVII	2 & sch.
<i>See Saving.</i>		
XX of 1865 referred to	XVII	42
IV of 1866 (Bengal), repeal of part of,	IV	2 & sch. I
(Bombay) repealed	"	2 & sch. I
repealed	XVII	2 & sch.
V of 1866 repealed in part	X	3 & sch. I
VIII of 1866 (Bengal) repealed	IV	2 & sch. I
XX of 1866, registration of documents executed on or after		
commencement of,	III	17
meaning of 'unregistered' in relation to docu-		
ments executed within extent of,	"	50, exp.
XXIV of 1866 repealed	X	3 & sch. I
VIII of 1867 (Madras), repeal of part of,	IV	2 & sch. I
X of 1867 repealed	X	3 & sch. I
XXIII of 1867, revival and amendment of,	IX	
XXVI of 1867 repealed	X	3 & sch. I
XXVII of 1867 repealed	XVII	2 & sch.
<i>See Saving.</i>		
III of 1868 repealed	XVII	2 & sch.
IV of 1869, see <i>Indian divorce act.</i>		
XV of 1869 referred to	IV	139
repealed in part	X	3 & sch. I
XXIV of 1869 repealed	XVIII	2 & sch.
VI of 1871, see <i>Bengal civil courts act.</i>		

	ACT.	SEC.
ACT (contd.)		
VI of 1871 (Madras), see <i>Madras salt excise act.</i>		
VII of 1871, application of, to Straits	V	51
VIII of 1871 repealed	III	2
registration of documents executed on or after commencement of,	"	17
meaning of 'unregistered' in relation to docu- ments executed after commencement of, ...	"	50, exp.
IX of 1871, references to,	XV	2
repealed	"	h2. I
See <i>Indian limitation act, Right, Shortened title.</i>		
XV of 1871 repealed	XIV	
section 11, exemption from provisions of Act, of thákurs for settlement of whose debts scheme was sanctioned under,	"	38
validation of acts of taluqdári settlement-officer not appointed manager under,	"	41
XVIII of 1871, amendment of,	VII	
XXVI of 1871, see <i>Certificates.</i>		
XXXII of 1871, see <i>Saving.</i>		
I of 1872, see <i>Indian evidence act.</i>		
IX of 1872, section 28 and second clause, exception 1, repealed	I	2 & sch.
See <i>Indian contract act.</i>		
X of 1872, see <i>Code of criminal procedure.</i>		
XIV of 1872 repealed	V	52
XXI of 1872 repealed	XI	2
III of 1873, section 23, amendment of,	XIX	2
IX of 1873, sections 9 and 10 repealed	X	3 & sch. I
repealed	XVII	2 & sch.
See <i>Saving.</i>		
XV of 1873, provisions relating to municipalities under, ...	VIII	18, 19
III of 1874 (Bombay), jurisdiction as to claims against govern- ment relating to property appertain- ing to office of hereditary officer appointed under,	XVI	1 (a)
V of 1874 repealed	XVII	2 & sch.
VI of 1874 repealed	X	3 & sch. I
X of 1874 repealed	XVIII	2 & sch.
XV of 1874 repealed so far as it relates to Act XXIV of 1869...	XVIII	2 & sch.
IX of 1875, see <i>Indian majority act.</i>		
X of 1875, see <i>Applications.</i>		
XI of 1875 repealed	XVIII	2 & sch.
XIII of 1875, amendment of,	II	
XVII of 1875, see <i>Saving.</i>		
XIX of 1875 repealed	XVII	2 & sch.
III of 1876, section 71, persons exempted from application of, (Bombay), see <i>Bombay mámlatdárs.</i>	XIII	8
VI of 1876, amendment of,	XII	
XXIII of 1876, postponement of commencement of, ...	VI	
I of 1877, see <i>Specific relief act.</i>		
III of 1877, see <i>Indian registration.</i>		
X of 1877, repeal of section 599 and part of section 601 of, ...	XV	sch. I
See <i>Code of civil procedure.</i>		
XV of 1877, see <i>Indian limitation act.</i>		

	ACT.	SEC.
ACTIONABLE, see <i>Compensation</i> .		
ACTIONABLE WORDS, see <i>Slander</i> .		
ACTIONABLE WRONG, see <i>Act XIII of 1855, Relief</i> .		
ACTS of which specific performance is enforceable	I	12
done by plaintiff, a ground for decreeing specific performance	"	22, III
constituting offence of contempt to be recorded	IV	205
<i>See Commissioner, Government, Non-judicial, Obligation, Parties.</i>		
ADDING plaintiff or defendant, appeal from order as to, ...	X	588 (b)
cause of action, appeal from order as to,	"	588 (c)
" ADDITION " defined	III	3
to judgment	X	202
of new plaintiff or defendant	XV	22
<i>See Dismissal, Endorsement, Substitution.</i>		
of issues, see <i>Amendment</i> .		
ADDITIONAL EVIDENCE, power of high court to take or to direct		
taking of,	IV	176
direction by appellate court to lower court		
to take,	X	566
<i>See Production.</i>		
ADDITIONAL JUDGES, subordination of courts of,	X	25
ADDITIONS of executants to be entered in indexes	III	55
ADDRESS of acknowledgment of liability to person not entitled, immaterial	XV	19, exp. 1
ADDRESSING COURT on behalf of others	X	635
in English	XVII	27 (b)
ADJOURNMENT of inquiry owing to absence of witness or other cause	IV	86
of trial by magistrate	"	102
to secure attendance of witnesses or other reason	"	124
to future day, hearing when there is no,	X	96
of hearing <i>ex parte</i>	"	101
of framing of issues	"	148
after framing and recording issues	"	155
of sale in execution	"	291
of sale, collector's power as to,	"	321 (c)
of hearing of application to be declared insolvent	"	350
of hearing appeal	"	555—557
of hearing of appeal, power of court as to,	"	559
<i>See Dismissal.</i>		
ADJOURNMENTS, provisions relating to,	X	156—158
ADJUDICATION of rescission of contracts	I	35
of title to subject of interpleader suit	X	473 (c)
by judge on proceeding connected with suit or appeal		
in which he is interested	XVII	46
ADJUSTMENT of matters in dispute, statement as to, in application		
for execution	X	235 (e)
of accounts directed in decree in suit as to land or		
tenure	"	501
of financial transactions between Imperial and Indian		
governments	"	610
limitation-time to run from date of,	XV	sch. II, No. 161
<i>See Accounts, Compelling, Withdrawal.</i>		

	ACT.	SEC.
ADJUSTMENT (<i>contd.</i>)		
of decree, see <i>Compelling.</i>		
ADMINISTER estate, see <i>Creditor, Legatee.</i>		
ADMINISTRATION , enforcement of contract for sale of land, when seller dies intestate, against person who takes out,	I	27, <i>ill. (b)</i>
plaint of administrator to shew that he has taken out,	X	50, <i>ill. (b)</i>
by court of property in suit	"	213
of trust for public charity by direction of court	"	539
by creditor, plaint in suit for,	"	sch. IV, No. 105
by specific legatees, plaint in suit for,	"	sch. IV, No. 106
by pecuniary legatees, plaint in suit for,	"	sch. IV, No. 107
<i>See Decree, Grant, Oath.</i>		
ADMINISTRATION-SUIT	X	213
by legatee, final decree in,	"	sch. IV, No. 131
where executor personally liable for legacies	"	sch. IV, No. 131
by next-of-kin, final decree in,	"	sch. IV, No. 131
<i>See Decree, Preliminary order.</i>		
ADMINISTRATOR , plaint what to shew in suit of,	X	50, <i>ill. (b)</i>
of estate, application by, for benefit of Act for minor or insane thákur	XIV	4
suit against, under Act XII of 1855	XV	sch. II, No. 33
suit by, to compel refund of assets	"	sch. II, No. 43
<i>See Executor, Set-off.</i>		
ADMINISTRATOR-GENERAL , see <i>Public functionaries.</i>		
ADMINISTRATORS , suits by, under Act XII of 1855	XV	sch. II, No. 20
XIII of 1855	"	sch. II, No. 21
<i>See Trustees.</i>		
ADMINISTRATRIX , see <i>Married.</i>		
ADMIRALTY , see <i>Vessels.</i>		
ADMIRALTY JURISDICTION , saving of,	X	616
ADMISSIBILITY of document not produced with plaint or entered thereon	X	63
<i>See Exceptions.</i>		
of evidence, see <i>Question of law.</i>		
ADMISSION of execution, procedure upon,	III	35
of execution by representative, assign or agent	"	35
copying of documents according to order of,	"	52
to bail after failure in first instance	IV	74
of truth of complaint, record of, and conviction on,	"	120
or rejection of evidence, reversal or alteration of order for improper,	"	177
of plaint, procedure on,	X	58
of claim by defendant	"	64
of claim by defendant in absence of plaintiff	"	102
of documents not produced at first hearing	"	139

	Act.	Sec.
ADMISSION (contd.)		
of documents according to law of evidence before placing on record	X	141
of application for execution, procedure on,	"	245
of person to be legal representative for presenting suit	"	367
of application to sue as pauper, procedure on,	"	410
of possession of money or deliverable thing, the subject of suit	"	502
of memorandum of appeal, procedure on,	"	548
of pauper-appeal, procedure on application for,	"	592
of appeal to Queen	"	603 (a)
of application for review	"	629
of affidavits, power to make rules as to,	"	647
of military lunatics into asylums	XI	
of claims against property under management	XIV	14
of appeal on application for review after expiry of limitation-period	XV	5
of appeal to Queen, application for,	"	sch. II, No. 177
<i>See Allegations, Genuineness, Procedure, Refusal.</i>		
ADMISSIONS of parties to interpleader suit	X	473
ADOPT, effect of non-registration of document conferring power to, which is required to be registered	III	49
ADOPTED SON, see Interference.		
ADOPTION by Hindú widow, suit by person presumptively entitled to property held by widow, to declare invalidity of,	I	42, ill. (f)
suit to declare it invalid or not effected	XV	sch. II, No. 118
valid	"	sch. II, No. 119
<i>See Authorities.</i>		
ADOPTIVE SON when entitled to present authority to adopt for registration	III	40
ADULTERY, prosecutions for,	IV	45
charge against person accused of,	"	94, ill. (c)
effect of, in case of application for maintenance	"	234
<i>See Enticing away, House-breaking.</i>		
ADVANCE, subsistence-money to be paid in,	X	339
by sharer in joint estate, limitation-time to run from,	XV	sch. II, No. 99
of money, see <i>Balance</i> .		
ADVANTAGE, discretion to refuse specific performance of contract giving unfair,	I	22, I
<i>See Consideration.</i>		
ADVERSARY'S PLEADER, power to fix fees payable in respect of,	XVII	45
ADVERSE CLAIMS, see Interpleader.		
ADVERSE INTEREST, next friend of minor to have no,	X	445, 446
ADVERSE POSSESSION, limitation-time to run from taking of,	XV	sch. II, No. 124
limitation-time to run from,	"	sch. II, No. 144
ADVERTISEMENT, notice by, of institution of suit	X	30
ADVOCATE, attorney or pleader, sentence in presence of,	IV	126
prosecutor may employ,	"	129
or pleader, hearing of appellant by,	"	172
attorney or pleader, power to allow appearance by,	"	18

	ACT.	SEC.
ADVOCATE (<i>contd.</i>)		
included in <i>Pleader</i>	X	2
of high court not required to produce power ...	"	39
<i>See Hearing, Notice.</i>		
ADVOCATE-GENERAL, standing counsel, government solicitor may		
prosecute without permission	IV	129
acting <i>ex officio</i> , may institute suit relating to		
public charity	X	539
<i>See Complaints, Consent, Officer, Powers.</i>		
ADVOCATES and pleaders, provisions relating to,	XVII	42-45
<i>See Interference, Rules.</i>		
AFFIDAVIT, application for enforcement of public duties to be found-		
ed on,	I	46
answer to interrogatories to be by,	X	126, 127
discovery by,	"	129
application for order of inspection to be founded on, ...	"	134
application to call for record of other suit to be support-		
ed by,	"	137
in support of application for commission	"	384
to support application for appointment of new next		
friend	"	447
to support application of late minor	"	453, 454
to support application for appointment of guardian for		
suit	"	456
in support of plaintiff's application that security be		
taken	"	477, 483
in support of application for temporary injunction ...	"	492
AFFIDAVITS, provisions relating to,	X	194-197
disclosing defence in summary suit, or facts necessi-		
tating proof of consideration	"	533
<i>See Admission.</i>		
AFFIRMATION, in appeal, of decrees	X	575
AFFIRMATIVE AGREEMENT, <i>see Contract.</i>		
AFFRAY, <i>see Riot.</i>		
AGE to determine mode of inflicting punishment of whipping ...	IV	188
election of minor on coming of,	X	450
repudiation of suit by minor co-plaintiff coming of, ...	"	454
AGENCY, <i>see Continuance, Termination.</i>		
AGENT, obligation to surrender thing held by person as, ...	I	11 (a)
specific performance of contract entered into for oneself, in		
character of,	"	24, <i>ill.</i> (a)
presentation by, for registration	III	32
appearance by, of person whose testimony is required for		
registering document	"	36
will may be deposited by,	"	42
withdrawal of deposited will by,	"	44
not being expressly authorized, who may be recognized agent		
in case of,	X	37 (c)
for receipt of process	"	41
empowered to accept, service of summons on,	"	75
by whom non-resident defendant carries on business, service		
of summons on,	"	76
in charge of immoveable property, service of summons on, ...	"	77

	ACT.	SEC.
AGENT (contd.)		
service on defendant residing within jurisdiction of another court and having no,	X	85
service on, of letter substituted for summons	"	92
appearance of defendant by, without summons	"	97
presentation of pauper's application by,	"	404
examination of pauper's,	"	406
of government to receive process	"	419
appearance of respondent by authorized,	"	557
concise statement of claim for money entrusted to,	"	sch. IV, No. 114
signature by, of acknowledgment of liability	XV	19, exp. 2
effect of payment through,	"	20
of joint-contractor, partner, &c., effect of acknowledgment or payment by, as to liability of co-contractor, &c.	"	21
accounts stated in writing signed by,	"	sch. II, No. 64
suit by principal against, for property not accounted for neglect or misconduct of,	"	sch. II, No. 89
effect of acknowledgment by, of right to money secured by judgment, &c.	"	sch. II, No. 90
	"	sch. II, No. 180
<i>See Addition, Admission, Appearance, Arrears of wages, British India, Factor, Furniture, Guarantee, Manager, Refusal, Signature, Traveller, Trustee.</i>		
AGENTS , grant of copies of entries in books to,	III	57
institution by, of interpleader suits against their principals	X	474
<i>See Accident, Appearance, Conduct, Necessity, Public servants, Right.</i>		
AGREEMENT not a contract, right to relief under,	I	4 (a)
with predecessor in title of reversioner	"	23 (e), (f)
to sell ship and receive payment by acceptances of bills of exchange which are accepted, cancellation of bills on non-delivery of ship	"	39, <i>utl.</i> (d)
to lease included in <i>Lease</i>	III	3
between parties as to question to be decided by court	X	150
of commissioners for partition in report	"	396
by pauper as to subject-matter, passing interest therein to another	"	407 (d), 414 (c)
of parties as to nomination of arbitrators, appointment by court on failure of,	"	507
of major part of arbitrators	"	509 (b)
to refer difference to arbitration, filing of, in court	"	523
of parties, proceedings on,	"	527-531
of parties to appeal as to form of decree in appeal or as to order to be passed	"	577
of parties, papers excluded from record in appeal by,	"	602 (2)
to convey land, plaint in suit for breach of,	"	sch. IV, No. 56
to purchase land	"	sch. IV, No. 57
of indemnity, plaint in suit on,	"	sch. IV, No. 69
for future payment of money found due on accounts stated	XV	sch. II, No. 64

	ACT.	SEC.
AGREEMENT (<i>contd.</i>)		
as to time for payment of attorney's costs ...	XV	sch. II, No. 84
See <i>Affirmative, Compromise, Failure, Goodwill, Negative, Notice by arbitrators, Order of reference.</i>		
AGREEMENTS with natives which are void ...	V	16
between parties to refer to arbitration, provisions applied to proceedings on, ...	X	524
AGRICULTURE , exemption of persons gaining living by, ...	VIII	1
AGRICULTURISTS , property of, not liable to attachment ...	X	266 (b)
AHMADÁBÁD , saving of jurisdiction of civil courts in, ...	XVI	1 & sch.
See <i>Collectors.</i>		
AHMADÁBÁD TALUQDÁRS , amendment of Act for relief of, ...	XIV	39
AID , see <i>Information.</i>		
of execution, see <i>Step.</i>		
AIR , see <i>Easements, Smoke.</i>		
ALARM , see <i>Threatening.</i>		
ALIENATE , see <i>Charge, Incompetency.</i>		
ALIENATION by life-tenant, suit to declare invalidity of, against reversioner ...	I	42, <i>ill.</i> (d)
by widow of sonless Hindú, suit by presumptive heir to declare invalidity of, ...	"	42, <i>ill.</i> (e)
by Hindú or Muhammadan female, suit by Hindú or Muhammadan to have it declared void ...	XV	sch. II, No. 125
See <i>Danger, Joint-tenant, Temporary.</i>		
by father, see <i>Hindú.</i>		
ALIENEE , limitation-time to run from possession being taken by, ...	XV	sch. II, No. 126
" ALIEN ENEMY " defined ...	X	430, exp.
ALIEN FRIEND may sue in British Indian courts ...	X	430
ALIENS , suits by, and by and against foreign and native rulers ...	X	430—434
ALLEGATION , see <i>Proof.</i>		
ALLEGATIONS in written statements ...	X	114
of plaint and written statements, ascertainment of admission or denial of, ...	"	117
from which issues may be framed ...	"	147
of pauper not disclosing right to sue in court ...	"	407 (c)
ALLIANCE of foreign prince or chief with British government ...	X	432
See <i>Native states.</i>		
ALLIED foreign country, see <i>Foreign courts.</i>		
ALLOTMENT of shares, see <i>Deposit.</i>		
ALLOTMENTS for public works ...	VII	1
ALLOWANCE of application to sue as pauper ...	X	409
for maintenance and expenses of debtor and his family ...	XIV	11
of interest on debts, power to make rules as to, ...	"	31 (c)
See <i>Maintenance, Malikána.</i>		
ALLOWANCES , see <i>Hereditary, Pay and allowances.</i>		

	ACT.	SEC.
ALLOWING evidence shut out to be produced, document to be received or witness to be examined	X	568
decree to be enforced pending appeal against it to Queen	"	608 (b)
ALTERATION of limits of districts and sub-districts	III	5
of table of fees	"	78
of charge by magistrate	IV	100
or reversal by high court, of order of presidency magistrate	"	174 (a)
of plaint so as to change character of suit not allowed... ..	X	53
of judgment	"	202
of decree at request of parties	"	210
of draft of conveyance or endorsement, execution of which by judgment-debtor is ordered by court	"	261
of rules for conducting sales	"	287
of schedule of insolvent's creditors	"	353
or cancelment of notification applying to certain courts the provisions as to summary suits on negotiable instruments	"	538
of list of labourers	XIII	4
or setting aside of decision or order of civil court in proceeding other than suit	XV	sch. II, No. 13
<i>See Cancelment.</i>		
of schedule, see <i>Scheduled creditor.</i>		
ALTERATIONS, see <i>Interlineations, Lessee.</i>		
ALTERNATIVE prayer for rescission in suit for specific performance... ..	I	37
charge	IV	108
to relief granted, execution of decree for money payable as,	X	254
<i>See Delivery.</i>		
AMALGAMATED COMPANY, decree to, of specific performance of contract	I	23 (g)
AMALGAMATED OFFICE, one set of books only required in,	III	51
<i>See Company.</i>		
AMALGAMATION of registration-offices	III	7
AMBASSADOR or envoy of foreign state, suits against,	X	433
AMENDMENT of charge, application of accused for,	IV	99
of plaint	X	53
not made within limited time, rejection of plaint for,	"	54 (d)
of statements given in lieu of copies of plaint	"	58
of written statement	"	116
addition and striking-out of issues	"	149
of decree	"	206
of application for execution	"	245
of memorandum of appeal not in form	"	543
of Chutiá Nágpur encumbered estates act, 1876	XII	
<i>See Plaintiff, Return.</i>		
AMOUNT due to plaintiff or defendant to be stated in decree in suit where set-off is allowed	X	216
decreed, with costs, &c., order for withdrawal on payment of,	"	275
recoverable to be stated in proclamation of sale	"	287 (d)
of mesne profits, damages or annual nett profits, commission for ascertaining,	"	392

	ACT.	SEC.
AMOUNT (<i>contd.</i>)		
and nature of security required, high court's power to regulate,	X	612 (c)
or value of subject-matter, see <i>Pecuniary limits.</i>		
ANCESTRAL PROPERTY, suit to set aside alienation of,	XV	sch. II, No. 126
ANIMAL, see <i>Killing, Stealing.</i>		
ANIMALS, see <i>Hire.</i>		
ANNUAL PROFITS, see <i>Amount.</i>		
ANNUITIES, valuation of,	X	213
ANNUITY charged, not expressly but by implication, on land bequeathed, trustee for,	I	3, <i>ill. (a)</i>
lapsing by death of annuitant the day after contract for purchase, representative of purchaser may be compelled to pay for,	"	13, <i>ill. (b)</i>
non-enforceable contract to pay,	"	21, <i>ill. (h)</i>
which by marriage-settlement is payable to husband, but intended as provision for wife and children	"	31, <i>ill. (b)</i>
payable to one during life of another, abatement by death of one plaintiff during suit brought by both	X	361, <i>ill. (a)</i>
ANNUITY-BOND, plaint in suit on,	X	sch. IV, No. 28
ANSWER to rule to shew cause, effect of making insufficient or false, of accused, putting in evidence of,	I	46, 47
to case set up by defendant, exception of documents produced in,	IV	148
consequence of refusal or inability of pleader to,	X	63
note as to interrogatories which each party is required to,	"	120
to interrogatories, procedure in case of refusal or omission to give, or giving insufficient,	"	121
to order for discovery	"	127
	"	129
<i>See Affidavit, Appearance, Day, Failure, Irrelevant, Judge, Time.</i>		
decree, see <i>Security.</i>		
ANSWERING written statements called for	X	112
ANSWERS, see <i>Plaint, Questions.</i>		
APOLOGY, see <i>Discharge.</i>		
APPAREL of judgment-debtor, his wife and children, not liable to attachment	X	266 (a)
APPEAL, bar of,	I	9
from orders to enforce public duties	"	48
against order passed by himself, sub-registrar of amalgamated offices not to hear,	III	7
against refusal to register	"	72
not allowed from order of refusal to register	"	76
payment of fine in case subject to,	IV	186
from order on petition against classification	VIII	11
bar of,	"	11, 15
return of documents in suits subject or not subject to,	X	144
rules as to, applied to award in favour of defendant whose set-off is allowed	"	216
from orders in executing transmitted decree	"	228
statement as to, in application for execution	"	235 (d)
from decree on award of arbitrators	"	522
staying and executing decrees under,	"	545—547
judgment in,	"	571—578
provisions relating to decree in,	"	579—583
to high court from order refusing certificate to applicant for leave to appeal to Queen	"	601

	ACT.	SEC.
APPEAL (contd.)		
from orders as to enforcement of Queen's orders in appeal...	X	611
against order granting application for review ...	"	629
against final decree or order made in suit, objection to review by,	"	629
against decision or order	XIV	29
not allowed against decision of commissioner	"	29
not included in suit	XV	3
when presentable after limitation-period	"	5
application for execution of decrees or order where there has been,	"	sch. II, No. 179, 2
against orders fining ministerial officers	XVII	36
bar of, when amount or value of subject-matter is less than 50 rupees	"	39
<i>See Appealable orders, Decision, Decree, Execution Hearing, Memorandum, Notice, Residence, Security, Stay of execution, Whipping.</i>		
APPEALABLE decree or order, time for presenting copy of, ...	III	23
cases, taking of evidence in,	X	182
orders made in course of suit, appeal from certain orders of same nature as,	"	588 (j)
<i>See Cases.</i>		
APPEALS under Bombay municipal law	IV	9
provisions relating to,	"	167-182
presented before commencement of Act	X	3
under certain Bombay laws	"	7
provisions relating to,	"	540-616
under chapter XXI, provisions applied to,	"	582
from appellate decrees... ..	"	584-587
from orders	"	588-591
to Queen in council	"	594-616
to Queen from decisions of Bengal high court, rules and restrictions applied to,	"	615
limitation of,	XV	sch. II, Nos. 150-157
from original jurisdiction of chief court	XVII	17
<i>See Appellate decrees, Civil appeals, Decree, Dismissal, Executing, Hearing, Judgment, Limitations, Orders, Original decrees, Pauper-appeals, Procedure, Queen, Register, Saving, Staying.</i>		
to Queen, see <i>Recovery of costs.</i>		
APPEAR , see <i>Failure, Rules, Summons, Time.</i>		
and defend, see <i>Leave to appear.</i>		
and answer, see <i>Rules, Summons, Time.</i>		
APPEARANCE of executants or representatives, assigns or agents		
before registering officer	III	34
process to compel,	IV	27
of parties, procedure on,	"	119
before commissioner, whether in person or by agent or pleader	X	400
and answer by secretary of state	"	420
of defendant in suit on negotiable instrument	"	532
of opposite party on application for review	"	626 (a)

	ACT.	SEC.
APPEARANCE (<i>contd.</i>)		
in civil courts as pleader	XVII	42, 43
<i>See Day, Enforcement, Exemptions, Failure, Person, Rules, Security.</i>		
in person, <i>see Failure.</i>		
APPEARANCES , applications and acts on behalf of sovereign prince or chief	X	432
<i>See Government, Parties.</i>		
APPELLANT being in jail, procedure in case of,	IV	171
presentation by, of memorandum of appeal	X	541
hearing of, on grounds not stated in memorandum	"	542
demand of security from, for costs	"	549
when entitled to begin	"	555, exp.
dismissal of appeal for default or non-appearance of,	"	556
notice to, by respondent, of objection to decree appealed against	"	561
relief due to, when to be stated in judgment in appeal	"	574 (d)
issue of execution on failure by, to furnish further security	"	609
<i>See Description, Final, Hearing, Names, Notice, Security.</i>		
APPELLATE COURT , procedure where courts in which suit may be instituted are subordinate to same,	X	22
application to, for order to stay execution	"	239
power of, to direct security to be taken	"	546
procedure of, in appeal from decrees	"	548, 554
may cause service direct of notice of day of hearing appeal	"	553
remand of case by,	"	562
final determination by, of case in appeal	"	565
decree or order of,	"	577
limitation-time to run from final decree or order of,	XV	sch. II, No. 179, 2
<i>See Dispensing.</i>		
APPELLATE COURTS , procedure where courts in which suit may be instituted are subordinate to different,	X	23
APPELLATE DECREES , appeals from,	X	584—587
<i>See Register.</i>		
APPELLATE JURISDICTION , provision not applying to high court in, provisions relating to,	X XVII	638 37—41
APPLICANT for review, remedy in case of rejection of application on failure of, to appear	X	629
defined	XV	3
APPLICATION for order for enforcement of public duties	I	45 (a)
for direction to register document presented after due time	III	24
for direction to register document presented after time, lodgment of,	"	34 (c)
under chapter V, cognizance of offence on,	IV	25 (e)
equivalent to complaint	"	47
for discharge of sureties for good behaviour	"	226
for stay of proceedings when to be made	X	20

	ACT.	SEC.
APPLICATION (contd.)		
for transfer of suit	X	22, 23
for order to set aside dismissal on plaintiff's default ...	"	103
for order of inspection of documents	"	133
to send for record of another suit	"	137
for execution of decree	"	230-238
for order to stay execution	"	239
by judgment-debtor, of property of deceased held by him in possession	"	253
to set aside sale for irregularity, &c.	"	311, 313
to be declared an insolvent	"	344
by representative of deceased plaintiff, procedure in failure of,	"	364, 365
by plaintiff to bring in representative of deceased defendant	"	368
of defendant for dismissal of suit on ground of plain- tiff's bankruptcy or insolvency	"	370
of plaintiff to withdraw suit	"	373
by pauper for permission to sue	"	403
for extension of time for reference to government ...	"	423
by government pleader in suit against public officer in which government undertakes defence	"	426
of defendant for removal of minor's plaint	"	442
for removal of next friend by minor or by defendant ...	"	446
for appointment of new next friend	"	447, 449
for order for security from defendant	"	477, 480
of co-plaintiff, late minor, repudiating suit	"	454
by plaintiff, late minor, for dismissal of unreasonable or improper suit	"	455
for order for appointment of guardian for suit	"	456
for enforcement of decree against minor heir or repre- sentative of deceased judgment-debtor	"	460
for attachment of property of defendant failing to give security	"	483
for compensation for improper arrest or attachment ...	"	491
for discharge, variation or setting aside of order for injunction	"	496
for compensation in case of injunction sued out on insufficient grounds	"	497
for interim sale of perishable articles	"	498
for order for detention, &c., of property in suit	"	499
<i>See Notice.</i>		
by receiver of rents and profits of property in suit ...	"	503
for order of reference to arbitration	"	506
to court to appoint umpire	"	511
to set aside award not being made or being refused ...	"	522
to file in court agreement to refer to arbitration	"	523
for filing of award of arbitration without intervention of court	"	523
of defendant in summary suit on negotiable instrument for leave to appear	"	533
to certain courts of provisions as to summary suits on negotiable instruments	"	538
for stay of execution of appealable decree before expiry of time for appeal	"	545
of judgment-debtor for stay of sale of immoveable prop- erty in execution of money-decree under appeal	"	546
of respondent for demand of security from appellant ...	"	549
or copies of exhibits in court whose decree is appealed against	"	550

	ACT.	SEC.
APPLICATION (contd.)		
for readmission of appeal dismissed for default ...	X	558
by respondent for rehearing of appeal decided <i>ex parte</i> ...	"	560
of parties for copies of judgment and decrees ...	"	580
for execution of decree of appellate court ...	"	583
to appeal as pauper ...	"	592
for leave to appeal to Queen to what court to be made...	"	598
<i>See Closed, Expiry, Petition, Time.</i>		
of parties for copies of papers in case of appeal to Queen ...	"	603 (d)
of opposite party for increase of security ...	"	609
of respondent, issue of execution of decree appealed against to Queen, on, ...	"	609
for enforcement of order of Queen ...	"	610
of parties, reference to high court on, ...	"	617
for review of judgment ...	"	623
for review of judgment by party not appealing from decree ...	"	623
for order to restore rejected application for review ...	"	629
to review order passed on review, or on application for review, barred ...	"	629
for benefit of Act... ..	XIV	4-7
of money, &c., paid to manager ...	"	25
of person concerned, revision of proceedings on, ...	"	30
not included in <i>Suit</i> ...	XV	3
for leave to sue, pauper-suit deemed to be instituted on filing of, ...	"	4, exp.
when to be made in case of disability at time from which limitation is to be reckoned ...	"	7
to set aside award, time to be excluded in reckoning limitation-period prescribed for, ...	"	12
exclusion, in reckoning limitation-period for, of time occupied in making other, for same relief ...	"	14
according to law to proper court for execution or to take step in aid of execution ...	"	sch. II, No. 179, 4
of parties, withdrawal of suits on, ...	XVII	16
of parties, withdrawal of appeal on, ...	"	41
<i>See Affidavit, Election, Ex parte, Legislative body, Rejecting.</i>		
for injunction, see <i>Notice.</i>		
APPLICATIONS to high court under Act X of 1875, section 147 ...	IV	167, 181
under Indian Contract Act, 1872, section 165, deemed to be administration-suits ...	X	213
costs of, ...	"	218
in behalf of minors by next friend and guardian <i>ad litem</i> ...	"	441
under Act XV of 1871, saving of, ...	XIV	'2
for leave to appeal as pauper, time to be excluded in reckoning limitation-period prescribed for, ...	XV	12
for review of judgment, time to be excluded in reckoning limitation-period prescribed for, ...	"	12
not provided for, ...	"	sch. II, No. 178
for permission to appear, plead and act, power to regulate, ...	XVII	43
<i>See Dismissal, Government, Limitation, Parties.</i>		

	ACT.	SEC.
APPOINTMENT of presidency magistrates	IV	8
and powers of chief magistrates	"	9
of manager or receiver, attachment by,	"	63
of pleader	X	39
of agent for receipt of process	"	41
of receiver of insolvent's property	"	351
of pleader, court-fee not chargeable on, in pauper-suit	"	410
by court of guardian for suit of minor defendant ...	"	443
of guardian for suit	"	456
in place of guardian for suit dying or being removed	"	459
of receivers	"	503—505
of officer to exercise powers as to suits relating to	"	
public charities	"	539
of new trustees to charity, suit for decree for, ...	"	539 (a)
of receiver, form of,	"	sch. IV, No. 168
<i>See Invalidation, Receivers.</i>		
APPOINTMENTS, notifications, rules and orders confirmed ...	III	3
to be reported to local government	"	13
under Act XV of 1871, continued	XIV	2
made under repealed Acts, continued	XVII	2
APPORTIONMENT of costs	X	220
APPREHENDED WITNESS being unable to give evidence, &c., procedure		
in case of,	X	174
APPREHENSION of injury from void or voidable instrument being left		
outstanding	I	39
penalty for resistance to,	X	651
APPRENTICE, <i>see Master.</i>		
plaint in suit of, against master	X	sch. IV, No. 65
APPRENTICES, concise statements of claims of, and against, ...	X	sch. IV, No. 114
APPROPRIATION of materials for emergent work	XIII	3 (b)
of another's soil, or things growing on his land ...	XV	3
APPROVAL of rules made by inspector-general	III	69
by district judge of appointment of ministerial officers ...	XIX	2
ARABLE LAND let for husbandry without express contract as to mode		
of cultivation, suit for injunction to restrain un-		
husbandlike treatment of,	I	54, <i>ill. (k)</i>
ARBITRARY, discretion of court to decree specific performance is not,	I	22
ARBITRATION, contract to refer controversy to, not enforceable ...	I	21
reference to,	X	506—526
without intervention of court, filing award in, ...	"	525
concise statement of claim for non-compliance with		
award of,	"	sch. IV, No. 114
<i>See Matter, Order of reference, Supersession.</i>		
ARBITRATORS, <i>see Agreement, Court, Difference of opinion, Nomina-</i>		
<i>tion, Notice, Opinion, Reference, Refusal,</i>		
<i>Special case.</i>		
ARCHWAY, specific enforcement of railway company's contract to		
make,	I	12, <i>ill.</i>
ARGUMENT or evidence necessary for decision being fully available		
at first hearing	X	154
on objections of judgment-debtor to execute conveyance		
or endorsement	"	261
as to applicant to sue as pauper being subject to prohibi-		
tion laid down	"	409
not allowed in memorandum of appeal	"	541
or evidence, <i>see Postponement.</i>		

	ACT.	SEC.
ARGUMENTATIVE, written statement not to be, ...	X	114
matter included in affidavit, effect of, ...	"	196
ARMS and ammunition, see <i>Offences</i> .		
ARREARS, see <i>Rent, Salary</i> .		
of government revenue, suit to set aside sale for, ...	XV	sch. II, No.
suit to set aside sale for demand recoverable as, ...	"	12 (c)
suit to set aside attachment, lease or transfer for, ...	"	sch. II, No.
suit to recover money paid in satisfaction of claim for, ...	"	15
suit to recover money paid in satisfaction of demand recoverable as, ...	"	sch. II, No.
of maintenance, see <i>Maintenance</i> .	"	16
of rent, suit for, ...	"	sch. II, No.
		110
See <i>Account, Current arrears, Patni taluq, Surety</i> .		
of revenue, see <i>Incumbrances, Under-tenures</i> .		
of wages, see <i>Traveller</i> .		
ARREST, jurisdiction to issue process for, given by complaint ...	IV	28 (c)
of person disobeying summons ...	"	136
of person not complying with summons, &c. ...	X	174
statement as to, in application for execution ...	"	235 (j)
in execution of decree ...	"	336, 337
for subsistence-money, bar to, ...	"	340
powers of court as to insolvent under, ...	"	349
or imprisonment of discharged insolvent ...	"	357
public officer sued not liable to, ...	"	427
of foreign prince or chief ...	"	433 (c)
and attachment before judgment ...	"	477-491
in execution of civil process, women not exempt from, ...	"	640
See <i>Exemption</i> .		
outside district in which court situate, procedure in, ...	"	648
See <i>Cantonment, Judicial process, Payment into court, Person, Presence, Taking</i> .		
before judgment, see <i>Warrant</i> .		
in execution, see <i>Warrant</i> .		
ARRESTS, see <i>Compensation</i> .		
ARRIVAL of emigrant at depôt and procedure thereon ...	V	24
ARTISANS, see <i>Tools, Wages</i> .		
ASCERTAINMENT of costs, power of high court to order execution of decree before, ...	X	634
ASKING leave to enjoy right to easement, effect of, ...	XV	26, <i>ill. (c)</i>
ASSAULT in one place by person residing in another, place of suing for, ...	X	18, <i>ill. (a)</i>
bar of pauper-suit for, ...	"	402
and battery, plaint in suit for, ...	"	sch. IV, No.
		84
with special damage, plaint in suit for, ...	"	sch. IV, No.
		85
and false imprisonment, plaint in suit for, ...	"	sch. IV, No.
false imprisonment or malicious prosecution, concise statement of claim for damages for, ...	"	86
	"	sch. IV, No.
		114
See <i>Culpable homicide, Husband and wife, Rioting</i> .		
on public servant, see <i>Rioting</i> .		
ASSEMBLYING armed men, see <i>Rioting</i> .		

	ACT.	SEC.
ASSENT to contract obtained by misrepresentation, concealment, circumvention, unfair practices or unfulfilled promise to contract given under influence of mistake of fact, misapprehension or surprise...	I	28 (b)
ASSES included in <i>Cattle</i>	XIII	28 (c)
ASSESSED to land-revenue	XVII	7, exp. 49, exp.
ASSESSMENT of compensation for breach of contract of rent-free land, see <i>Resumption</i> .	I	19
ASSETS, collection of, by receiver	X	355
<i>See Costs, Decree, Executor, Refund.</i>		
distributed, see <i>Compelling refund.</i>		
ASSIGN, see <i>Addition, Admission, Death, Denial, Refusal, Representative, Signature.</i>		
ASSIGNED, see <i>Revenue.</i>		
land-revenue	XVII	49, exp.
ASSIGNEE of husband dying insolvent not entitled to annuity intended as provision for wife and children	I	31, <i>III.</i> (b)
provision as to cross-decrees applies where either party is, or receiver of bankrupt or insolvent plaintiff, when suit maintainable by, is barred	X	246, exp. II
	"	370
<i>See Insolvency, Promissory-note, Tenant for life.</i>		
ASSIGNMENT, execution of decree transferred by,	X	232
property in custody of court and attached by decree-holder and claimed by another in virtue of,	"	272
creation or devolution of interest pending suit, procedure in case of,	"	372
<i>See Interest.</i>		
ASSIGNMENTS by government, exemption of,	III	90 (d)
from general provincial fund under North-Western Provinces Local Rates Act, 1871	VII	
ASSIGNOR, provision as to cross-decrees applies in respect of judgment-debts of original,	X	246, exp. II
ASSIGNS of express trustees, no limitation of suit against,	XV	10
<i>See Accident, Appearance, Necessity, Right.</i>		
ASSISTANCE to magistrates and police, all persons bound to give,	IV	247
of court how required, to be stated in application for execution	X	235 (j)
in execution of emergent work, persons bound to give,	XIII	3 (a)
<i>See Conduct.</i>		
of court, see <i>Placing.</i>		
ASSISTANT to collectors of Ahmadábád, Broach and Kaira, taluqdári settlement-officer to be,	XIV	40, 41
ASSISTANT COLLECTOR, see <i>Duties, Powers.</i>		
"ASSISTANT COMMISSIONER" defined	XVII	3
with full powers, court of,	"	4 (4)
special powers, court of,	"	4 (5)
ordinary powers, court of,	"	4 (6)
<i>ex officio</i> powers of,	"	7
conferring powers on,	"	8
with full powers, pecuniary limits of jurisdiction of,	"	32
with special powers, pecuniary limits of jurisdiction of,	"	32

	Act.	Sec.
ASSISTANT COMMISSIONER (<i>contd.</i>)		
with ordinary powers, pecuniary limits of jurisdiction of,	XVII	32
may be invested with deputy commissioner's powers	"	33
with special powers, appeal from decree of,	"	37
with ordinary powers, appeal from decree of,	"	37
with full powers, appeal from decree of,	"	37 (b)
ASSISTANT JUDGES , subordination of courts of,	X	25
ASYLUMS , admission of military lunatics into,	XI	
ATTACHING CREDITOR , see <i>Notice</i> .		
ATTACHING OFFICER , duties of,	X	269
ATTACHMENT of property of person absconding or concealing himself and sale of property of person bailed, to recover penalty of sureties to compel payment of penalty	IV	68
of property of absconding witness	"	77
and sale of property of person forfeiting recognizance of property of judgment-debtor, order as to, in decree for payment by instalments	"	78
statement as to, in application for execution	"	137, 138
of moveable property, inventory to accompany application for,	"	228, 229
of immovable property, particulars in application for, of registered land, what to accompany application for, and sale of deceased person's property, execution by,	X	210
of property, execution of decree by,	"	235 (j)
in case of mesne profits to be subsequently ascertained of property, provisions relating to,	"	236
and sale of discharged insolvent's property	"	237
of property of public officer sued	"	238
and arrest before judgment	"	252
before judgment	"	254, 259, 260
of property in case of disobedience of injunction	"	255
appointment of receiver for property under,	"	266—285
of property, appeal from order for,	"	357
outside district, procedure in,	"	427
in execution, prohibitory orders in,	"	477—491
before judgment with order to call for security for fulfilment of decree	"	483—490
before judgment on failure to give security	"	493
before judgment	"	503
See <i>Prohibitory order</i> .	"	588 (h)
of property, suit by person against whom order is passed in case of,	"	648
See <i>Distrain, Levy, Small cause courts, Value</i> .	"	sch. IV, Nos. 138—142
by revenue-authorities, see <i>Government</i> .	"	sch. IV, No. 160
ATTACHMENTS , powers of small cause courts for effecting,	X	5
See <i>Bar, Compensation, Operation, Revival</i> .		sch. IV, No. 161
ATTEMPT to commit offence, a breach of recognizance	V	sch. IV, Nos. 162—165
to set aside execution-sale, time occupied in, by judgment-debtor to be excluded	V	sch. II, No. 11
	V	227
	V	16

	ACT.	SEC.
ATTEMPT (<i>contd.</i>) to enforce forged instrument, limitation-time to run from, <i>See Escape, Jointly.</i>	XV	sch. II, No. 93
ATTENDANCE at registration-office or court, persons excused from, ...	III	33
of witnesses, provisions for securing, ...	IV	134-141
of witnesses, power to compel, ...	X	148
of declarant in affidavit for cross-examination, power to order, ...	"	195
at court, examination by commission of persons prevented by sickness or infirmity, or by law exempted, from, ...	"	383
at court, reading of deposition when maker is incapacitated by sickness or infirmity, or exempted, from, of witnesses before commissioners ...	"	390 (a)
of companion to government pleader in suit against government ...	"	399
of appellant prevented by sufficient cause ...	"	421
of respondent prevented by sufficient cause ...	"	558
	"	560
<i>See Dispensing, Failure, Medical attendance, Person, Rules, Summoning, Time.</i>		
at private residence, see <i>Fees.</i> of witnesses, see <i>Enforcement.</i>		
ATTENTION , see <i>Care.</i>		
ATTESTATION with signature or initials, of interlineation, &c. ...	III	20
of power-of-attorney by registrar, sub-registrar or magistrate ...	"	33
of examination of accused by magistrate's signature ...	IV	84
of amendment of plaint ...	X	47, 53
of copies of documents produced ...	"	62
of amendments in written statements ...	"	116
of amendment of application for execution ...	"	245
of amendment of memorandum of appeal... ...	"	543
<i>See Signature.</i>		
ATTORNEY , rectification and subsequent enforcement of contract by client for payment to, of fixed sum in lieu of costs ...	I	34
rescission against, of instrument of transfer of property induced by, to defraud creditors ...	"	35, <i>ill. (b)</i>
included in <i>Pleader</i> ...	X	2
or vakil, suit by, for costs not payable at fixed time ...	XV	sch. II, No. 84
<i>See Auction, Notice.</i>		
ATTORNEYS in suit, process of high court which may be served by, <i>See Interference, Persons employed, Rules.</i>	X	636
AUCTION , purchase by vendor's attorney of property sold at, deficiency on resale of goods sold at, ...	I	22, <i>ill. (d)</i>
AUCTIONEER , sale by, of the whole of certain land as to part of which his authority is revoked ...	X	sch. IV, No. 13
	I	28, <i>ill. to (c)</i>
<i>See Commission.</i>		
AUTHENTICATION of power-of-attorney to agent for registration ...	III	32, 33
of books containing copies of documents ...	"	52

	ACT.	SEC.
AUTHENTICATION (<i>contd.</i>)		
of books, power to regulate,	III	69
See <i>Parties, Revision.</i>		
AUTHOR , see <i>Literary work.</i>		
AUTHORITIES to adopt a son, not conferred by will, registration of,	III	17
See <i>Military authorities.</i>		
to adopt, see <i>Presentation, Registration, Wills.</i>		
AUTHORITY of government pleader to appear for government, note of,	X	426
to sue and defend for military men	"	465
for application for order of reference to arbitration	"	506
to let, sell, mortgage or exchange property of charity	"	539 (d)
to collector to stay public sale of land on security being given	"	sch. IV, No. 152
other than specified, power to declare courts subject to,	XVII	50
See <i>Filing, Writing.</i>		
AUTHORIZATION of appointment of receiver nominated by judge ...	X	505
AUTHORIZING admission of depositions under commission irrespective of cause for issuing it	X	390 (b), 399
persons to address court	"	635
AVERAGE , see <i>General average, Particular average.</i>		
AVERMENT of non-arrival of time for payment, delivery, performance or enjoyment, immaterial	XV	19, exp. 1
See <i>False averment.</i>		
AVOIDANCE of plaintiff, or process, by defendant, application that security be taken in case of,	X	477
See <i>Incumbrances, Under-tenures.</i>		
AVOIDING service, see <i>Substituted service.</i>		
AVOIRDUPOIS WEIGHT , see <i>Maund defined.</i>		
AWARD to defendant in suit where set-off is allowed, effect of, ...	X	216
to defendant of costs of suit abating by death of sole or sole-surviving plaintiff	"	366
to defendant of costs in suit dismissed on ground of plaintiff's bankruptcy	"	370
of costs, whether against plaintiff or defendant, as blameable for litigation	"	379 & <i>ills.</i>
of sums payable to equalize value of shares in partition	"	396
of costs to plaintiff in interpleader suit	"	473 (a), 475
of compensation for improper arrest or attachment	"	491
of compensation to defendant in case of injunction sued out on insufficient grounds	"	497
opinion of court on case stated to form part of,	"	517
not providing for disposal of question as to costs	"	519
on matter referred to arbitration by agreement of parties	"	524
plaint in suit on,	"	sch. IV, No. 26
concise statement of claim for money payable under,	"	sch. IV, No. 114
of compensation for damage	XIII	6
in respect of debts and liabilities	XIV	20

	ACT.	SEC.
AWARD (<i>contd.</i>)		
exclusion, in reckoning limitation-period, of time requisite for obtaining copy of,	XV	12
under certain regulations, suit by person bound by, to recover property comprised	"	sch. II, No. 46
application to set aside,	"	sch. II, No. 158
limitation-time for application for filing of, to run from its date	"	sch. II, No. 176
<i>See Arbitration, Board of revenue, Contest, Expiry, Extension, Indefiniteness, Intervention, Matter, Modification, Objection, Reconsideration, Signature, Time.</i>		
AWARDS , provisions of chapter applied to,	I	30
exemption of,	III	17 (i)
BAD FAITH , discharge of arrested debtor not committing any act of,	X	336
commission of act of, by insolvent	"	351 (d), 359 (c)
BAD LIVELIHOOD , security from person of notoriously,	IV	213, 214
BAIL , discretion to take,	IV	44, 55
power to order release on giving of sufficient,	"	58
when to be accepted	"	65
provisions relating to,	"	70-80
discretion to release on,	"	89
discretion of high court to admit to,	"	168
release of lunatic on,	"	196
for appearance of person charged with contempt to be given by apprehended witness who cannot at the time give evidence	"	206
for appearance of person accused of offence	X	174
	"	643
<i>See Exclusion, Release.</i>		
" BAILABLE CASE " defined	IV	6
" BAILABLE OFFENCE " defined	IV	6
procedure when accused charged with,	"	196
BAILIFF , form of warrant to, to give possession of land	X	sch. IV, No. 137
BAILMENT , concise statement of claim in case of, (negligence in custody or wrongful detention of goods)	X	sch. IV, No. 114
BALANCE of sale-proceeds of property attached, payment of, to judgment-debtor	X	259, 260, 263
necessary to discharge judgment-debts, after expiry of lease or management by collector	"	324
of proceeds of sale by collector, disposal of,	"	325
claimed by plaintiff after receipt of sum deposited in satisfaction, prosecution of suit for,	"	379
of proceeds of property sold in case of disobedience of injunction, payment of, to defendant	"	493
of money advanced for goods to be delivered, suit for,	XV	sch. II, No. 51
due on mutual, open and current account, where there are reciprocal demands, suit for,	"	sch. II, No. 85
<i>See Banker's, Distribution, Payment, Refund.</i>		
BAMBOOS , power to appropriate, in emergency	XIII	3 (l)
BANKER when a trustee for benefit gained by disclosing state of constituent's account	I	3, III. (c)
concise statement of claim against, for wrongfully neglecting or refusing to pay cheque	X	sch. IV, No. 114

	ACT.	SEC.
BANKER'S balance, concise statement of claim for,	X	sch. IV, No. 114
BANKING COMPANY, see <i>Shares</i> .		
BANK-NOTES liable to attachment	X	266
BANKRUPTCY or insolvency of plaintiff when a bar to suit	X	370
BAR of suit in respect of subject which person has agreed to refer to arbitration	I	21
to declaration of status or title	"	42
to future suit for portion of claim omitted or relinquished	X	43
by positive rule of law, rejection of plaint for,	"	54 (c)
of suit by stake-holder	"	470
of suit for compensation by award under section	"	491, 497
to certain evidence in case remanded	"	563
of appeal to Queen from certain judgments	"	597
of fresh proceedings in respect of debts	XIV	9
of claims not notified	"	14
of proceedings, processes, executions and attachments	"	20
of suits for things done under Act	"	36
<i>See Bankruptcy, Benámi, Refusal.</i>		
BARRISTER, one judge of chief court to be a,	XVII	5
BATTERY, see <i>Assault</i> .		
BÁZÁR, see <i>Military bázár</i> .		
BEGIN, see <i>Right to begin</i> .		
BELIEF, statements of, on reasonable grounds, when admissible in affidavits	X	196
BELLS, suit for injunction to restrain interference with comfort by ringing,	I	54, <i>ill.</i> (s)
BENÁMI, bar of suit against purchaser buying,	X	317
BENÁMÍDÁR not included in <i>Trustees</i>	XV	3
BENCH, sitting of magistrates as a,	IV	8
of two or more judges, decision of appeal heard by,	X	575
of two or more judges, appeal to,	XVII	17 (c)
of judges not being full bench, appeal from,	"	17 (d)
rule of decision in case of difference of opinion among judges of,	"	20
may refer question to full bench	"	21
BENCHES, power to make rules as to,	IV	9 (b)
exercise of powers by, and decisions of,	XVII	10
exercising powers deemed courts	"	11
BENCH-MARKS included in <i>Embankment</i>	XIII	2
BENEFICIAL OWNERS, right of, to sue for injunction to prevent threatened breach of trust	I	54, <i>ill.</i> (b)
BENEFICIAL TITLE, see <i>Compromise</i> .		
BENEFICIARIES, see <i>Representation</i> .		
BENEFICIARY, see <i>Trustees</i> .		
BENEFIT of covenant, see <i>Reversioner</i> .		
BENEFITS to arise out of land included in <i>Immoveable property</i>	III	3
BENGAL CIVIL COURTS ACT, 1871, section 36, amendment of,	XIX	1
BEQUEATHED in trust, see <i>Trustee</i> .		
REQUEST of land, enforcement against representative of contract for, in case of seller dying intestate	I	27, <i>ill.</i> (b)
of property to be equally divided amongst three persons if living, then amongst their children	"	42, <i>ill.</i> (b)
to B for life, with remainder to his wife and children if any, otherwise to C	"	42, <i>ill.</i> (a)
<i>See Forged instrument, Share of residue, Trustees.</i>		
BIDDING by officers concerned in sales, prohibition of,	X	292

	ACT.	SEC.
BIDDING (<i>contd.</i>) for property sold in execution by decree-holder ...	X	294
<i>See Co-sharer, Share.</i>		
BILL with successive endorsements, one of which is forged, right to have forged endorsement cancelled... ..	I	40, <i>ill.</i>
concise statement of claim for damages for breach of contract to accept draft or,	X	sch. IV, No. 114
to be taken up, see <i>Consideration</i> .		
not taken up, see <i>Consideration</i> .		
<i>See Negotiation.</i>		
"BILL OF EXCHANGE" defined	XV	3
suit for price of goods payable by, but not given	"	sch. II, No. 54
or promissory note payable at fixed time after date	"	sch. II, No. 69
payable at sight or after, but not at fixed time	"	sch. II, No. 70
particular place	"	sch. II, No. 71
or promissory note payable at fixed time after sight or demand on demand, without writing restraining or postponing right to sue	"	sch. II, No. 72
dishonoured by non-acceptance, suit on,	"	sch. II, No. 73
or promissory note not provided for	"	sch. II, No. 78
	"	sch. II, No. 80
<i>See Accommodation-bill, Dishonoured, Set-off.</i>		
BILLS OF EXCHANGE, joinder of parties liable on same,	X	29
liable to attachment	"	266
concise statement of claim upon,	"	sch. IV, No. 114
<i>See Agreement, Lost, Negotiable instruments.</i>		
BINDING, order of court passing decree on court receiving it for execution to be,	X	242
<i>See Suit.</i>		
BINDING OVER person to appear before magistrate	IV	44
persons to appear before magistrate in case of offence committed	X	643
BIRTH, no exemption from jurisdiction by reason of place of,	X	10
BLAME for litigation to be considered in awarding costs	X	379
<i>See Defendant.</i>		
BLANKS, see <i>Interlineations</i> .		
BOARD AND LODGING, plaint in suit for,	X	sch. IV, No. 23
concise statement of claim for,	"	sch. IV, No. 114
<i>See Schooling.</i>		

	ACT.	SEC.
BOARD OF REVENUE, suit to contest award of, under Act XXIII of 1863 Madras, orders of, as to payment of salt-duty...	XV XVIII	sch. II, No. 1 7
BOAT, see <i>Death, Hire.</i>		
BODILY INFIRMITY, exemption from personal appearance of person labouring under,	III	38
BOMBAY, duty on salt imported by land into, manufactured in,	XVIII "	5 6
<i>See Act, Act VI of 1862, Appeals, Governor, High court, Presidency high court, Presidency-town, Revenue commissioner, Small suits.</i>		
BOMBAY COURT OF PETTY SESSIONS, disposal of cases pending in, ... abolished	IV "	5 8
BOMBAY LAWS, see <i>Saving.</i>		
BOMBAY MĀMLATDĀRS COURTS ACT, suit for recovery of property the subject of order under, ...	XV	sch. II, No. 47
BOMBAY REVENUE JURISDICTION ACT amendment	XVI	
BOND purporting to bind each of three persons to an obligation, the word 'each' being inserted by mistake for fidelity of clerk, plaint in suit on,	I X	26, <i>ill. (a)</i> sch. IV, No. 66
not to carry on trade, concise statement of claim on, ...	"	sch. IV, No. 114
by receiver, form of,	"	sch. IV, No. 169
defined	XV	3
made by Hindū bearing native date only, limitation of suit on,	"	25, <i>ill. (b)</i> sch. II,
subject to condition, suit on,	"	No. 68
not expressly provided for, suit on,	"	sch. II, No. 80
<i>See Annuity-bond, Execution of bond, Money-bond, Promissory note or bond, Single-bond.</i>		
BONDS liable to attachment	X	266
BONUS out of purchase-money, contract for purchase of property not enforceable owing to stipulation for,	I	21, <i>ill. (c)</i>
"BOOK" defined	III	3
form of injunction to restrain only part of,	X	sch. IV, No. 166
containing entries relating to claims against property under management	XIV	13
BOOKS and papers deposited, right of deposites to recover them from finder	I	10, <i>ill. (d)</i>
for registration-offices	III	16
of account not liable to attachment	X	266 (d)
entries and accounts to be kept by officers, high court's power to make rules as to,	"	639
<i>See Destruction, Forms, Keeping, Partnership-debts, Production, Registered books, Safe custody.</i>		
BORROWED MONEY, see <i>Dividend.</i>		
BOUNDARIES or numbers, specification of, in decree for portion of immoveable property	X	207
BOUNDARY, see <i>Estate.</i>		
BOUNDS, see <i>Motes.</i>		
BRANCH INSPECTOR-GENERAL of Sindh	III	4

	ACT.	SEC.
BREACH of contract performance of which would not be enforced, bar to injunction to prevent, ...	I	56 (f)
of trust excepted from cases in which injunction should be refused ...	IV	56 (g) 227
of recognizance ...	IV	247
of the peace, assistance in prevention of, ...	X	539
of express or constructive trust for public charity, suit for, ...	„	sch. IV, Nos. 56—70
of contract, plaints in suits for compensation for, ...	„	sch. IV, No. 114
of covenant for repairs, concise statement of claim for, ...	„	sch. II, No. 65
of promise to do thing at specified time or on happening of specified contingency ...	XV	sch. II, No. 68
of condition, limitation-time to run from, ...	„	sch. II, No. 143
of condition, suit for immoveable property, title to which accrues from, ...	„	26
of rules as to petition-writers, punishment of, ...	XVII	
<p><i>See Acquiescence, Agreement, Cessation, Charter party, Claim, Continuing, Contract, Obligation, Presumption, Relief, Warrant.</i></p>		
<p>of contract, see <i>Arrears of wages, Compensation, Continuance, Continuing, Damages, Factor, Fire-insurance, Guarantee, Inducing, Landlord and tenant, Manager, Sale of goods, Sale of land, Traveller, Work.</i></p>		
<p>of contract to accept, see <i>Bill.</i></p>		
<p>of covenant, see <i>Compensation, Reversioner, Sale of land.</i></p>		
<p>of deed, see <i>Apprentices.</i></p>		
<p>of duty, see <i>Carrier, Factor.</i></p>		
<p>of peace, see <i>Rioting.</i></p>		
<p>of promise, see <i>Promise.</i></p>		
<p>of trust, see <i>Co-trustees, Loss.</i></p>		
<p>of warranty, see <i>Sale of goods.</i></p>		
<p>BREACHES, see <i>Successive.</i></p>		
BREAKING-OPEN door or window of place to be searched ...	IV	163
BRIEF, written statement to be, ...	X	114
BRINGING before court of person arrested in execution ...	X	336, 337
BRINGING-IN representative of deceased sole or sole surviving plaintiff	X	366
BRINGING-UP, see <i>Order.</i>		
BRITISH BURMA, confirmation of registration-rules in, ...	III	92
rules of limitation applied to claims to redeem immoveable property in, ...	XV	sch. II, No. 143
<p><i>See Burma.</i></p>		
BRITISH BURMA LABOUR LAW, 1876, section 71, persons exempted from application of, ...	XIII	8
BRITISH CURRENCY, estimation of amount of monies payable in India, which are expressed in, ...	X	610
BRITISH EMPIRE other than British India, commissions of courts in, ...	X	391 (b)
BRITISH GOVERNMENT, see <i>Alliance.</i>		
BRITISH INDIA, registration of documents executed out of, ...	III	25
execution and authentication of power-of-attorney by principal residing in or out of, ...	„	33
service of summons on defendant having no agent in, and residing out of, ...	X	89

	ACT.	SEC.
BRITISH INDIA, (contd.)		
procedure on non-appearance of defendant residing out of, and having no agent	X	104
requiring security for costs from plaintiffs residing out of,	"	380
issue of commission for persons residing out of,	"	387
commissions of courts situate out of, and established by Queen or government of India	"	391 (a)
provisions applied to commissions of courts within, suits by alien enemies residing in,	"	399
suits against sovereign prince or chief residing within or without,	"	430
execution in, of decrees of courts in native states	"	432
effect of next friend ceasing to reside in,	"	434
procedure on arbitrator or umpire leaving,	"	446
demand of security from appellant residing out of, possession by appellant residing out of, of property within, independent of that to which appeal relates	"	510
rules regarding appeals from courts in, to govern appeals to Queen	"	549
	"	595
<i>See Absence, Judgment, Leaving, Recovery of costs.</i>		
BRITISH INDIAN LAW, see Claim.		
BRITISH RESIDENT in foreign territory where defendant resides, service of summonses through,	X	90
BROACH and Kaira Incumbered Estates Act	XIV	
saving of jurisdiction of civil courts in,	XVI	1 & sch.
<i>See Collectors, Courts.</i>		
BROKER , power to order sale of property through,	X	296
BUFFALOES included in <i>Cattle</i>	XIII	7, exp.
BUILDER , plaintiff in suit against, for defective workmanship	X	sch. IV, No. 63
BUILDING, see Entry, Place.		
BUILDINGS included in <i>Immoveable property</i>	III	3
liable to attachment	X	266
included in <i>Embankment</i>	XIII	2
<i>See Entry, Lights, Materials.</i>		
BUILDING SHIP, see Work.		
BURDEN of proving issue	X	180
BURMA, see British burma, Saving.		
BURMA EMBANKMENT ACT, 1877	XIII	
BUSINESS , non-enforceable contract for purchase of, at a valuation of lessee, non-enforcement of contract involving injury to,	I	21, <i>ill. (b)</i>
bar to injunction against person who has agreed not to set-up within specified distance, when he does not obtain consideration for his agreement	"	22, <i>ill. (a)</i>
conduct and distribution of,	"	57, <i>ill. (e)</i>
situation of defendant's place of,	IV	9 (a)
of judgment-debtor, place of, as affecting execution of decree	X	16, 17, 57 (e)
carried on in foreign country without British license	"	223 (a)
done by attorney, suit for costs of,	XV	430, exp. sch. II, No. 84

	ACT.	SEC.
BUSINESS (contd.)		
See <i>Agent, Conduct, Corporation, Current business, Fraud, Goodwill, Manager, Partner, Principal place, Trade.</i>		
of court, see <i>Transfer.</i>		
BUSINESS PREMISES see <i>Goodwill.</i>		
BUYING by officers concerned in sales, prohibition of,	X	292
property sold in execution by decree-holder	"	294
See <i>Purchase.</i>		
BUYING-IN property, collector's power as to, *	X	321 (d)
BYE-LAW, see <i>Forfeiture.</i>		
CALCUTTA, see <i>Presidency high court, Presidency-town.</i>		
CALENDAR, see <i>Gregorian.</i>		
CALL by company registered under Act or statute, suit for,	XV	sch. II, No. 112
for proceedings, see <i>Revision.</i>		
CALLING for record of case not appealable, power of high court as to,	X	622
CALLS upon shares as to which indemnity is given, concise statement of claim for money paid upon,	X	sch. IV, No. 114
upon shares, concise statement of claim for,	"	sch. IV, No. 114
CANALS and railways, assignments for payment of charges incurred on account of,	VII	1
included in <i>Embankment</i>	XIII	2
CANCELLATION of instruments	I	39, 41
of deed, concise statement of claim for,	X	sch. IV, No. 114
in part, see <i>Instrument.</i>		
CANCELMENT of admission to bail or commitment to custody	IV	71
of license for depôt	V	8
of recruiter's license	"	11, 13
of notice to stay execution of decree sought to be attached	X	273 (a)
of declaration as to execution of decrees of courts in native states	"	434
alteration or setting aside of decree or order of court making reference to high court	"	621
or setting aside of instrument not provided for, suit for,	XV	sch. II, No. 91
of powers conferred on settlement-officers, provisions as to cases pending at time of,	XVII	49
See <i>Alteration, Sentence.</i>		
CANTONMENT, garrison, military station or bazar, execution of warrant of arrest in,	X	469
CANTONMENT MAGISTRATE may be registrar or sub-registrar	III	9
CANTONMENTS, see <i>Small suits.</i>		
CAPACITY to release, see <i>Release of right.</i>		
CAPITAL, see <i>Dividend.</i>		
CARCASE, see <i>Killing.</i>		
CARE and attention necessary to acts done in good faith	XV	3
CARGO lost by fire (valued policy)	X	sch. IV, No. 50
See <i>Freight.</i>		

	ACT.	SEC.
CARRIAGE of goods by railway, concise statement of claim for, ...	X	sch. IV, No. 114
<i>See Hire, Money overpaid.</i>		
CARRIER, charge of criminal breach of trust as a, ...	IV	110, <i>ill (a)</i>
concise statement of claim against, for refusing to carry goods by railway	X	sch. IV, No. 114
refusing to carry person ...	"	sch. IV, No. 114
breach of duty in carriage and delivery of coals or machinery ...	"	sch. IV, No. 114
suit against, for losing, injuring or delaying delivery of goods ...	XV	sch. II, Nos. 30, 31.
CARRYING AWAY gravel from field, see <i>Trespass</i> . stones from river, see <i>Trespass</i> .		
CARRYING ON noxious manufacture, plaint in suit for, ...	X	sch. IV, No. 79
trade, see <i>Bond</i> .		
CASE for opinion of court, statement of, by agreement of parties ...	X	527
<i>See Proceeding, Statement.</i>		
referred, see <i>Disposal of case</i> .		
set up, see <i>Answer</i> .		
CASES pending when Act commences, disposal of, ...	IV	5
to which section is not confined ...	X	532, exp. 622
not appealable, power of high court to call for record of, ...	"	622
in which persons and benches invested with powers shall exercise them ...	XVII	12
power to alter subordination of courts in respect of any specified class of, ...	"	50
<i>See Appealable, Statement of cases, Unappealable.</i>		
CASTE included in <i>Addition</i> ...	III	3
<i>See Compensation for loss.</i>		
CAT-OF-NINE-TAILS, see <i>Whipping</i> .		
CATTLE not liable to attachment ...	X	266 (b)
defined ...	XIII	7, exp.
<i>See Grazing, Trespass.</i>		
CAUSE for non-appearance of plaintiff, effect of proof of, ...	X	103
effect of proof of sufficient, ...	"	108
for not producing document on notice ...	"	131
for non-production of documents at first hearing ...	"	139
for non-attendance of appellant or non-deposit of cost ...	"	558
of respondent ...	"	560
for non-appearance of applicant for review, effect of proof of, ...	"	629
for allowing expiration of period of limitation for review, objection to admission for want of sufficient, ...	"	629 (c)
<i>See Notice, Special cause.</i>		

	ACT.	SEC.
CAUSE OF ACTION arises, suit to be instituted where, ...	X	17
arising at place of temporary lodging ...	"	17, exp. I
that may be joined with suit for recovery of land ...	"	44, rule (a)
not arising within jurisdiction of court receiving ...	"	
plaint, effect of, ...	"	57 (c)
to be stated in notice in suit against government ...	"	
or public officer ...	"	424
<i>See Actionable, Adding, Claim, Disclosure, Excluding, Prosecution.</i>		
CAUSES OF ACTION, bar to joinder in respect of distinct, ...	X	31
joinder of several, ...	"	45
joined by plaintiff, defendant may apply to con- ...	"	
fine suit to some of, ...	"	46
joined by plaintiff, court may exclude some of, ...	"	47
effect of misjoinder of, in plaint ...	"	53 (f)
CENTRAL PROVINCES, recognized agents in, ...	X	37
<i>See Saving.</i>		
CEREMONIES, <i>see Questions.</i>		
CERTIFICATE of number of pages in registration-books ...	III	16
under Land Improvement Act, 1871, excepted ...	"	58
of registry ...	"	60, 64, 65
of medical officer that offender is in fit health to ...	"	
undergo whipping ...	IV	189
of capacity for defence of accused found lunatic ...	"	197, 202
of accused lunatic being capable of being discharged ...	"	203
of state of health of emigrant ...	V	17, 19
of registry for embarkation ...	"	26
to be obtained by master of emigrant-vessel ...	"	33
of serving officer that summons cannot be served ...	X	168
of execution of decree ...	"	223
of circumstances attending failure to execute decree ...	"	223
of non-satisfaction or part satisfaction of decree ...	"	223, 224
of non-issue of order for execution of decree ...	"	223, 224
of satisfaction of decree by payment out of court ...	"	258
of expenses of re-sale ...	"	293
of court authorizing mortgage, lease or sale of pro- ...	"	
perty attached ...	"	305
to purchaser of immoveable property ...	"	316, 318, 319
of receiver, as to insolvent's property being placed ...	"	
in his possession ...	"	355
of heirship, or to collect debts, does not of itself ...	"	
constitute holder the legal representative ...	"	366, exp.
by secretary to government, of consent to suit ...	"	
against foreign state ...	"	433
of fitness of case for appeal to Queen ...	"	595 (c), 600
as to value or fitness to accompany petition for leave ...	"	
to appeal to Queen ...	"	600
of non-satisfaction of decree, form of, ...	"	sch. IV, No.
... ..	"	134
of sale of land, form of, ...	"	sch. IV, No.
... ..	"	150
required for appeal to Queen, appeal from order refusing, ...	XV	sch. II, No.
of adjustment of decree, <i>see compelling.</i>	"	153
CERTIFICATES and instruments of collateral security under Land ...	III	17 (d)
Improvement Act, 1871 ...	"	89
under Land Improvement Act, 1871, filing of copies of, ...	"	
high court's power to regulate grant or refusal of, by ...	"	
subordinate courts of final appellate jurisdiction ...	X	612 (b)

	ACT.	SEC.
CERTIFIED copies of judgment and decree to be furnished to parties ...	X	580
sent to court passing decree appealed against ...	"	581
copies or extracts, see <i>Requisitions</i> .		
copy of decree or order of Queen to accompany petition for its enforcement ...	"	610
copy of decree or order being registered, application for execution in case of, ...	XV	sch. II, No. 179
CERTIFYING to court which passed decree the fact of its execution or non-execution by other court ...	X	223
transcript of record, see <i>Preparation</i> .		
CESSATION of continuing breach, limitation-time to run from, ...	XV	sch. II, No. 115
CHANGE of pleader, form of notice of, ...	X	sch. IV, No. 179
"CHAPTER" defined ...	IV	6
	X	2
CHARACTER of holders of cross-decrees ...	X	246, exp. II
of parties to claims, indorsements of, ...	"	sch. IV, No. 115
CHARGE, power to alter, ...	IV	43
on which accused is to be tried, framing of, ...	"	89
proved in part only, such part amounting to different offence ...	"	110
when to be drawn where necessary ...	"	122
on thing claimed in interpleader suit, provision for plaintiff's costs by giving him, ...	X	475
of amount paid by party interested in land or tenure in suit, on default by party in possession as to revenue or rent due ...	"	501
of offence under penal code committed in case before civil court ...	"	643
mortgage, lease or alienate property, incompetency to, ...	XIV	9 (b)
on property under management, power to raise money by, ...	"	24 (b)
lease or alienation by restored thakur ...	"	28
on immoveable property, suit to enforce payment of, ...	XV	sch. II, No. 132
defined ...	"	sch. II, No. 132, exp.
See <i>Error, Formal, Incompetency, Mortgage, Transfer</i> .		
CHARGES how to be drawn ...	IV	89
provisions relating to, ...	"	94-113
what implied in, ...	"	94
CHARITIES, see <i>Public charities</i> .		
CHAPTER, power conferred on high court by its, ...	X	635
CHARTERED COURT, suit before, by mortgagee, to recover from mortgagor possession of mortgaged immoveable property ...	XV	sch. II, No. 146
application for enforcement of judgment, decree or order of, ...	"	sch. II, No. 180
CHARTERED HIGH COURT, provision as to certain mortgagee's suits before, ...	XV	2
CHARTERED HIGH COURTS, special rules relating to, ...	X	1-639
CHARTERED, see <i>Master</i> .		

	ACT.	SEC.
CHARTER PARTY not specifically enforceable	I	21, <i>ill. (b)</i>
of ship, concise statement of claim for damages for breach of,	X	sch. IV, No. 114
CHEATING, charge against person accused of,	IV	94, <i>ill. (c)</i> , 96, <i>ill. (b)</i>
<i>See Errors.</i>		
CHEMICAL EXAMINER, <i>see Examination, Report.</i>		
CHEQUE included in <i>Bill of exchange</i>	XV	3
suit for money lent, paid by,	"	sch. II, No. 58
<i>See Banker, Bills of exchange.</i>		
CHEQUES liable to attachment	X	266
CHIEF, <i>see Sovereign prince.</i>		
CHIEF COMMISSIONER to fix rates of payment for labour and materials	XIII	5
rules by, as to compensation	"	6
CHIEF CONTROLLING REVENUE AUTHORITY, procedure subject to rules made by,	X	322
CHIEF COURT of the Panjáb, a high court	II	1 (b)
establishment of,	XVII	4 (1)
constitution of,	"	5
jurisdiction and powers of,	"	14-29
appeals from original jurisdiction of,	"	17
addition of, in Act XV, 1877	"	18
powers of, as to appointment, &c., of ministerial officers	"	24
superintendence and control by, of subordinate courts	"	25
power of, to make rules as to petition-writers	"	26
general power of, to make rules	"	27
to keep registers, books and accounts	"	28
to submit them to local government	"	28
to comply with government requisitions	"	28
deemed a high court	"	29
may record judgments according to its own rules	"	29
power of, as to non-judicial and quasi-judicial acts	"	29
control of subordinate courts subject to general superintendence of,	"	30
appeal to,	"	37 (c)
when further appeal may be received by,	"	38
limitation of appeal to,	"	40 (b)
permission of, to plead and act in civil courts	"	42
may make rules as to applications for permission to appear, plead or act in courts	"	43
may withdraw or suspend permission	"	44
may regulate fees payable on proceedings in respect of adversary's pleader transmission to, of record of case in which judge before whom it comes is interested	"	45
disposal by, of case transferred by judge interested therein	"	46
	"	46

	ACT.	SEC.
CHIEF COURT of the Panjáb (<i>contd.</i>)		
appointment of single judge to exercise power of superintendence conferred on,	XVII	48
excepted from power to alter subordination of courts	"	50
CHIEF MAGISTRATE alone to hear appeals under Bombay municipal law	IV	9
may direct delivery of letters in custody of postal department	"	146
<i>See Appointment, Rules.</i>		
CHILD , see <i>Females.</i>		
CHILDREN , power to declare interests of, in legacy, before their rights are vested	I	42, <i>ill. (b)</i>
<i>See Apparels, Estate.</i>		
CHINA VASES , enforcement of specific delivery of, to owner	I	11, <i>ill. (c)</i>
specific performance of agreement to sell,	"	12, <i>ill. (b)</i>
CHUTIÁ NÁGPUR Encumbered Estates Act, 1876, amendment of,	XII	
CIRCUMSTANCES of the case, fine to be fixed according to,	X	170
of applicant to be declared insolvent, examination as to,		350
<i>See Certificate, Failure to execute.</i>		
CIRCUMVENTION , see <i>Assent.</i>		
CIVIL , see <i>Officers, Stipends.</i>		
CIVIL APPEALS from subordinate courts	XVII	14
withdrawal, &c., of,	"	41
CIVIL COURT , exception from certain provisions, of minors and lunatics for whom guardian is appointed by,	X	464
eviction of incumbrancer without resort to,	XIV	21
manager invested with powers of, as to witnesses	"	35
decree, suit for setting aside execution-sale under,	XV	sch. II, No. 12 (a)
suit to set aside decision or order of, in proceeding other than suit	"	sch. II, No. 13
power to limit exercise of certain jurisdiction to particular,	XVII	49
powers, investing settlement-officers with,	"	49
<i>See Highest, Principal.</i>		
CIVIL COURTS barred from issuing process against successor to property under management	XIV	27, 3
in certain districts, saving of jurisdiction of, as to claims against government	XVI	1
withdrawal, trial and transfer of appeals by,	XVII	41
appearing, pleading or acting in,	"	42
CIVIL JAIL of district, see <i>Place of imprisonment.</i>		
CIVIL JURISDICTION , see <i>Ordinary.</i>		
CIVIL PROCEDURE , see <i>Act VIII of 1859, Act XXIII of 1861.</i>		
CIVIL PROCEDURE CODE , section 20, time to be excluded in reckoning limitation-period for suit in which proceedings are stayed under,	XV	14
<i>See Code of civil procedure.</i>		
CIVIL PROCEEDING , see <i>Prosecution.</i>		

	ACT.	SEC.
CIVIL PROCEEDINGS, rules applied to all judicial process in, ...	X	649
withdrawal of, by chief court ...	XVII	16
CIVIL PROCESS, see <i>Execution</i> .		
CIVIL SUITS triable by courts ...	X	11
<i>See Register.</i>		
CIVIL SURGEON or medical officer, examination of emigrants by, ...	V	17
<i>See Deposition.</i>		
CLAIM under person litigating, who to be deemed to have, ...	X	13, exp. 5
founded on breach of British Indian law, effect of foreign judgment sustaining, ...	"	14 (e)
arising out of cause of action, suit to include the whole, ...	"	43
to property attached before judgment, investigation of, ...	"	487
to more than amount fixed as costs by rule of court ...	"	532
to property to be involved in decree to allow appeal to Queen ...	"	596
to privilege of exemption from personal appearance ...	"	641
against company, suit when deemed to be instituted in case of, ...	XV	4, exp.
to set-off coupled with acknowledgment, immaterial ...	"	19, exp. 1.
by-revenue-authorities, suit to recover money paid in satisfaction of, ...	"	sch. II, No.
to easement, see <i>Resistance</i> .	"	16
<i>See Admission, Balance, Crown, Disallowance, Particulars, Suit.</i>		
<i>under, see Person claiming.</i>		
CLAIMANT under document, presentation by, for registration ...	III	32
under will, when entitled to present it for registration ...	"	40
in good faith, procedure in case of obstruction to execution by, ...	X	331
not in possession, of property sold in execution, as proprietor, mortgagee, lessee or otherwise, procedure in case of obstruction by, ...	"	335
<i>See Disability.</i>		
CLAIMANTS under document, election by, of place for registration ...	III	29
against property under management, notice to, ...	XIV	12
CLAIMS, see <i>Admission, Demands, Determination, Disallowance, Inquiry, Investigation, Pecuniary.</i>		
that may be joined with suit for recovery of land ...	X	44
not payable out of proceeds of sale, lease, &c. ...	"	325
of defendants, statement as to, in plaint in interpleader suit ...	"	471 (b)
power to make rules for guidance of officers dealing with, ...	XIV	31 (c)
to redeem immoveable property in British Burma, limitation-law applied to, ...	XV	sch. II, No.
		148
CLASS under which licensee chargeable, determination of, ...	VIII	9
CLASSES of estate-holders included in <i>Thákur</i> ...	XIV	3
CLEARANCE, see <i>Taking on board</i> .		
CLERICAL error apparent on face of decree, application for review in case of, ...	X	624
CLERK, see <i>Bond, Refusal to employ, Salary, Service</i> .		
CLERK OF THE CROWN, charge, &c., to be forwarded to, ...	IV	89
summoning of witnesses by, ...	"	92
CLIENT, see <i>Attorney, Papers</i> .		
CLOSE of year last entered in account, limitation-time to run from, ...	XV	sch. II, No.
		85

	ACT.	SEC.
CLOSED, provision when, on last day for presentation, registration-office is,...	III	26
when application for leave to appeal to Queen to be made if court is,...	X	599
proviso in case of expiry of limitation-period when court is,	XV	5
CLOSED PLACE, person in charge of, to allow search ...	IV	162
CLOTHING, see <i>Lodging</i> .		
COAL dug out of sub-soil so as to injure surface of field...	XV	24, <i>ill.</i> (a)
COALS, see <i>Carrier</i> .		
CO-DEBTOR, see <i>Contribution</i> .		
CO-DEFENDANT may be guardian for suit ...	X	457
CODE OF CIVIL PROCEDURE, recovery of property in manner prescribed by, ...	I	8, 10
saving of provisions of, as to reference to arbitration ...	"	21
appointment, &c., of receivers regulated by, ...	"	44
to regulate temporary injunctions ...	"	53
manager invested with power under, as to witnesses ...	XIV	35
cap. 39, suit under, ...	XV	sch. II, No. 5
suit by person against whom order is passed under section 280, 281, 282 or 335 of, ...	"	sch. II, No. 11
appeal under, to district judge ...	"	sch. II, No. 152
section 601, appeal under, to high court ...	"	sch. II, No. 153
appeal under, other than in cases provided for in Nos. 151 and 153 ...	"	sch. II, No. 156
application under, to set aside award ...	"	sch. II, No. 158
cap. 39, application for leave to defend suit under, ...	"	sch. II, No. 159
section 629, application under, for restoration of rejected application for review ...	"	sch. II, No. 160
section 258, application for order under, to compel certifying of adjustment...	"	sch. II, No. 160
application under, by person dispossessed of immoveable property...	"	sch. II, No. 165
section 363 or 365, application under, by person claiming to be legal representative of deceased plaintiff ...	"	sch. II, No. 171
section 353, application under, by creditor of insolvent judgment-debtor ...	"	sch. II, No. 174
section 516 or 525, application under, that award be filed ...	"	sch. II, No. 176
section 230, applications for which limitation is not provided by, ...	"	sch. II, No. 178
section 230, application for execution of decree or order not provided for by, ...	"	sch. II, No. 179
section 248, limitation-time to run from date of notice issued under, ...	"	sch. II, No. 179
section 226 or 227, court whose duty it is to execute decree under, ...	"	sch. II, No. 179, exp. 2
sections 633, 637, chief court deemed a high court within meaning of, ...	XVII	29

	ACT.	SEC.
CODE OF CIVIL PROCEDURE, (contd.)		
distribution of business irrespective of,...	XVII	34
section 584, addition to,	"	39
585, enlargement of,	"	39
586, modification of,	"	39
25, disposal, as prescribed by, of transferred suit	"	46
<i>See Act VIII of 1839, Civil procedure code, Foreign judgment.</i>		
CODE OF CRIMINAL PROCEDURE, appeals and applications deemed to be under,	IV	167
cap. 40, suit for recovery of pro- perty affected by order under, ...	XV	sch. II, No. 47
appeal under, from sentence of death passed by sessions judge	"	sch. II, No. 150
appeal under, to court other than high court	"	sch. II, No. 154
appeal under, to high court	"	sch. II, No. 155
appeal under, from judgment of acquittal	"	sch. II, No. 157
CODICIL not included in Settlement	I	3
<i>See Will.</i>		
COGNIZANCE of offences	IV	25—37
COIN and government stamps, trial of persons previously convicted of offences relating to,	IV	128
or currency-notes attached, payment of, to person entitled under decree	X	277
COLÁBA, saving of jurisdiction of civil courts in,	XVI	1 & sch.
exception of lapsed state of,	"	1 & sch.
COLLATERAL SECURITY, see Certificates.		
COLLECTION of fees, power to regulate,	VIII	23 (b)
of rents and profits of property in suit, by receiver	X	503
<i>See Certificate.</i>		
" COLLECTOR " defined	VIII	2
grant of license by,	"	4
defined	X	2
application for attachment of land registered in office of, to make partition or separation of share of revenue- paying estate	"	238
exception of cases in which execution of decree is transferred to,	"	265
may be authorized to provide for satisfaction of decree by temporary alienation or management of land or share	"	287
of district, notice to be delivered to, or left at office of, before suit against secretary of state	"	326
appointment of, as receiver	"	424
manager to have powers of, for recovery of rents and profits	"	504
suit to set aside sale under decree of,	XIV	10
<i>See Authority, Declaration, Decrees, Duties, Land, Money-decrees, Money received, Office, Powers, Procedure, Rules, Transfer.</i>	XV	sch. II, No. 12 (b)
COLLECTORS of Ahmadábád, Broach and Kaira, officer to be deemed assistant to,	XIV	40, 41

	Act.	Sec.
COLLUSION between executor and debtor to estate	X	50, <i>ill.</i>
between plaintiff and defendant in interpleader suit,		
disclaimer of, in plaint	"	471 (c)
COLTS included in <i>Cattle</i>	XIII	7, <i>exp.</i>
COMBINED sentences, see <i>Sentences</i> .		
COMFORT, see <i>Bells, Noise, Smoke</i> .		
COMFORTS, see <i>Medical aid</i> .		
COMMANDING OFFICER, authority by military man to sue and defend		
to be signed in presence of,	X	465
authority by, to sue and defend	"	465
defined	"	465
of military man being a defendant, sending		
copy of summons to,	"	468
to back warrant with his signature and to		
cause arrest	"	469
duty of, as to native military insane	XI	4
to be member of committee	"	5
COMMENCEMENT of sentence on person already sentenced to imprison-		
ment or transportation	IV	193
and expiration of license	VIII	6
of suit as against defendants added	X	32
of suits	"	48
of suit, application for injunction after,	"	493
COMMISSION for examining executant of power-of-attorney	III	33
for examination of persons exempt from appearance	"	38
to examine absent witness	IV	158
of act by person acquitted on ground of lunacy, state-		
ment as to,	"	199
to inquire into state of mind of accused lunatic	"	203
of receiver, deemed a distribution	X	356
examination of pauper by,	"	406
costs of examination by, of person claiming exemption		
from personal appearance	"	641
earned as auctioneer, cotton-broker, &c., concise state-		
ment of claim for,	"	sch. IV, No.
		114
to examine absent witness, form of,	"	sch. IV, No.
		156
for local investigation	"	sch. IV, No.
		157
to examine accounts	"	sch. IV, No. 157
COMMISSIONER for local investigation, procedure of,	X	393
for examination of accounts, proceedings and instruc-		
tions to be furnished to,	"	395
for examination and adjustment of accounts, doing		
by registrar or other officer of acts which may be		
done by,	"	637
defined	XIV	3
application to, for benefit of Act	"	4
duty and powers of, in respect of application for bene-		
fit of Act	"	5
statement of applicant for benefit of Act to contain		
details required by,	"	6
powers of, in dealing with report	"	8
proceedings of, on submission of liquidation-scheme		
may order relinquishment of management	"	18
appeal to, from orders under Act	"	19
no appeal against decision of,	"	29
court of,	"	29
<i>ex officio</i> powers of,	XVII	(2)
controlling powers of,	"	7
powers of, as to withdrawal, &c., of suits	"	30
power of, to distribute business	"	33
		34

	ACT.	SEC.
<i>COMMISSIONER, (contd.)</i>		
powers of, as to ministerial officers	XVII	35
deputy commissioner's powers under control of,	"	36
power of, to fine ministerial officers	"	36
appeals which lie to,	"	37 (b)
from decrees of,	"	37 (c)
power of, to receive further appeal	"	38
further appeal from decision of,	"	38
second appeal against order of,	"	39
limitation of appeal to,	"	40 (a)
COMMISSIONERS for partition, procedure of,	X	396
<i>See Powers.</i>		
COMMISSIONS, provisions relating to,	X	383—400
<i>See Distribution, Fees, Law, Remuneration.</i>		
COMMITMENT for trial, jurisdiction as to, given by complaint	IV	28 (b)
to high court	"	44
to prison on failure to enlarge insufficient bail	"	75
to find sureties in place of those discharged	"	76
of accused for trial	"	88, 89
of accused in case found beyond jurisdiction	"	127
of person accepting tender of pardon	"	151
to jail pending reference to high court	"	240
to jail in default of finding security	X	481
<i>See Jail.</i>		
COMMITTAL, see <i>Order for committal.</i>		
COMMITTEE or curator of lunatic or idiot included in <i>Representative</i> for examination of native military insane	III XI	3 5
<i>See Lunatic, Trustee.</i>		
COMMON ground, see <i>Ground.</i>		
COMMUNICATION with government in suits against it, time to be allowed for,	X	420
COMMUNICATIONS, allotments for construction, &c., of,	VII	1
<i>See Destruction, Immoral life, Patient.</i>		
COMPANIES, see <i>Corporations, Suits.</i>		
COMPANION of party, examination of,	X	118
COMPANY contracting and subsequently amalgamated, contract enforceable against,	I	27 (d)
being wound-up by court, suit against, when deemed to be instituted	XV	4, exp.
<i>See Amalgamated company, Corporation, Officer, Promoters, Shares.</i>		
<i>registered under statute, see Call.</i>		
COMPEL, see <i>Court.</i>		
COMPELLING decree-holder to certify adjustment, appeal from order as to,	X	588 (k)
to give evidence and produce documents, manager's power as to,	XIV	35
production of concealed document, reckoning limitation from time of obtaining means of,	XV	18
refund of legacy paid or assets distributed, suit for,	"	sch. II, No. 43
decree-holder to certify adjustment, application for,	"	sch. II, No. 161
<i>See Attendance, Law, Production.</i>		

	ACT.	SEC.
COMPENSATION, grant of specific relief otherwise than by award of, in money not affording adequate relief, surrender of thing by holder to owner in case of, ...	I	5 (d)
for non-performance not affording adequate relief, specific performance of act in case of, ...	"	11 (b)
being probably unobtainable, specific performance of act in case of, ...	"	12 (c)
in money for non-performance of small portion of contract ...	"	12 (d)
in money for non-performance of part of contract, case which does not admit of, ...	"	14
for breach of contract, power to award, in suit for specific performance ...	"	15
for breach being adequate relief, contract not enforceable in case of, ...	"	19
for non-fulfilment of part of contract which cannot be performed without risk of litigation ...	"	21 (a)
for breach of contract, bar to specific performance in favour of person who cannot recover, ...	"	22, <i>ill. (h)</i>
for breach of contract on one part to complete unfinished house, and on the other to keep it in repair, right to sue for, ...	"	24 (a)
for breach of contract, recovery of, a bar to decree for specific performance ...	"	24, <i>ill. (b)</i>
provided for by contract in case of mistake ...	"	24, <i>ill. (c)</i>
court may require party to whom rescission is granted to make, ...	"	28 (c)
power to require party for whom instrument is cancelled to make, ...	"	38
not affording adequate relief, injunction in case of, not being recoverable, injunction in case of, ...	"	41
in money affording adequate relief, injunction may be sued for notwithstanding, ...	"	54 (c)
for groundless complaint, no appeal from order refusing, ...	"	54 (d)
for expenses incurred in prosecution and for injury complained of, payment of, out of fine ...	IV	54, <i>ill. (f)</i>
to person groundlessly arrested or complained against to emigrant or dependant for ill-treatment ...	IV	180, <i>ill. (a)</i>
for wrong to immoveable property, place of suing for, ...	"	186
for wrongs to person or moveables, place of suing for, ...	"	212
for wrong to immoveable property, service on agent in suit for, ...	V	30
statement of amount of, in application for execution to decree-holder ...	X	16 (e)
for loss of caste, bar of pauper-suit for, ...	"	18
for improper arrests or attachments ...	"	77
claimed or not in suit for restraining breach of contract or other injury ...	"	235 (g)
to plaintiff out of proceeds of property sold in case of disobedience of injunction ...	"	259, 260
to defendant for groundless injunction, or in case of failure of plaintiff ...	"	402
for breach of contract, plaints in suits for, ...	"	402
upon wrongs, plaints for, ...	"	491
for damage in taking materials ...	"	493
for act not actionable without specific injury, limitation of suit for, ...	"	493
	"	497
	"	sch. IV, Nos. 56-70
	"	sch. IV, Nos. 71-93
	XIII	6
	XV	24

	Act.	Sec.
COMPENSATION (<i>contd.</i>)		
for doing or omitting to do act in pursuance of law for land taken for public purpose, suit for, ...	XV	sch. II, No. 2
	"	sch. II, Nos. 17, 18
for false imprisonment, suit for,	"	sch. II, No. 19
for injury to person, suit for,	"	sch. II, No. 22
for malicious prosecution, suit for,	"	sch. II, No. 23
for libel, suit for,	"	sch. II, No. 24
for slander, suit for,	"	sch. II, No. 25
for loss of service by seduction of servant or daughter, suit for,	"	sch. II, No. 26
for inducing breach of contract, suit for,	"	sch. II, No. 27
for illegal, irregular or excessive distress, suit for,	"	sch. II, No. 28
for wrongful seizure of moveable property under legal process	"	sch. II, No. 29
for losing or injuring goods, suit against carrier for,	"	sch. II, No. 30
for delay in delivering goods, suit against carrier for,	"	sch. II, No. 31
for malfeasance, misfeasance or non-feasance, suit for,	"	sch. II, No. 36
for obstructing way or water-course, suit for,	"	sch. II, No. 37
for diverting water-course, suit for,	"	sch. II, No. 38
for trespass on immoveable property	"	sch. II, No. 39
for infringing copyright or other privilege	"	sch. II, No. 40
for injury caused by injunction wrongfully obtained	"	sch. II, No. 41
for wrongfully taking or detaining, suit for,	"	sch. II, Nos. 48, 49
for breach of promise to do thing at specified time or on happening of specified contingency	"	sch. II, No. 65
for breach of contract not in writing registered, and not provided for, suit for,	"	sch. II, No. 115
for breach of contract in writing registered	"	sch. II, No. 116
to families, see <i>Act XIII of 1855.</i>		
<i>See Dismissal, Injury, Loss, Money, Relinquishment.</i>		
COMPETENCY to try, see <i>Return of plaint.</i>		
COMPLAINANT to be examined	IV	80
absence of, by itself not sufficient ground for discharge	"	87, exp.
may withdraw remaining charges on conviction on one,	"	112
<i>See Compensation, Dismissal, Examination, Interrogatories.</i>		
COMPLAINANTS , see <i>Expenses, Recognizances.</i>		
COMPLAIN by private person, cognizance of offence on,	IV	25 (a)
who may make,	"	26
procedure on receipt of,	"	27
when magistrate may proceed as on receipt of,	"	27
cognizance without, when barred	"	29
by public servant, remission of fee on,	"	57
of resistance or obstruction to delivery of possession of immoveable property decreed or sold in execution	XV	sch. II, No. 167
of dispossession in delivery of possession to decree-holder or purchaser	"	sch. II, No. 167
<i>See Application, Compensation, Defect, Investigation, Obstruction.</i>		
COMPLAINTS not receivable without order of government or from advocate-general	IV	
COMPLETE , see <i>Acquisition.</i>		38, 39

	ACT.	SEC.
COMPLETING, see <i>Purchase</i> .		
COMPLETION of sale, limitation-time to run from,	XV	sch. II, No. 111
COMPLIANCE with summons to produce document how made ...	X	164
<i>See Failure.</i>		
COMPOSITION-DEEDS, exemption of,	III	17 (e)
COMPOUNDED FOR, land-revenue which is,	XVII	49, exp.
COMPOUNDING offence	IV	87, exp. 1
offences	"	133
COMPROMISE of rights between members of same family, decree for specific performance to person beneficially entitled under,	I	23 (c)
of suits	X	375
or agreement by next friend or guardian	"	462
COMPULSORY, documents of which registration is,	III	17
COMPUTATION of period of limitation	XV	12-25
of period of enjoyment of easement	"	27
of limitation-periods	XVII	40
CONCEALING, see <i>Abconding, Attachment, Proclamation</i> .		
CONCEALMENT of fact affecting value of land contracted to be sold... by insolvent, effect of,	I X	22, <i>ill.</i> (c) 359 (a)
<i>See Assent, Field, Fraudulent, Fraudulent concealment, Receiving.</i>		
CONCISE STATEMENT of case to be contained in judgment	X	203
CONCISE STATEMENTS in lieu of copies of lengthy plaints	X	58
forms of,	"	sch. IV, No. 114
<i>See Copies.</i>		
CONCLUSIVE, see <i>Final</i> .		
CONCURRENCE to validate title of vendor who has contracted to sell	I	18 (b)
CONCURRING judges to date and sign judgment in appeal	X	574
CONDITION, see <i>Bond, Breach, Breach of condition, Land</i> .		
in life, fine to be according to,	X	170
of railway-station, see <i>Negligence</i> .		
CONDITIONAL VENDEE, see <i>Removal</i> .		
CONDITIONS on judgment-debtor, power to impose,	X	240
<i>See Placing.</i>		
CONDUCT of applicant or agents disentitling to assistance of court, bar to injunction in case of,	I	56 (j)
of defence to be regarded in considering whether accused is misled	IV	117
of prosecution affected by error or defect in charge, &c.	"	177
of suit, power of court as to giving of,	X	32
of sales in execution	"	286
dispaupering of plaintiff guilty of vexatious or improper, of business, see <i>Saving</i> .	"	414 (a)
CONDUCTING sale, see <i>Irregularity</i> .		
CONFESSIONS or statements, power to record,	IV	16
CONFINEMENT of sureties failing to pay penalty	IV	78
<i>See Kidnapped.</i>		

	ACT.	SEC.
CONFIRMATION of sentence by high court, whipping not to be inflicted until,	IV	187
of sale	X	312, 314
<i>See Order.</i>		
in appeal, of decision of lower court	"	551
of decree appealed against, by judgment in appeal	"	577
of sale, limitation-time to run from,	XV	sch. II, No. 12
by district judge, of appointment of ministerial officers	XIX	2
CONFIRMING sales, appeal from orders for,	X	588 (m)
CONJUGAL RIGHTS, suit for restitution of, by Hindú	I	43, ill.
<i>See Restitution.</i>		
CONSENT of magistrate, withdrawal of charge to be with, ...	IV	112
to joinder as plaintiff or as next friend	X	32
of decree-holder to order as to payment of instalments decreed	"	210
of judgment-debtor as to time of sale	"	290
of parties to continuance of suit against assignee to whom interest has passed pending suit	"	370
of party against whom evidence is offered, to reading of depositions	"	390
of district judge to issue of warrant of arrest in suit against government or public officer	"	425
of government to execution of decree against foreign prince or chief	"	433
of government to suit against foreign state	"	433
of court to statement of special case by arbitrators	"	517
in writing of advocate-general to institution of suit relating to public charity	"	539
of parties to trial by judge of suit in which he is interested	XVII	46
<i>See Land, Trustees, Withdrawal.</i>		
of parties, see <i>Order of reference.</i>		
CONSIDERATION receivable being so grossly inadequate as, with other circumstances, to be evidence of fraud or undue advantage	I	28 (a)
for creation, &c., of right, &c., in immoveable property registration of instruments acknowledging receipt or payment of,	III	18 (b)
disclosure of defence or facts necessitating proof of, which has failed, concise statement of claim for money paid for,	X	533
	"	sch. IV, No. 114
for leases, power to inquire into,	XIV	22
which afterwards fails, suit for money paid on,	XV	sch. II, No. 97
<i>See Estate, Instruments, Valuable consideration.</i>		
CONSTITUTION and powers of presidency magistrates courts	IV	7-17
of courts in Panjáb	XVII	4
CONSTRUCTION of document, reference to high court in case of doubt as to,	X	617
<i>See Doubt, Question of law.</i>		
CONSUL, execution before, and authentication by, of power-of-attorney	III	33 (c)
CONTEMPT towards arbitrators, punishment of,	X	513
CONTEMPTS of authority of public servants, prosecution for, of court, provisions relating to,	IV	40
	"	205-207

	ACT.	SEC.
CONTENTS of verification of plaint	X	52
of judgments of courts other than small cause courts ...	"	203
of decree	"	206
of application to be declared insolvent	"	345
of pauper's application for permission to sue	"	403
of memorandum of appeal	"	541
of notice to respondent of day of hearing appeal	"	554
of memorandum of objections by respondent to decree of judgment of appellate court	"	561
of decree in appeal	"	574
of statement by applicant for benefit of Act	"	579
of undated acknowledgment, oral evidence as to, inadmis- sible	XIV	6
CONTEST of award under certain Bengal regulations	XV	19
of award, see <i>Board of revenue</i> .	XV	sch. II, No. 45
CONTESTING case on ground not stated in memorandum of appeal ^f ...	X	542
CONTINGENCY, see <i>Specified</i> .		
CONTINGENT upon opinion of high court, passing decree or order, ...	X	618
CONTINGENT LIABILITIES, see <i>Administration-suit</i> .		
CONTINUANCE of attachment subject to claim of incumbrancer ...	X	282
of breach of contract or other injury, injunction to restrain,	"	493
in connection with court, of judges of whose decree review is applied for	"	627
of payments by manager, scheme to provide for, ...	XIV	17
of management on death of owner of property	"	27
of running of limitation-period once begun	XV	9
of suit on death of defendant	"	22
of agency, see <i>Factor, Refusal</i> .		
CONTINUING-obstruction, procedure in case of,	X	330
breach of contract or wrong independent of contract, limitation in case of,	XV	23
limitation-time when to run in case of,	"	sch. II, No. 115
<i>See Acquiescence.</i>		
CONTRACT not wholly impossible of performance because portion of subject-matter has ceased to exist	I	13
of which a small portion only cannot be performed	"	14
of which a large portion cannot be performed	"	15
bar to specific performance of part of,	"	17
guidance of court in granting injunctions to prevent breach of obligation arising from,	"	54
comprising affirmative and negative agreement, inability to compel performance of former, no bar to injunction to perform latter	"	57
performance of, so far as it is binding on applicant, neces- sary to entitle him to injunction	"	57
and registry of emigrant, examination of,	V	25
joinder of parties liable on same,	X	29
plants in suits for compensation for breach of,	"	sch. IV, Nos. 56—70
to employ, plaint in suit for breach of,	"	sch. IV, No. 60
where employment never took effect	"	sch. IV, No. 61
to serve, plaint in suit for breach of,	"	sch. IV, No. 62
right not arising from, included in <i>Easement</i>	XV	3
to indemnify, other than provided for, suit on,	"	sch. II, No. 83

	ACT.	SEC.
CONTRACT (<i>contd.</i>)		
not in writing registered, and not provided for, suit on,...	XV	sch. II, No. 115
in writing registered, suit on,	"	sch. II, No. 116
See <i>Act IX of 1872, Agreement, Damages, Independent, Indian contract act, Pecuniary liability, Rescission, Specific performance.</i>		
CONTRACTED to be sold, see <i>Purchase-money.</i>		
CONTRACTOR , see <i>Joint contractor.</i>		
CONTRACTS which cannot be specifically enforced	I	21
for whom specifically enforceable	"	23
not enforceable except with variation	"	26
against whom enforceable	"	27
against whom not specifically enforceable	"	28
with emigrants	V	14-23
with emigrants what to contain	"	15
See <i>Foreign contracts, Specific performance.</i>		
CONTRARY to law or usage having force of law, decision being, a ground for second appeal effect of decree against which pauper applies for leave to appeal being,	X	584 (a)
CONTRAVENTION of provisions relating to applications for review ...	X	592
CONTRIBUTION by surety, concise statement of claim for, ...	X	629 (a), (b)
by co-debtor, concise statement of claim for, ...	"	sch. IV, No. 114
suit for, by payer of whole amount of joint decree sharer in joint estate paying whole amount of revenue due by self and co-sharers	"	sch. IV, No. 114
suit by co-trustee against estate of deceased trustee to enforce claim for,	XV	sch. II, No. 99
suit for, by manager of joint estate of undivided family	"	sch. II, No. 100
See <i>General average.</i>		
CONTROL over other courts excepted	XVII	11
See <i>Superintendence.</i>		
CONTROLLING powers of registrars and inspectors-general ...	III	68-70
CONVERSION of property	IV	243, exp.
of insolvent's property into money	X	356 (a)
of moveable property, plaint in suit for,	"	sch. IV, No. 74
See <i>Dishonest.</i>		
CONVEY land, see <i>Agreement.</i>		
CONVEYANCE of mortgaged property sold as unincumbered, vendor bound to obtain,	I	18 (c)
at higher price, of land the subject of contract, to purchaser who has notice of original transaction ...	"	27, <i>ill.</i> (b)
See <i>Endorsement, Forged instrument, House, Lease.</i>		
of land, see <i>Sale of land.</i>		
of property, see <i>Insanity, Knowledge.</i>		

	ACT.	SEC.
CONVEYANCES, execution of decree for execution of,	X	261
<i>See Draft conveyances.</i>		
CONVEYED, <i>see Purchase-money.</i> in trust, <i>see Trustee.</i>		
CONVICTED PERSON, appeal from,	IV	167
CONVICTION, setting-out of previous,	IV	94
of offence other than that charged	"	109
on evidence recorded partly by one magistrate and partly by another	"	156
<i>See Defect, Proof, Setting-aside.</i>		
CONVICTIONS, <i>see Previous, Trials.</i>		
CO-PARTNERS, <i>see Partnership, Property.</i>		
COPIES of entries in books and indexes to be given	III	57
of matters registered to be given to emigrants... ..	V	20, 22
of entries in register to be given to emigration-agent and protector	"	21
of plaint to be furnished	X	58
of concise statements to accompany summons	"	65
of documents produced for inspection, taking of,	"	131
of documents, effect of inclusion of, in affidavits	"	136
of judgment and decree, grant of, to parties	"	217
of exhibits in court whose decree is appealed against	"	550
of record in appeal to Queen to be given to parties	"	603 (d)
of notice to claimants, exhibition of,	XIV	12
<i>See Certified, Fees, Inspection, Maps.</i>		
CO-PLAINTIFF in pauper-suit, payment of costs by,	X	412
<i>See Repudiation.</i>		
COPY of decree for cancellation of instrument to be sent to registra- tion-office	I	39
or order, time for presenting,	III	23
place of registration of,	"	29
by whom to be presented for registration	"	32
exception of,	"	34 (c)
of deposited will in register-book	"	45, 46
of entries in indexes to be sent by sub-registrar to registrar	"	56
of decree or order, excepted	"	58
countersigned by person summoned, proof of service by,	IV	51 (b)
of charge to be furnished to accused	"	90
of order appealed against to accompany petition	"	169
of order, deposition or part of record, grant of, on application of person affected	"	170
of entry in shop-book to be filed	X	141
return of recorded document on delivery of certified,	"	144
of decree, sending of, with decree for execution by other court	"	223, 224
of warrant, delivery of immoveable property by fixing there- on a,	"	264
of prohibitory order, publication and communication of,	"	268
of prohibitory order, publication of,	"	274
of summons to be sent to commanding officer of military man being a defendant	"	468
of order in appeal to accompany order of remand	"	562
of record to accompany appeal to Queen, deposit of cost of,	"	602 (b)

	ACT.	SEC.
COPY (contd.)		
of warrant or order for arrest or attachment outside of court's district	X	648
of award, exclusion, in reckoning limitation-period, of time requisite for obtaining,	XV	12
of decree, sentence, order or judgment, exclusion, in reckoning limitation-period, of time requisite for obtaining,	"	12
<i>See Certified copy, Countersignature, False, Incorrect, Service, Translation.</i>		
of decree, see <i>Accompaniments.</i>		
of judgment, see <i>Accompaniments, Receipt.</i>		
COPYING of documents presented for registration	III	52
COPYRIGHT, concise statement of claim for infringement of,	X	sch. IV, No. 114
cases, form of injunction in,	"	sch. IV, No. 166
<i>See Destruction, Infringement, Piracy.</i>		
CORPORATION, contract made by, which is not enforceable	I	21 (f)
or company where deemed to carry on business	X	17, exp. 2
or company, injunction directed to, binding on members and officers	"	495
<i>See Officer, Public duties, Shares.</i>		
CORPORATIONS and companies, suits by and against,	X	435, 436
CORRECTION of record of evidence	X	182
of judgment confined to verbal errors or accidental defects	"	202
<i>See Modification.</i>		
CORRECTNESS of translation of judgment to be ascertained	X	573
CORRUPTION or misconduct of arbitrator, setting aside award for,	X	521 (a)
CO-SHAREE entitled to preference in bidding for share of undivided estate sold in execution	X	310
COST, discretion to grant copies free of,	IV	170
of serving notice, effect of failure of appellant to deposit,	X	557
of printing in India copy of record in appeal to Queen	"	602
of importation, purchase, &c., of salt... ..	XVIII	8
<i>See Estimate.</i>		
Costs to be in discretion of high court	I	49
of inquiry, power to make order as to payment of,	III	75
to be deducted in restoring forfeited property	IV	69
of reference to high court, direction as to,	"	241
in case of stay of proceedings, order as to,	X	20
occasioned by joining person not entitled to relief	"	26
in cases of exclusion of some of causes of action joined	"	47
occasioned by amendment of plaint	"	53
in case of service not in due time by plaintiff's default	"	100
where defendant heard at adjourned hearing	"	101
in case of <i>ex parte</i> decree set aside	"	108
saving of pleader's lien in respect of,	"	111
caused by amendment of written statement.	"	116
of interrogatories	"	123
of proving documents not allowed in absence of notice	"	128
of adjournments	"	156

	ACT.	SEC.
COSTS (contd.)		
and fine, attachment of absconding witness's property to cover,	X	168
of attachment when witness out of the way appears ...	"	169, 170
of affidavits	"	196
statement in decree as to,	"	206
of suit to enforce right of pre-emption	"	214
provisions relating to,	"	218—222
awarded, statement as to, in application for execution ...	"	235 (h)
of publication of sale-proclamation	"	239
of realization of assets in execution, deduction of, ...	"	295
in suit, subsistence-money to be,	"	340
in case of setting aside abatement or dismissal	"	371
withdrawal of suit	"	373
full satisfaction of plaintiff's claim by deposit in court ...	"	379
further claim by plaintiff when sum deposited in court is adjudged to be in full satisfaction ...	"	379
when pauper succeeds in suit	"	411
of government in opposing application to sue as pauper to be paid before institution of ordinary suit	"	413
of application to sue as pauper and of inquiry into pauperism are costs in suits	"	415
in suits by minors	"	440
of plaint for minor filed without next friend	"	442
of order affecting minor obtained without next friend ...	"	444
of suit or application abandoned by late minor, incurred by defendant or respondent, or paid by next friend	"	452
in case of dismissal of co-plaintiff late minor	"	454
of unreasonable or improper suit by next friend	"	455
in case of removal of guardian for suit	"	458
of stake-holder sued by defendant in interpleader suit ...	"	476
of attachment before judgment	"	488
of arbitration, power to make order as to,	"	519
in summary suit on negotiable instrument	"	532
security for, in summary suit on negotiable instrument ...	"	535
of decree-holder, payment of, out of insolvent's assets ...	"	536 (c)
of appeal, or original suit, or both	"	549
on re-admission of appeal	"	558
on re-hearing of appeal decided in absence of respondent ...	"	560
of appeal and of suit, statement as to, in decree in appeal ...	"	579
of respondent, security for, to be given by applicant for leave to appeal to Queen	"	602 (a)
incurred in British India in connection with appeals to Queen, high court's power to regulate recovery of,	"	612 (i)
of reference to high court	"	620
in case of restoration of rejected application for review ...	"	629
order for execution of decree except as to,	"	634
so far as relates to,	"	634
of examining by commission person claiming exemption from personal appearance	"	641
of arrest or attachment outside of court's district	"	648
of improvements to be paid by manager	XIV	11
of management and of repairs, manager to pay,	"	11
of suit or business, where no agreement as to time of payment, suit by attorney for,	XV	sch. II, No. 84
See <i>Ascertainment, Attorney, Award, Indorsement, Lien, Money, Order for withdrawal, Payment, Proof, Release, Requiring, Security.</i>		
Co-SURETY, suit by surety against,	XV	sch. II, No. 82

	ACT.	SEC.
CO-TRUSTEE, suit by, to enforce claim for contribution against estate of deceased trustee	XV	sch. II, No. 100
CO-TRUSTEES, obligation of, to sue for injunction to prevent threatened breach of trust	I	54, <i>ill.</i> (b)
COTTON-BROKER, see <i>Commission.</i>		
COTTON-MILL, see <i>Railway company.</i>		
COUNTERFEIT, see <i>Seals.</i>		
COUNTERFEIT COIN, see <i>Search.</i>		
COUNTERFEITING, see <i>Instruments.</i>		
COUNTERFEIT STAMPS, see <i>Search.</i>		
COUNTERPART included in <i>Lease</i>	III	3
COUNTERSIGNATURE of copy of summons	IV	48, 49
of license	V	13
of registry by agent and protector	"	26
of military man's authority to sue and defend	X	465
COUNTRY, see <i>Customs, Manners.</i>		
COURT, power of, to provide for superintendence of works constructed under contract specifically enforced	I	12, <i>ill.</i>
what to ascertain for purpose of rectifying contract	"	32
power of, to grant injunction to restrain breach of obligation, and also to enforce requisite acts	"	55
not subordinate to that from which injunction is sought, bar to stay of proceedings in,	"	56 (b)
execution before, and authentication by, of power-of-attorney	III	33 (c)
exemption from personal appearance of persons excused from attendance at,	"	38
saving of power of, to compel production of will	"	46
within meaning of sections 435, 436, criminal procedure code	"	84
authorized to try, trial of offences under enactments not specifying,	IV	14
to try, power of government to specify,	"	39
inferior to high court, procedure of, in certain cases	"	44
fixing notice in,	"	137
of grade higher or lower than that competent to try, effect of institution of suit in,	X	57 (a)
may require written statements	"	112
power of, to amend, reject or return written statements	"	116
written statement in place of one rejected not presentable unless called for by,	"	116
power of, to order discovery	"	129
power of, to order production of documents	"	130
duty of, as to questions objected to and allowed	"	187
power of, as to grant and apportionment of costs	"	220
by which decree may be executed	"	223
receiving decree for execution, filing of copies by,	"	225
receiving transmitted decree, order of other court binding on,	"	242
payment into, of money payable under decree	"	257
payment out of, to decree-holder, under decree	"	258
execution by, of duplicate of conveyance or endorsement on failure of judgment-debtor	"	261
payment into, of attached debt	"	268
exception of property deposited in, or in custody of,	"	268
bringing into, of attached instrument	"	270
attachment of property deposited in, or in custody of,	"	272
which passed decree sought to be attached, notice to,	"	273
property not in custody of any, and attached in execution of decrees of several courts	"	285
bringing before, of person arrested in execution	"	336, 337
to fix subsistence-allowance	"	339

	ACT.	SEC.
COURT (<i>contd.</i>)		
publication in, of application of insolvent	X	347
to which commission may be issued	"	386
receiving commission, to examine pursuant thereto	"	388
appointment of arbitrators by,	"	507
appointment of umpire by,	"	511
appointment by, of person to arbitrate under agreement of parties	"	523
to receive application for filing of award in arbitration without intervention of,	"	525
to receive, for filing, agreement to submit case	"	529
power of, as to staying execution of decree	"	545
passing decree may require security in case of order for execution of decree under appeal	"	546
passing decree appealed against, notice to, of registry of appeal whose decree is appealed against, confirmation of decision of, without notice	"	550
whose decree is appealed against, notice to, of day of hearing which shall take additional evidence admitted	"	551
consisting of more than two judges, decision of appeal heard by bench of two judges of, where they differ	"	553
passing decree appealed against, sending copy to, of judgment and decree	"	569
to execute decree of appellate court	"	575
subordinate to high court, appeal to high court from appellate decree of,	"	581
to which appeals from orders lie	"	583
which is to inquire into pauperism	"	584
to which application to be made for leave to appeal to Queen to which Queen's order is to be transmitted for enforcement to be applied to for enforcement of Queen's order	"	589
hearing application for review being equally divided, rejection in case of,	"	593
procedure as to offences committed in case pending before, subordinate to district court, arrest and attachment by, under process of other court	"	598
time occupied in proceeding in, to be excluded	"	610
competent to determine case finally, limitation-time to run from final decision of,	XV	610
not chartered, suit in, by mortgagee for possession of mortgaged immoveable property	"	628
other than high court, appeal to, under code of criminal procedure	"	643
	"	648
	"	14
	"	sch. II, No. 13
	"	sch. II, No. 135.
	"	sch. II, No. 154.
<i>See Acceptance, Accompaniment, Act, Additional evidence, Addressing, Administration, Agent, Agreement, Allowing, Alteration, Attendance, Closed, Current business, Custody, Direction, Discretion, 'District' defined, Examination, Excuse, Intervention, Matter, Powers, Proper court, Questions, Sanction, The court.</i>		
money or security in, see <i>Prohibitory order.</i>		
COURT-FEE for process, levy of,	X	93
for serving summons, effect of non-payment of,	"	97
not chargeable to pauper-suitor	"	410
<i>See Remission.</i>		
COURT-FEES , see <i>Recovery.</i>		
COURT-HOUSE , service by fixing copy of summons on,	X	82
publication of prohibitory order in,	"	274

	ACT.	SEC.
COURT-HOUSE (<i>contd.</i>)		
of judge ordering sale, time of sale to be reckoned from date of publication of notice in, ...	X	290
publication in, of collector's notice to decree-holders	"	323
of schedule of debts	"	352
of notice of day of hearing appeal	"	553
<i>See Publication.</i>		
COURT OF APPEAL , correction by, of discretion to decree specific performance	I	22
withdrawal of suit pending in,	X	25
time occupied in proceeding in, to be excluded	XV	14
<i>See Highest.</i>		
COURT OF FIRST INSTANCE , withdrawal of suit pending in,	X	25
time occupied in proceeding in, to be excluded	XV	14
<i>See Subject-matter.</i>		
COURT OF WARDS , exception from certain provisions, of minors and lunatics for whom guardian or manager is appointed by,	X	464
COURTS , suits for immoveable property in single district, but within jurisdictions of several,	X	19
subordinate to same appellate court, in any of which suit may be instituted, procedure in case of,	"	22
in which suit may be instituted being subordinate to different appellate courts, but the same high court, procedure in case of,	"	23
other than small cause courts, frame of judgments of,	"	203
dealing with property attached under decrees of several,	"	285
empowered by provisions as to receivers	"	505
to which provisions as to summary suits on negotiable instruments apply	"	538 (e)
authorized to hear appeals, appeal to,	"	540
exercising original jurisdiction, appeals from decisions of,	"	540
of original jurisdiction, appellate courts to have powers of, in appeals	"	582
in British India, rules regarding appeals from, to govern appeals to Queen	"	595
in which high court rules are to have force of law	"	612
of final appellate jurisdiction subordinate to high court, power to regulate grant or refusal of certificates by,	"	612 (b)
in Broach and Kaira, saving of jurisdiction of,	XIV	37
constituted under repealed Acts continued	XVII	2
under other enactments, grades of courts in addition to,	"	4
persons and benches exercising powers deemed to be,	"	11
<i>See Constitution, Decrees, Establishment, Inferior, Investment.</i>		
COURTS OF WARDS chargeable	VIII	16
power of, to retain fee paid	"	17
COVENANT to settle upon certain trusts, property of stated value if acquired, suit to declare it void for uncertainty	I	42, <i>ill</i> (c)
<i>See Breach.</i>		
for title, see <i>Sale of land.</i>		
COVENANTS in lease, see <i>Landlord and tenant.</i>		
COVERING SLIP, see <i>Entry.</i>		

	ACT.	SRC.
CREATION, see <i>Assignment</i> .		
CREDIT, non-enforceable contract to open,	I	21, <i>ill. (a)</i>
period of which is not fixed, suit for price of goods sold on,	XV	sch. II, Nos. 52-55
is fixed, suit for price of goods sold on, ...	„	sch. II, No. 53
<i>See Fraud, Fraudulently.</i>		
CREDITING taxes and penalties recovered	VIII	20
CREDITOR, attachment of debt by prohibiting recovery by, ...	X	268
to administer estate, concise statement of claim of, ...	„	sch. IV, No. 114
limitation-time to run from payment to,	XV	sch. II, No. 81
of insolvent judgment-debtor, application by, for alteration of schedule, or striking out name therefrom ...	„	sch. II, No. 174
<i>See Administration, Attaching creditor, Decree, Letters of administration.</i>		
CREDITORS, statement as to, in application of insolvent	X	345
service on, of notice of application of insolvent	„	347, 348
to be heard on application to be declared insolvent	„	350
statement and proof of debts by,	„	352
not scheduled, admission of,	„	353
scheduled, alteration of schedule on application of,	„	353
to be heard on application to alter schedule... ..	„	353
of discharged insolvent, liability of his property to attachment pending satisfaction of decrees held by, ...	„	357
suit maintainable by assignee or receiver of bankrupt or insolvent plaintiff for benefit of,	„	370
temporary injunction in case of intention to defraud, ...	„	492 (b)
<i>See Attorney, Distribution, Rights.</i>		
CREDITOR'S SUIT, see <i>Preliminary order</i> .		
CRIMINAL APPEAL, see <i>Highest court</i> .		
CRIMINAL BREACH OF TRUST, place of trial for,	IV	22
conviction for, under charge of wider offence	„	110, <i>ill. (a)</i>
bar to trial for, after acquittal on charge of theft	„	113, <i>ill. (a)</i>
CRIMINAL CASES, see <i>Miscellaneous</i> .		
CRIMINAL FORCE, see <i>Restoring</i> .		
CRIMINAL INTIMIDATION, charge against person accused of, ..	IV	94, <i>ill. (c)</i>
CRIMINAL JURISDICTION, saving of,	X	616
CRIMINAL MATTER, bar to injunction staying proceedings in, ...	I	56 (e)
CRIMINAL MISAPPROPRIATION, place of trial for,	IV	22
CRIMINAL PROCEEDING with intent to cause injury, and false accusation, separate trial for,	IV	107, I, <i>ill. (c)</i>
CRIMINAL PROCEEDINGS, see <i>Miscellaneous</i> .		
CROPS, non-enforceable contract for cultivation of particular, ...	I	21, <i>ill. (b)</i>
<i>See Nuisance.</i>		
CROSS-APPEALS, right to begin where there are, and where there are not,	X	555, exp.
CROSS-CLAIMS under same decree, execution in case of,	X	247
CROSS-DECREES between same parties, for money, execution of, ...	X	246
CROSS-EXAMINATION of defendant's witness, exception of documents produced for,	X	63
giving evidence by affidavit not to be authorized where witness is required for,	„	194

	ACT.	SEC.
CROSS-EXAMINATION (<i>contd.</i>)		
of applicant to sue as pauper, or his agent ...	X	409
See <i>Attendance</i> .		
CROSSING FIELD , see <i>Trespass</i> .		
CROSS-SUIT , set-off has effect of plaint in, ...	X	111
CROWN , bar to making of order on servant of, merely to enforce satisfaction of claim upon, ...	I	45 (g)
CRUCIBLES not patented and designated as patent, refusal of injunction to restrain piracy of designation of, ...	I	56, <i>ill. (b)</i>
CRUELTY , effect of, in case of application for maintenance ...	IV	234
CULPABLE HOMICIDE , trial for, in case where person is wounded in one district and dies in another ...	IV	19, <i>ill. (a)</i>
or death by negligence, conviction for, under charge of murder ...	"	100, <i>ill. (b)</i>
resulting from assault, trial for, of person before convicted of the assault... ..	"	113, <i>ill. (c)</i>
CULTIVATE , see <i>Undertaking</i> .		
CULTIVATION of land in particular manner, non-enforceable contract for,	I	21, <i>ill. (b)</i>
See <i>Arable land</i> .		
CURATOR , see <i>Committee, Legal curator, Trustee</i> .		
CURRENCY , see <i>Escaped convict</i> .		
CURRENCY-NOTES , see <i>Coin</i> .		
CURRENT ACCOUNT , see <i>Balance due</i> .		
CURRENT ARREARS of rent, suit to set aside sale of patni taluq for, ...	XV	sch. II, No. 12 (d)
CURRENT BUSINESS of court to be considered in fixing day for appearance	X	69
of court, day for hearing appeal to be fixed with reference to,	"	552
CUSTODIAN , see <i>Family-idol</i> .		
CUSTODY of records of registration-offices	III	16
discretion to take bail or forward accused in,	IV	44
removal in, of person arrested	"	65
of person arrested	"	70
of complainants and witnesses refusing to attend, &c.	"	93
in court of recusant witness	"	141
of person found in place searched under warrant	"	160
of offender when whipping prevented	"	191
of lunatic accused, when bail not given	"	196
of attached property	X	269
of officer executing warrant of arrest, power to leave applicant to be declared insolvent in,	"	349
of court, placing in, of thing claimed in interpleader suit or management of receiver, placing property in suit or under attachment in,	"	472
... ..	"	503 (c)
See <i>Bailment, Court, Escape, Hire, Maintenance, Military custody, Pledge, Realization, Rescne, Rules</i> .		
CUSTOM alleged to have force of law, existence, non-existence, validity or invalidity of,	XVII	39
having force of law, see <i>Question of law</i> .		
CUSTOMS of country, see <i>Exemption of women, Zandás</i> .		
CUSTOMS-DUTY on salt imported into Bombay or Madras ...	XVIII	5
CUSTOMS-OFFICERS , powers of, for prevention of illegal emigration ...	V	47
CUTTING grass, see <i>Trespass</i> .		
or rooting out trees, shrubs or grass on embankment ...	XIII	7 (b)
DACOITS , place of trial for offence of belonging to gang of, ...	IV	22
DACOITY , place of trial for,	IV	22

	ACT.	SEC.
DACOITY (<i>contd.</i>)		
with murder, place of trial for,	IV	22
trial for, after conviction on same facts of robbery ...	"	113, <i>ill. (g)</i>
DAMAGE caused by loss not easily ascertainable, restoration of thing by holder to owner in case of,	I	11 (c)
caused by non-performance being unascertainable, specific performance of act in case of,	"	12 (b)
caused by invasion, injunction where there exists no stan- dard for ascertainment of,	"	54 (b)
<i>See Compensation, Danger, Extensive, Loss, Special damage, Trespass.</i>		
DAMAGES , liquidation of, not a bar to specific performance ...	I	20
in subsequent civil suit, consideration of sum paid out of fine in awarding,	IV	186
for breach of duty or contract by emigration-agent ...	V	32
for breach of contract under which property is held, join- der of claims to,	X	44, rule (d)
and other claims, concise statements of claims for, ...	"	sch. IV, No. 114
<i>See Amount, Deposit, Rights.</i>		
DAMS included in <i>Embankment</i>	XIII	2
DANGER of waste, damage or alienation of property in dispute in suit, temporary injunction in case of,	X	492 (a)
<i>See Executor.</i>		
DANGEROUS CHARACTER , security from, for good behaviour ...	IV	213, 214
DANGEROUS DISEASE , <i>see Malignant.</i>		
DATE of commission of offence to be recorded	IV	114
of order passed to be recorded	"	114
of production endorsed on admitted documents	X	141
of decree	"	205
of warrant for execution of decree	"	251
of presentation to be endorsed on memorandum of appeal ...	"	548
of decree in appeal	"	579
DATING of judgment	X	202
of judgment in appeal	"	574
of decree in appeal by judge	"	579
DAUGHTER , <i>see Loss of service.</i>		
DAY for appearance of defendant, fixing of,	X	69
judgment-debtor may be arrested on any,	"	336
for appearance and answer in suit against government ...	"	420
for hearing appeal, fixing of,	"	552
for hearing restored application for review, appointment of, ...	"	629
on which right to sue accrues, exclusion of,	XV	12
judgment was pronounced, exclusion of,	"	12
<i>See Presentation.</i>		
<i>of hearing, see Notice.</i>		
<i>specified for payment, see Single bond.</i>		
DAYS to be counted in reckoning limitation-period	XV	14, exp. 1
excluded in reckoning limitation-period	"	15
DEALINGS , <i>see Licensing.</i>		
DEATH of life-tenant, the day after execution of contract for sale of his interest	I	22, <i>ill. (a)</i>
of alleged executant, denial of execution by representative or assign in case of,	III	35
of executant, admission of execution in case of,	"	35

	ACT.	SEC.
DEATH (contd.)		
of donor, who may present authority to adopt for registration after, ...	III	40
of testator, persons entitled to present will for registration after, ...	"	40
of testator or donor, registering officer to be satisfied as to, ...	"	41 (b)
of depositor of will, proceedings on, ...	"	45
of several persons by upsetting boat, separate trial for causing, ...	IV	107, I, <i>ill.</i> (h)
of judgment-debtor before complete execution of decree ...	X	234
marriage and insolvency of parties ...	"	361—372
of deponent, reading of deposition in case of, ...	"	390 (a)
of guardian for suit pending suit, appointment in place of, ...	"	459
refusal or neglect to act, or incapacity, of arbitrator or umpire, <i>procedare</i> in case of, ...	"	510
of debtor during management, consequence of, ...	XIV	27
provision in case of disability continuing until, ...	XV	7
before right to sue accrues, effect of, ...	"	17
of defendant, date of institution of suit continued against legal representative on, ...	"	22
of owner of life-interest in land as to which easement is claimed ...	"	27, <i>ill.</i>
of person wronged, limitation-time to run from, ...	"	sch. II, No. 20
killed, limitation-time to run from, ...	"	sch. II, No. 21
of defaulting trustee, limitation-time to run from, ...	"	sch. II, No. 98
of Hindú female, suit for possession of immoveable property, title to which accrues on, ...	"	sch. II, No. 141.
of Muhammadan female, suit for possession of immoveable property, title to which accrues on, ...	"	sch. II, No. 141
of plaintiff, limitation-time to run from date of, ...	"	sch. II, No. 171
<p>See <i>Annuity, Conveyance, Dissolution of marriage, Land, Proof of death, Sentence, Stay of proceedings, Tenant for life.</i></p>		
<p>by negligence, see <i>Culpable homicide.</i></p>		
<p>of passenger, see <i>Act XIII of 1855.</i></p>		
DERENTURES of land company, exemption of endorsement upon, or transfer of, ...	III	17 (g)
DEBT, statement of amount of, in application for execution ...	X	235 (g)
not secured by negotiable instrument, attachment of, ...	"	268
not extinguished by discharge of debtor from jail ...	"	341
<p>See <i>Deposit, Interest, Jewels, Mortgage-debt, Payment, Principal, Private alienation, Proof, Reckless, Release, Set-off.</i></p>		
<p>to firm, see <i>Partners.</i></p>		
DEBTOR, attachment of debt by prohibiting payment by, ...	X	268
may pay attached debt into court ...	"	268
<p>See <i>Legatee, Letters of administration, Refusal.</i></p>		
DEBTS liable to attachment ...	X	266
not secured by negotiable instruments, delivery of, to purchaser at execution-sale ...	"	301
<p>See <i>Administration-suit, Certificate, Decree, Government.</i></p>		
<p>not secured by negotiable instruments, see <i>Prohibitory order.</i></p>		

	ACT.	SEC.
DEBTS (contd.)		
sold in execution, see <i>Prohibitory order</i> .		
and liabilities, application for benefit of Act by thakur subject to,	XIV	4
of applicant for benefit of Act, enquiry into,...	"	5
to which order of management extends	"	8
to be paid by manager	"	11
See <i>Allowance of interest, Government, Order of payment, Ranking, Revival</i> .		
DECAY, immediate sale of attached property subject to,	X	269
See <i>Perishable articles</i> .		
DECEASED, see <i>Attachment, Money, Representative</i>.		
plaintiff, see <i>Legal representative</i> .		
trustee, see <i>Estate</i> .		
DECEPTION or misleading of arbitrators, setting aside award for, ...	X	521 (b)
DECISION where finding on first hearing on issues framed is sufficient	X	154
on points for determination to be contained in judgment ...	"	203
on each separate issue framed	"	204
of suit, confinement until, of defendant not giving security on matter referred to arbitration not being affected by awarding on matter not referred, correction of award in case of,	"	481
of question of fact or law, reference to court by agreement of parties interested in,	"	518 (a)
of appeal, court not confined to stated grounds in,	"	527
on points determined to be stated in judgment	"	542
of appeal heard by bench of two or more judges	"	574 (b)
or order which dissenting judge thinks proper, to be stated	"	575
being contrary to law or usage having force of law, a ground of second appeal	"	576
failing to determine material issue of law or usage, a ground of second appeal	"	584 (a)
of case, setting forth in memorandum of appeal, of error, &c., in non-appealable order affecting,	"	584 (b)
of high court, reference of question for,	"	591
by high court, of point referred	"	617
on application for review	"	619
or order of civil court in proceeding other than suit, suit to alter or set-aside,	"	628
on review, limitation-time to run from date of,	XV	sch. II, No. 13
	"	sch. II, No. 179.
See <i>Appeal, Confirmation, Error, Majority, Right decision, Setting-aside</i> .		
of court, see <i>Judge sitting alone, Rule of decision</i> .		
DECISIONS of courts of original jurisdiction, appeals from,	X	540
of benches according to majority	XVII	10
See <i>High court</i> .		
DECLARANT, see <i>Attendance, Oath</i>.		
DECLARATION, effect of registered document against,	III	48
of title to immoveable property, joining claims with suit to obtain,	X	44, rule (a)
of transfer to collector of execution of decrees	"	320
of insolvency	"	351
as to execution of decrees of courts in native states	"	434

	ACT.	SEC.
DECLARATION (contd.)		
of proportions in which objects of charity are entitled under Bombay Act VI of 1862	X	539 (c)
of title to easement, suit for,	XIV XV	40, 41 27, <i>ill.</i>
<i>See Effect.</i>		
DECLARATIONS, see <i>Status</i> .		
DECLARATORY DECREE, see <i>Right of way</i> .		
DECLARATORY DECREES	I	42, 43
DECLARATORY SUIT, see <i>Forgery</i> .		
DECREE for specific performance of contract of sale, or to take a lease, having been passed, and default made by purchaser or lessee in payment ordered by court, rescission may be adjudicated	I	35 (c)
in administration-suit, suit under, to restrain proceedings for his debt by creditor not party to suit	"	54, <i>ill. (g)</i>
or order excepted	III	50
defined	X	2
upon admission of defendant in absence of plaintiff	"	102
against party failing to put in written statement called for	"	113
against party failing to appear in person when required	"	120
in trial of issue submitted to court by agreement between parties	"	151
against party refusing to give evidence or produce document against several persons transferred to one of them, execution of,	"	177
for money, attachment of,	"	232
orders having force of,	"	273
in favour of insolvent's creditors, declaration of insolvency deemed to be,	"	333
in case of compromise or satisfaction	"	352
against secretary of state or public officer, procedure in case of,	"	375
for plaintiff in suit in which property is attached before judgment, re-attachment unnecessary in case of,	"	429
in suit as to land paying revenue to government, or tenure liable to sale	"	490
on judgment according to award of arbitrators	"	501
in case submitted to court by agreement	"	522
plaintiff in summary suit on negotiable instrument when entitled to,	"	531
in suit relating to public charity	"	532
reversal of whole, on appeal by one or more of several plaintiffs or defendants	"	539
right to begin where appeal is from whole,	"	544
	"	555, <i>exp.</i>
<i>See Portion.</i>		
in appeal, provisions relating to,	"	579—583
appealed against, setting forth error, defect or irregularity in order not appealable, when,	"	591
against which pauper applies for leave to appeal	"	592
defined	"	594
appealed against to Queen, enforcement of,	"	608
of court making reference, alteration, cancelment or setting aside of,	"	621
from which appeal is allowed, but has not been preferred, review of judgment in case of,	"	623 (a)

	Act.	Sec.
DECREE (contd.)		
from which appeal is not allowed, review of judgment in case of,	X	623 (b)
in appeal, form of,	"	sch. IV, No. 176
limitation-time to run from date of,	XV	sch. II, Nos. 162, 173, 175, 179
in appeal, limitation-time to run from date of,	"	sch. II, No. 169
appealed against, limitation-time to run from date of,	"	sch. II, Nos. 170, 177
passed severally against several persons	"	sch. II, No. 179, exp. 1
jointly against several persons	"	sch. II, No. 179, exp. 1
severally in favour of several persons	"	sch. II, No. 179, exp. 1
jointly in favour of several persons	"	sch. II, No. 179, exp. 1
See <i>Agreement, Appealable, Certified, Chartered court, Copy, Discretion, District judge, Enforcement, Female party, Final decree, Form, Ground, High courts, Husband, Judgment, Jurisdiction, Non-satisfaction, Passing, Renewal, Seizure, Sentence, Setting-aside, Variation.</i>		
directing payment at specified date, see <i>Enforcement.</i>		
for money, see <i>Money-decree.</i>		
of court, see <i>Judge sitting alone.</i>		
of Queen, see <i>Certified.</i>		
DECREEED , see <i>Complaint.</i>		
"DECREE-HOLDER" defined	X	2
sending decree to other court for execution on application of,	"	223
order for immediate execution on application of, payment to, in satisfaction of decree, out of court	"	256
to be heard on application to be declared insolvent	"	258
not barred from applying for sale of property attached before judgment	"	350
complaint of dispossession in delivery to,	"	489
right of, to possession, see <i>Dispossession.</i>	XV	sch. II, No. 167
See <i>Bidding, Buying, Compelling, Consent, Dispute, Hearing, Holder, Information, Pending suit, Service.</i>		
DECREE-HOLDERS , division amongst, of balance of sale-proceeds	X	325
See <i>Notice, Proceeds.</i>		
DECREES of high court in ordinary original civil jurisdiction, orders to be executed and appealed from, as if they were,		
and orders of courts, exemption of,	I	48
other than for money, attachment of,	III	17 (2)
of several courts, dealing with property attached under,	X	273
power to declare transfer to collector of execution of,	"	285
forms of,	"	320
... ..	"	sch. IV, Nos. 127-133

	ACT.	SEC.
DECREES (contd.)		
<i>See Declaratory, Execution, Final decrees, Original decrees, Prize courts, Register, Setting-aside,</i>		
<i>under appeal, see Executing, Staying.</i>		
DEED, see Cancellation, Rectification.		
<i>of apprenticeship, see Apprentices.</i>		
DEFAMATION in one place by person residing in another, place of suing for,	X	18, <i>ill. (b)</i>
concise statement of claim for damages for libel or slander	"	sch. IV, No. 114
DEFAULT as to part of contract, effect of,	I	14, 15
specific performance enforceable, though damages provided for in case of,	"	20
rescission of contract so far as regards party in,	"	35 (c)
of plaintiff, causing service not in due time	X	100
in payment of expenses of witnesses	"	162
in payment of purchase-money, procedare on,	"	308
of appearance of defendant giving security	"	479
of persons served with processes in arbitration-cases, punishment of,	"	513
of appearance in, and defence of, suit by defendant	"	532
dismissal of appeal for,	"	556
in payment of instalment rendering whole amount due	XV	sch. II, No. 75
application by plaintiff for order to set aside dismissal by,	"	sch. II, No. 163
<i>See Decree, Failure, Responsibility.</i>		
DEFAULTER in respect of revenue or rent of land or tenare in suit, award against,	X	501
DEFAULTING PURCHASER answerable for loss on resale	X	293
DEFEAT of object of injunction by delay, notice to opposite party except in case of,	X	494
DEFECT in complaint or process, effect of,	IV	117
or want of form in summons, conviction or distress-warrant, distress not illegal, nor distrainer a trespasser, for,	"	185
<i>See Error, Failure, Invalidation.</i>		
DEFECTIVE execution of work under contract... ..	I	24, <i>ill. (b)</i>
condition, see <i>Negligence.</i>		
quality, see <i>Sale of goods.</i>		
workmanship, see <i>Builder.</i>		
DEFECTS, see Correction.		
DEFENCE by one of several parties in same interest	X	30
striking out of, for failure to answer, &c.	"	136
framing of issues not required in absence of,	"	146
of legal representative of deceased defendant brought in	"	368
note of authority of government pleader to appear in suit against public officer in which government undertakes,	"	426
of suit against minor	"	443
in suit on negotiable instrument, by defendant	"	532
in suit on negotiable instrument not <i>prima facie</i> unsustainable	"	532
in summary suit, on disclosure of which defendant can obtain leave to appear	"	533
of suit undertaken by government, security not to be required in case of,	"	547
dismissal of suit, &c., though limitation not pleaded as a,	XV	4
based on foreign limitation-law	"	11

	ACT.	SEC.
DEFENCE (contd.)		
<i>See Certificate, Conduct, Incapable, List, Prejudice, Prosecution, Right.</i>		
<i>DEFEND, see Appear and defend.</i>		
DEFENDANT more to blame than plaintiff, rescission of contract in which,	I	35 (b)
though unsuccessful, entitled to costs occasioned by joining person not entitled to relief	X	26
power to make plaintiff a, "	"	32
may apply to confine suit to some of several causes of action joined	"	46
appearing at presentation of plaint and admitting claim, no summons to,	"	64
summons to be issued to each,	"	64, 74
or plaintiff, power to order personal appearance of,	"	66
service of summons for all defendants on one,	"	74
effect of appearance of, without summons	"	97
appearing at adjourned hearing and excusing previous non-appearance	"	101
only appearing, procedure in case of,	"	102
delivery by, of interrogatories for plaintiff... ..	"	121
appointment of guardian for suit of minor,	"	413
notice to, of repudiation of suit by co-plaintiff late minor	"	454
power to direct co-plaintiff late minor to be made a,	"	454
service on military man being,	"	468
appearance or defence by, in suit on negotiable instrument	"	532
payment by, into court, of sum mentioned in summons in summary suit	"	533
defined... ..	XV	3
<i>See Adding, Amount, Answer, Application, Award, Award of costs, Blame, British india, Costs, Ex-parte judgment, Goods delivered, Goods made, Interest, Liability, Money paid, Money received, New, Right to begin, Rules, Security, Set-off, Stake-holder, Striking-out</i>		
DEFENDANT'S statement, form of,	X	sch. IV, No. 122
testator, see <i>Necessaries</i> .		
witnesses, see <i>Cross-examination</i> .		
DEFENDANTS not all residing within jurisdiction, stay of proceedings in case of,	X	20
joining of,	"	23
added, to be summoned... ..	"	32, 33
may authorize any of their number to act	"	35
effect of none of, dwelling, carrying on business or working within jurisdiction	"	57 (c)
procedure on non-appearance of some of several,	"	106
procedure in case of one of several, not being at issue with plaintiff	"	153
procedure in case of death of one of several, if cause of action survives	"	362
procedure on death of one of several,	"	369
reversal of whole decree on appeal by one or more of several,	"	544
<i>See Claims, Summonses.</i>		

	ACT.	SEC.
DEFERRED dower, suit for, by Muhammadan	XV	sch. II, No. 104
DEFICIENCY on re-sale, see <i>Auction</i> .		
DEFINITION of offence where law creating it gives it no specific name	IV	94
DEFINITIONS, trial of person for offence falling within several, ...	IV	107, II
DEFAUD, see <i>Creditors, Threat</i> .		
DEFRAUDING, see <i>Attorney</i> .		
DELAY beyond limited time in presenting document for registration... ..	III	24, 34
and expense in obtaining record of other suit	X	137
of execution of decree, taking of security in case of,	"	477, 483, 484
application for stay of execution made without unreasonable,	"	545 (b)
<i>See Defeat, Unreasonable.</i>		
in delivery of goods, see <i>Carrier</i> .		
DELEGATION of powers of chief court	XVII	19
DELIVERED, see <i>Goods delivered, Goods sold</i> .		
DELIVERING, see <i>Goods sold</i> .		
DELIVERY of possession of property, accompanying or following oral agreement relating thereto	III	48
of goods to be endorsed on document admitted to registration	"	58
of moveable property, decree for, to state amount of money payable as an alternative	X	208
of property, second application for execution of decree for,	"	230
of property required, application, for execution to state whether,	"	235 (j)
of immovable property, execution of decree for,	"	263, 264
to purchaser, of negotiable instrument or other moveable property sold in execution	"	299—301
of immovable property in occupancy of judgment-debtor... ..	"	318
of immovable property in occupancy of tenant	"	319
to owner, of money or deliverable thing, the subject of suit	"	502
of award, extension of time for,	"	514
<i>See Averment, Production, Refusal, Thing.</i>		
of goods, see <i>Delay, Warehouseman</i> .		
of possession, see <i>Complaint, Dispossession, Obstruction, Resistance</i> .		
to payee, see <i>Promissory note, Third person</i> .		
to purchaser, see <i>Order</i> .		
DEMAND recoverable as arrears of government-revenue, suit to set aside sale for,	XV	sch. II, No. 12
suit for money lent, re-payable on,	"	(c) sch. II, No. 59
deposited, payable on,	"	sch. II, No. 60
and refusal of account, limitation-time to run from,	"	sch. II, Nos. 88, 90
dower, limitation-time to run from,	"	sch. II, No. 103
<i>See Suit.</i>		
payable after, see <i>Bill of exchange</i> .		
DEMANDS, see <i>Reciprocal, Several</i> .		
DEMANOUR of witness, record of remarks respecting,	IV	115
under examination, remarks as to,	X	188
DEMISE of property under management	XIV	10
DEMURRAGE, see <i>Freight</i> .		
DENIAL of execution, procedure in case of,	III	35

	ACT.	SEC.
DENIAL (<i>contd.</i>)		
of execution, application where registration refused on ground of,	III	73
of right to maintenance, limitation-time to run from, ...	XV	sch. II, No. 129
<i>See Allegations.</i>		
DEPART , when persons summoned may,	X	173
DEPARTMENT , see <i>Public duties.</i>		
DEPARTURE in contravention of rules, consequence of,	X	174
DEPENDANT , effect of unfitness of, to proceed	V	29
DEPENDANTS of emigrants	V	17
examination and registry of,	"	19
DEPOSIT in contract for sale, where vendor's title is imperfect, purchaser's right to,	I	18 (d)
of wills	III	{ 27, 31, 42, 46
register of,	"	51
of money or securities in lieu of bail	IV	80
on account of witnesses' expenses	X	162
by purchaser of immoveable property	"	306
<i>See Forfeiture.</i>		
in court, by defendant, in suit to recover debt or damages... ..	"	376
in court, of money or deliverable thing the subject of suit... ..	"	502
of negotiable instrument with officer of court, power to order,	"	535
in appellate court, of records of court whose decree is appealed against	"	550
of copies of exhibits	"	550
by appellant, of cost of serving notice, prevented by sufficient cause	"	558
of cost of printing in India, of record in appeal to Queen... ..	"	602
to be made by applicant for leave to appeal to Queen	"	602 (b)
limitation-time to run from date of,	XV	sch. II, No. 145
<i>See Failure, Jewels, Refund.</i>		
upon shares to be allotted, see <i>Consideration.</i>		
with banker, see <i>Banker's balance.</i>		
DEPOSITARY , suit for recovery of moveable property bought from, for valuable consideration	XV	sch. II, No. 133
against, to recover moveable property deposited	"	sch. II, No. 145
DEPOSITING sand in field, see <i>Trespass.</i>		
DEPOSITION of medical witness, giving of, in evidence	IV	152
of witness examined under commission	"	158
<i>See Copy, Correction, Interpretation, Language, Narrative, Question, Reading, Signing, Writing.</i>		
DEPOSITIONS taken in absence of accused	IV	155
taken under commission, reading of, as evidence	X	390
under commission for local investigation	"	393
to be filed with award	"	516
DEPRIVING of goods (household furniture, &c.), concise statement of claim for damages for,	X	sch. IV, No. 114
DEPUTY COMMISSIONER to prepare list of labourers	XIII	4
to fix amount of compensation... ..	"	6
court of,	XVII	4 (3)

	ACT.	SEC.
DEPUTY COMMISSIONER, (contd.)		
<i>ex officio</i> powers of,	XVII	7
control over court of,	"	30
control of, over subordinate courts	"	30
court of, deemed district court or principal civil court of original jurisdiction	"	31
no pecuniary limit to jurisdiction of,	"	32
powers of, as to withdrawal, &c.	"	33
power of, to distribute business	"	34
powers of, as to ministerial officers	"	35, 36
appeals which lie to,	"	37 (a)
further appeal from decision of,	"	38
limitation of appeal to,	"	40 (a)
DEPUTY REGISTRAR of chief court, appointment of,	XVII	22
dismissal of,	"	24
DERIVATION of title or liability	XV	19
DESCENT , no exemption from jurisdiction by reason of,	X	10
DESCRIPTION of property in non-testamentary document for registration	III	21 (a)
of property referred to in document tendered for registration, effect of failure to comply with rules as to, in summons, of document to be produced	"	22
of appellant and respondent to be stated in decree	X	163
	"	579
<i>See Dishonest.</i>		
of plaintiff, see <i>Name.</i>		
DESIGNATION , see <i>Crucibles.</i>		
DESTRUCTION of copies of work produced by piracy of copy-right, of trade-marks, statements and communications, power to order,	I	55, <i>ill. (g)</i>
of books, papers and documents	III	69
of unclaimed documents	"	85
<i>See Family-house, Heir expectant, Letters, Partnership-property, Patient, Restoration.</i>		
DETAILS , contract not enforceable which runs into minute,	I	21 (b)
DETENTION of offender pending return to distress-warrant	IV	185
of person guilty of contempt	"	205
of witness more than one day, expenses in case of,	X	162
in jail for subsistence-money, bar to,	"	340
of person charged with offence	"	643
in military custody of military lunatic	XI	3
of lunatic in asylum	"	3, 6
<i>See Moveables, Preservation, Search, Wrongful detention, Wrongful taking.</i>		
of goods, see <i>Return of goods.</i>		
DETERMINATION of right or interest in immoveable property, place of institution of suit for,	X	16 (d)
of issue or question on which right to discovery depends	"	135
of issues at first hearing	"	154
of rights of parties	"	563
of appeal on return of finding of lower court on issues referred	"	567
of appeal to be stated in decree	"	579
of debts and liabilities	XIV	15
of limitation-period, effect of,	XV	28
<i>See Expiry.</i>		

	ACT.	SEC.
DETERMINATION (<i>contd.</i>)		
of amount of compensation, limitation-time to run from,	XV	sch. II, No. 17
of mortgagor's right to possession, limitation-time to run from,	"	sch. II, No. 135
of tenancy, limitation-time to run from,	"	sch. II, No. 139
<i>See Final, Matters, Points, Question of fact.</i>		
DETRIMENT to public service, issue of commission in case of persons who cannot attend court without, ... exemption from appearance, of public officer who cannot quit duty without,	X	386 (c)
DEVISEE , suit by, for possession of immoveable property	XV	428 sch. II, No. 140
<i>See Death, Heir and devisee, Hindú, Muhammadan.</i>		
DEVOLUTION , see <i>Assignment.</i>		
DICTATION by magistrate of evidence to be recorded	IV	115
DIFFERENCE of opinion, provision for, in reference to two or more arbitrators	X	509
on point of law among judges composing bench hearing appeal	"	575
among judges hearing appeal, signature of decree in case of,	"	579
among judges of bench	XVII	17 (d), 20
<i>See Agreement.</i>		
DIFFERENT CHARGE , see <i>Previous.</i>		
DIFFERENT OFFENCE , see <i>Charge, Conviction.</i>		
DILIGENCE to obtain satisfaction of decree	X	230
in suitor	"	623
in prosecuting suit	XV	14
DIRECTION of warrant	IV	56
of court necessary for administration of trust for public charity	X	539
<i>" See Form, Presence of judge, Return.</i>		
of law, see <i>Disobeying.</i>		
DIRECTIONS to execute settlements, provisions of chapter applied to, as to subject-matter of appeal to Queen, power of court to give,	I	30
for enforcement of Queen's order in appeal	X	608 (d), 609
issued under repealed Acts confirmed	XVII	610 2
DIRECTOR , secretary or principal officer of corporation, subscription of plaint by,	X	435
DIRECTORS of company, contract of, for sale of concern without prescribed sanction, not enforceable	I	21, <i>ill.</i> (e)
<i>See Dividend, Marine-insurances.</i>		
DISABILITIES of successor to property under management	XIV	27

	ACT.	SEC.
DISABILITIES, (contd.)		
time for institution of suit or making of application in case of double or successive, ...	XV	7
DISABILITY of legal representative of person dying while disabled ...	XV	7
of one joint creditor or claimant, limitation in case of, ...	"	8
does not stop running of limitation-time once begun ...	"	9
DISAGREEMENT, see Separate reports.		
DISALLOWANCE of claim to release of attached property ...	X	281
of objections, appeal from orders as to, ...	"	588 (p)
DISBURSEMENTS, see Accounts.		
DISCHARGE on bail ...	IV	73
of sureties ...	"	76
accused ...	"	87
person guilty of contempt, on submission or apology ...	"	207
person informed against for breach of peace ...	"	219
sureties for good behaviour ...	"	226
person summoned, on non-payment of his expenses ...	X	162
debtor, on payment of debt into court ...	"	268
judgment-debts not being effected on expiry of lease or management, procedure on, ...	"	324
arrested debtor declared an insolvent ...	"	336
judgment-debtor from jail does not extinguish debt ...	"	341
insolvent after hearing ...	"	351
insolvent after transfer of property to receiver ...	"	355
insolvent, effect of, ...	"	357
orders affecting minors ...	"	444
plaintiff in interpleader suit from liability to defendant ...	"	473 (a)
military lunatic ...	XI	7
persons paying money, rents and profits to manager ...	XIV	25
without concurrence of joint creditor under disability ...	XV	8
<i>See Acquittal, Certificate, Restitution, Surety, Variation.</i>		
of next friend, see <i>Order.</i>		
DISCIPLINE among judicial and ministerial officers, measures for maintaining, ...	XVII	27 (f)
DISCLOSURE , no influence to be used to induce, ...	IV	149
of cause of action, in plaint, absence of, ...	X	53 (d)
<i>See Affidavits, Defence, Secret process.</i>		
DISCONTINUANCE of possession or enjoyment of easement ...	XV	26, exp.
suit or business, limitation-time to run from, ...	"	sch. II, No. 84
possession, suit for immoveable property in case of, ...	"	sch. II, No. 142
DISCOVERY of offender, power to issue search-warrant for, ...	IV	159
provisions relating to, ...	X	129
of new and important matter or evidence, application on, for review of judgment ...	"	623, 624, 626
<i>See Determination, Failure, Issue, Objection, Right.</i>		
DISCRETION of court as to decreeing specific performance ...	I	22
appointment of receivers ...	"	44
grant of preventive relief ...	"	52
to refuse registration ...	III	20
of registering officers, power to regulate, ...	"	69
<i>See Status.</i>		

	Act.	Sec.
DISEASE , see <i>Malignant</i> .		
DISHONEST description of article sold, a ground for refusing injunction to restrain sale of similar article as the same ...	I	56, <i>ill. (c)</i>
application by insolvent ...	X	359
misappropriation or conversion, suit for property acquired by, ...	XV	sch. II, No. 48
DISHONESTY , effect of, in respect of errors, &c. ...	X	288
DISHONOURED bill of exchange or promissory note, remedies of holder of, ...	X	536
foreign bill, where protest made and notice given ...	XV	sch. II, No. 77
by non-acceptance, suit on bill which is, ...	"	sch. II, No. 78
DISMISSAL of suit for specific performance bars suit for compensation for breach ...	I	29
of complaint ...	IV	32
or adjournment on non-appearance of complainant ...	"	118
on non-appearance of complainant ...	"	124
or addition of parties ...	X	32
of suit when summons not served for non-payment of fee ...	"	97
where neither party appears ...	"	98
when defendant only appears ...	"	102
for plaintiff's default, setting aside, ...	"	103
for failure to answer interrogatories ...	"	136
to enforce right of pre-emption ...	"	214
not continued by assignee or receiver ...	"	370
effect of, ...	"	371
on failure to furnish security for costs ...	"	381
of co-plaintiff late minor repudiating suit ...	"	454
of plaintiff in interpleader suit ...	"	473 (a)
of suit in which property is attached before judgment ...	"	488
compensation to defendant served with injunction, in case of, ...	"	497
of appeal for default of appellant ...	"	556, 557
<i>See Order, Re-admission.</i>		
of petition for leave to appeal to Queen ...	"	601
of application for benefit of Act ...	XIV	7 (b)
of suits, appeals and applications ...	XV	4
of suit for easement ...	"	26, <i>ills. (b), (c), 27, ill.</i>
by default, limitation-time to run from date of, ...		sch. II, No. 163
for want of prosecution, limitation-time to run from date of, ...		sch. II, No. 168
of ministerial officers of chief court ...	XVII	24
subordinate courts ...		35
<i>See Acquittal, Order, Rejecting, Suspension, Traveller, Unreasonable.</i>		
DISOBEDIENCE of order of public servant ...	X	136
in case of transmitted decrees ...	"	228
of order to certify satisfaction of decrees ...	"	258
<i>See Enforcement, Wilful disobedience.</i>		
DISOBEYING direction of law to save person from punishment, charge against person accused of, ...	IV	96, <i>ill. (f)</i>
DISFAUPERING of suitor, procedure on, ...	X	412

	ACT.	SEC.
DISPAUPERING (<i>contd.</i>)		
on motion of defendant or government pleader ...	X	414
DISPENSARIES , see <i>Hospitals.</i>		
DISPENSING with attendance of witness	IV	157
with proof of circumstances under which deposition may be read as evidence	X	390 (b)
by appellate court with accompaniment of memorandum of appeal	"	541
DISPLACED , see <i>Person claiming.</i>		
DISPOSAL of property connected with offence, power to order, ...	IV	243, 244
of suit or appeal, return of documents on,	X	144
of suit at first hearing	"	152—155
of property to avoid or delay plaintiff	"	477 (c), 478, 483, 484
by receiver, of rents and profits of property in suit ...	"	503
of appeal, stay of sale of property in execution until, ...	"	546
by court of first instance of suit on preliminary point, to the exclusion of evidence of essential fact	"	562
of case in which reference is made to high court	"	619
of case according to decision of full bench	XVII	20 (b), 21
<i>See Fraudulent, Threat.</i>		
of suit, see <i>Summons.</i>		
DISPOSSESSED , see <i>Dispute.</i>		
DISPOSSESSION of immoveable property, suit for recovery in case of,	I	9
limitation-time to run from,	XV	sch. II, No. 3
suit for immoveable property in case of,	"	sch. II, No. 142
of immoveable property, application in case of, by person disputing right of decree-holder or purchaser at execution-sale	"	sch. II, No. 165
in delivery of possession to decree-holder or purchaser, limitation-time to run from,	"	sch. II, No. 167
DISPUTE by person dispossessed of property sold in execution, of decree-holder's right to possession	X	332
as to who is legal representative, procedure in case of,	"	367
commission for investigation of matter in,	"	392
as to amount of compensation	XIII	6
<i>See Danger, Impounding, Matters.</i>		
in appeal, see <i>Subject-matter.</i>		
of right to possession, see <i>Dispossession.</i>		
DISPUTED INTEREST , see <i>Grant of administration.</i>		
DISPUTES between railway workmen and employers, see <i>Act IX of 1860.</i>		
DISSENT from judgment in appeal heard by more than one judge to be recorded	X	576
DISSENTING judge need not sign decree in appeal	X	579
DISSOLUTION of partnership, suit for injunction to restrain injurious act without seeking,	I	54, <i>ii.</i> (?)
of partnership, decree in suit for,	X	215
of marriage by death or divorce, limitation-time in suit for dower to run from,	XV	sch. II, Nos. 103, 104
of partnership, limitation-time to run from,	"	sch. II, No. 106
<i>See Order, Partnership.</i>		
DISSOLVED PARTNERSHIP , suit for account and share of profits of, ...	XV	sch. II, No. 106

	ACT.	SEC.
DISTANCE from court exempting from liability to appear in person ... of residence, in relation to obligation to attend in person...	X	67
	"	176
DISTINCT OFFENCES, see <i>Separate, Trial.</i>		
DISTINGUISHMENT of portions of subject-matter	XV	sch. II, No. 179, exp. 1
DISTRAIN, see <i>Guarantee.</i>		
DISTRAINER, see <i>Defect.</i>		
DISTRAINT of attachment, place of suing for property actually under,	X	16 (f)
DISTRESS not being available, dispensing with warrant in case of, ... and sale of moveable property for recovery of fine	IV	185
	"	185
suit for compensation for illegal, irregular or excessive, ...	XV	sch. II, No. 23
<i>See Wrongful.</i>		
<i>DISTRESS-WARRANT, see Defect, Detention.</i>		
DISTRIBUTION among scheduled creditors, of balance of insolvent's assets	X	356 (d)
of assets, limitation-time to run from,	XV	sch. II, No. 43
of business of courts	XVII	34
DISTRIBUTIVE SHARE of property of intestate, suit for, ...	XV	sch. II, No. 123
"DISTRICT" defined	{ III	3
	{ X	2
suits for immoveable property within jurisdictions of different courts, but in single,	"	19
"DISTRICT COURT" defined	{ III	3
	{ X	2
power to declare which of two officers with concurrent jurisdiction is the,	"	4
procedure where court in which, out of several, suit may be brought is subordinate to,	"	23, 24
power of, to withdraw and try or transfer suits ...	"	25
sending decree for execution by other court through,	"	223
receiving decree from other court, execution by,	"	226
application to be declared insolvent to be made to,	"	344
foreign state to be sued in court not subordinate to,	"	433
having jurisdiction, institution in, of suit relating to public charity	"	539
procedure in case of arrest or attachment by, under process of other court	"	648
court of deputy commissioner deemed to be, ...	XVII	31
DISTRICT COURTS invested with powers as to receivers	X	505
<i>See Investment.</i>		
DISTRICT JUDGE, appeal to court of,	XV	sch. II, No. 152
transfer of ministerial officers by government at instance of,	XIX	3
transfer of ministerial officers by,	"	3
<i>See Consent.</i>		
DISTRICT JUDGES enabled to suspend and remove ministerial officers confirmation by, of appointment of ministerial officers	XIX	2
DISTRICT MUNSIFS' courts, suspension and removal of ministerial officers of, by district judges	XIX	3
transfer of ministerial officers of,	"	3
DISTRICT POST, see <i>Rural police.</i>		
DISTRICTS and sub-districts formed, confirmation of,	III	2
formation and alteration of,	"	5

	ACT.	SEC.
DISTRICTS, (contd.)		
copies of maps or plans of property situated in several,...	III	21 (c)
suits relating to immoveable property in different, ...	X	19
of Madras, sum to cover cost of importation, &c., of salt in,	XVIII	10
DIVERSION of watercourse, plaint in suit for injunction against, ...	X	sch. IV, No. 102
DIVERTING watercourse, plaint in suit for,...	X	sch. IV, No. 81
suit for,	XV	sch. II, No. 38
<i>See Wrongfully diverting.</i>		
DIVIDED , rejection of application for review when judges are equally,	X	628
DIVIDEND out of capital or borrowed money, right to sue for injunction to restrain directors of company from payment of, attachment prohibiting receipt of,	I	54, ill. (c)
on share sold in execution, prohibitory order as to,	X	268
	"	301
<i>See Interest, Private alienation.</i>		
DIVISION into consecutively numbered paragraphs, of case for opinion of court	X	527
<i>See Proceeds.</i>		
DIVISION COURT , bar to appeal to Queen from certain judgments of judges of,	X	597
DIVORCE , see <i>Dissolution of marriage.</i>		
DOCUMENT , statement in summons whether person is required to produce,	X	163
offered in evidence, procedure in case of offence relating to,	"	643
<i>See Construction, Description, Duty, Entry, Fraudulent concealment, Production, Refusal, Translation.</i>		
DOCUMENTARY EVIDENCE , provisions as to securing,	IV	144
to be in readiness at first hearing	X	138
production in appellate court of additional,	"	568
DOCUMENTS creating right to obtain other documents, exemption of,	III	17 (h)
to be entered in books No. 1 and No. 4	"	51
fee for summons to produce,	IV	57
not in possession or power of plaintiff, statement as to,...	X	60
excepted from application of section	"	63
to be received by court	"	140
provisions as to, applied to material objects	"	145
produced, issues on contents of,	"	147 (b)
powers of commissioners as to,	"	398 (b)
to be filed with award	"	516
relating to claims against property under management ...	XIV	13
<i>See Admission, Destruction, Exclusion, Formal, Impounding, Inspection, List, Production, Return, Safe custody, Statement.</i>		
DOG , see <i>Mischivous animal.</i>		
DOMESTIC SERVANTS , see <i>Wages.</i>		
DOMICILE in foreign country, of parties to foreign contract sued on in India	XV	11
DONEE of authority to adopt when entitled to present it for registration	III	40

	ACT.	SEC.
NOE of authority to adopt may present it for registration ...	III	40
registration of authority to adopt presented by, ...	"	41
NOE of room containing property liable to be seized, power to open, ...	X	271
<i>See Breaking open.</i>		
DOUBT as to good faith of defence in summary suit ...	X	532
" as to question of law, &c., reference to high court in case of, ...	"	617
on question of law or usage having force of law, or construction of document, statement of case under, ...	"	646
DOUBTFUL, charge where character of offence is, ...	IV	108
DOWNER, see <i>Deferred, Exigible.</i>		
RAFT, see <i>Conveyance, Endorsement, Service.</i>		
RAFT CONVEYANCES, see <i>Objections.</i>		
RAFT ENDORSEMENTS, see <i>Objections.</i>		
RAFTS, see <i>Bill.</i>		
RAIL, see <i>Obstructing.</i>		
RAILS included in <i>Embankment</i> ...	XIII	2
RAWEE against acceptor, plaint in suit of, ...	X	sch. IV, No. 37
<i>See Indorse, Payee.</i>		
of bill dishonoured by non-acceptance, suit against, ...	XV	sch. II, No. 78
<i>See Accommodation-bill, Bills of exchange.</i>		
DRAWING WATER, see <i>Trespass.</i>		
DRINK, see <i>Price.</i>		
DRIVING, see <i>Injuries, Negligence.</i>		
DRUM, proclamation of decree by beat of, ...	X	264
prohibitory order by beat of, ...	"	274
transfer to purchaser of immovable property in occupancy of tenant by beat of, ...	"	319
DUPLICATE, see <i>Conveyance, Endorsement.</i>		
DURATION of force of attachment ...	X	268
of attachment in case of disobedience of injunction ...	"	493
of injunction, discretion of court as to, ...	"	493
<i>See Limit.</i>		
DUTIES of registering officers ...	III	51—70
of protectors of emigrants ...	V	6
" of collector, performance of, by assistant collector and others ...	VIII	21
of hereditary office, usual performance of, ...	XV	sch. II, No. 124, exp. 23, 27 (a)
of ministerial officers of chief court ...	XVII	
<i>See Powers.</i>		
DUTY, contract not enforceable which involves performance of continuous, ...	I	21 (g)
of magistrate or police-officer to execute warrant ...	IV	66
of persons summoned to give evidence or produce document ...	X	172
of receiver of insolvent's property ...	"	356
of next friend, effect of neglect of, ...	"	446
removal of guardian for suit for neglect of, ...	"	458
on salt imported by sea ...	XVIII	4
land ...	"	5

	ACT.	SEC.
DUTY (<i>contd.</i>)		
on salt manufactured in Orissa	XVIII	11
<i>See Customs-duty, Excise-duty.</i>		
DWELLING , <i>see Residence.</i>		
DWELLING-HOUSE , contract for purchase of, which one party entered into assuming that a yard was included ...	I	26, <i>ill. (b)</i>
<i>See Trespass.</i>		
EARTH , things attached, or permanently fastened to anything attached, to the, included in <i>Immoveable property</i>	III	3
EARTHEN WALLS included in <i>Embankment</i>	XIII	2
"EASEMENT" defined	XV	3
EASEMENTS , acquisition of right to,	XV	26, 27
EAVES , suit by neighbour for injunction to pull down so much of, as projects over his land	I	55, <i>ill. (b)</i>
EFFECT of declaration	I	43
of document of which registration is optional, when it is registered	III	50
of conveyance or endorsement executed by court	X	262
of application in favour of applicants	XV	sch. II, No. 179, exp. 1
<i>See Cross-suit.</i>		
EFFECTS of registration and non-registration	III	47-50
<i>See Partnership-debts.</i>		
EFFICIENCY of judicial and ministerial officers, measures for promoting,	XVII	27 (<i>f</i>)
EJECTMENT , concise statement of claim to recover possession of house in case of,	X	sch. IV, No. 114
ELECTION of minor plaintiff, or minor on whose behalf application is pending, as to prosecution of suit	X	450, 452
to avoid policy, limitation-time to run from,	XV	sch. II, No. 87
ELEPHANTS included in <i>Cattle</i>	XIII	7, exp.
"EMBANKMENT" defined	XIII	2
<i>See Land.</i>		
"EMBANKMENT OFFICER" defined	XIII	2
duties and powers of,	"	3, 5, 6, 7, 8
EMBARKATION of emigrants	V	34
EMBARKATION-PASS to emigrant	V	26
delivery of, to master	"	34, 43
EMERGENT work, Act may be put into operation for,	XIII	3 (<i>a</i>)
"EMIGRANT" defined	V	2
EMIGRANTS , protection of, and assistance to,	V	6
EMIGRANT-VESSELS , provisions relating to,	V	33, 36
"EMIGRATE" defined	V	2
EMIGRATION from Madras to Straits Settlements	V	
to Straits Settlements, power to prohibit,	"	37
EMIGRATION-AGENT and subordinates to facilitate inspection, &c.	V	8
copy of entries in register to be sent to,	"	21
may examine emigrants at depôt	"	24
obligations of, in regard to emigrant not allowed to emigrate	"	27
procedure on failure of, to pay expenses on account of emigrant or dependant	"	31
to be present at embarkation	"	35

	ACT.	SEC.
EMIGRATION-AGENTS, appointment, suspension and removal of, ...	V	4
EMIGRATION-DEPÔT, establishment and licensing of,	V	7
EMPLOY, see <i>Contract, Refusal to employ.</i>		
EMPLOYEES of workmen, see <i>Disputes.</i>		
EMPLOYMENT, see <i>Contract, Factor, Manager, Traveller.</i> to build, see <i>Work.</i>		
ENCUMBERED ESTATES, see <i>Chutid nâgpur.</i>		
"ENDORSED" defined	III	3
"ENDORSEMENT" defined	III	3
on documents admitted to registration	"	58, 64, 65
on refusal to register	"	71
of declaration on duplicate summons	IV	51 (a)
on warrant directing bail to be received	"	58
of warrant for execution out of issuer's jurisdiction	"	64, 65
of order of attachment	"	68
of warrant for attachment and sale of property	"	77, 78
on plaint returned	"	57
on plaint admitted	"	58
on summons, of acknowledgment of service	"	79
on summons served by fixing copy to door of house	"	80
of time and manner of service of summons	"	81
on summons served in jail	"	87, 88
foreign territory	"	90
on documents proved or admitted	"	141
on rejected documents	"	142
of warrant for execution of decrees	"	251
of negotiable instruments, execution of decree for,	"	261
or conveyance by court, of negotiable instruments and shares	"	302
on warrant of arrest in execution	"	343
on process sent for service on military man	"	468
on memorandum of appeal	"	548
<i>See Debentures, Incorrect, Promissory note.</i>		
ENDORSEMENTS on documents presented	III	52
<i>See Bill, Draft endorsements.</i>		
ENEMIES, see <i>Aliens, British india.</i>		
ENFORCEMENT of appearance of executants and witnesses	III	35
of penalty of forfeited recognizance	IV	228, 229
of Act, power to make rules for guidance of officers in,	VIII	23 (b)
of decree within three years	X	230
of injunction in case of disobedience	"	493
of decree on award of arbitrators	"	522, 524
of award in arbitration without intervention of court	"	526
of decree in case submitted to court by agreement	"	531
of decree in summary suit on negotiable instrument	"	532
of orders of Queen	"	610
of Queen's orders, appeal from orders as to,	"	611
of provisions of chapter XLV, high court's power to regulate,	"	612
of attendance of witnesses, power of manager as to,	XIV	35
of right to share in joint family-property, suit for,	XV	sch. II, No. 127

	ACT.	SEC.
ENFORCEMENT (contd.)		
of judgment, decree or order of chartered court, or order of Queen, limitation of application for execution, where application has been made for,	XV	sch. II, No. 179, 4
of payment which, under decree, is to be made at specified date		sch. II, No. 179, 6
of judgment, decree or order of chartered court, application for,		sch. II, No. 180
of order of Queen, application for,		sch. II, No. 180
<i>See Allowing, Public duties, Unconditional.</i>		
of decree, see <i>Heir.</i>		
of forged instrument, see <i>Forgery.</i>		
of judgment, see <i>Process for enforcing.</i>		
of lien, see <i>Vendor.</i>		
of right, see <i>Pre-emption.</i>		
ENGLAND, see <i>Removal.</i>		
ENGLISH, see <i>Addressing court, Language, Language of court.</i>		
taking evidence in,	X	185
ENGRAVING, see <i>Writing.</i>		
ENHANCEMENT of sentence, bar to, when appeal rejected	IV	172
of punishment by high court in appeal	"	174 (b)
ENJOYMENT, see <i>Averment, Lessee, Quiet enjoyment, Refusal.</i>		
of right, see <i>Refusal of enjoyment.</i>		
ENLARGEMENT, see <i>Extension.</i>		
ENQUIRIES by protector relating to emigrants	V	25
ENQUIRY as to service of summons	X	82
<i>See Further enquiry, Interest, Possession.</i>		
ENTERING dwelling-house, see <i>Trespass.</i>		
ENTICING AWAY married woman, prosecution for,	IV	46
wife, and adultery, separate trials for,	"	107, III, <i>ill.(o)</i>
ENTIRE ESTATE, see <i>Incumbrances, Under-tenures.</i>		
ENTRIES in indexes when to be made	III	54, 55
in books relating to claims against property under management	XIV	13
<i>See Books, Forms, Numbering.</i>		
ENTRY in writing, by registering officer, on rider or covering slip to document tendered for registration, included in <i>Endorsement</i>	III	3
of place under search-warrant	IV	160
in book relied on by suitor to be produced	X	62
on land or buildings, powers of commissioners as to,	"	398 (c)
upon or into land or building, for inspection, &c.	"	499 (b)
of judgment of appellate court in register of suits	"	581
upon immoveable property in emergency	XIII	3 (b)
<i>See Copy, Execution of process, Shop-book, Wrongful entry.</i>		
ENVOY, see <i>Ambassador.</i>		
EQUAL, rule of decision where judges holding different opinions are,	XVII	20
EQUALIZE, see <i>Award.</i>		
EQUITIES enforceable by judgment-debtor, transferred decree held subject to,	X	233
EQUITY, court may require party to whom rescission is granted to do,	I	38
ERASURES, see <i>Interlineations.</i>		

	ACT.	SEC.
ERRONEOUS, effect of decree against which pauper applies for leave to appeal being, ...	X	592
ERROR or defect in charge or proceedings, reversal of order for, ...	IV	177
correction of award containing obvious, ...	X	518
defect or irregularity in decision or order, not affecting merits of case or jurisdiction of court, reversal, variation or remand on account of, ...	"	578
or defect in procedure producing error or defect in decision upon merits, a ground of second appeal ...	"	584 (c)
defect or irregularity in order not appealable, setting forth of, in memorandum of appeal ...	"	591
<i>See Clerical, Mistake.</i>		
ERRORS, power to issue order for rectification of, ...	III	68
in charges, effect of, ...	IV	98
in decree, correction of, ...	X	206
misstatements or omissions in sale-proclamation, indemnity for, ...	"	288
ESCAPE from custody, place of trial for, ...	IV	22
or attempt to escape from custody, penalty for, ...	X	651
ESCAPED CONVICT, currency of sentence on, ...	IV	192
ESCORT, see <i>Military escort.</i>		
ESTABLISH title and recover rents, concise statement of claim to, ...	X	sch. IV, No. 114
ESTABLISHMENT of presidency-magistrates' courts, ...	IV	7
of right to present possession of property, suit for, ...	XV	sch. II, No. 11
of periodically recurring right, suit for, ...	"	sch. II, No. 131
ESTABLISHMENTS of registration-offices, ...	III	14
ESTATE with house and garden, effect of default as to part of contract for sale of, ...	I	15, <i>ill. (b)</i>
which person contracts to sell, stipulating that he shall not be obliged to define its boundary, ...	"	22, <i>ill. (g)</i>
contract for sale of, without owner's authority, ...	"	25, <i>ill. (a)</i>
settled without consideration on a person and his children, right to sue for injunction to restrain subsequent sale of, ...	"	54, <i>ill. (g)</i>
paying revenue to government, partition or separation of share of, ...	X	265
of deceased sole or sole-surviving plaintiff, award to defendant of costs of suit recoverable out of, ...	"	366
of bankrupt or insolvent plaintiff, costs awarded to defendant proveable against, ...	"	370
of deceased trustee, suit to make good loss by breach of trust out of, ...	XV	sch. II, No. 98
of deceased trustee, suit against, by co-trustee for contribution falling into possession, limitation-time to run from, ...	"	sch. II, No. 100
	"	sch. II, No. 140
<i>See Creditor, Entire, Legatee, Tenant for life.</i>		
ESTATES as to which declaration made under Bombay Act VI of 1862, ...	XIV	40, 41
<i>See Chutiá n Ippur, Holders, Incumbered estates.</i>		
ESTIMATE of cost of transcribing record, high court's power to regulate, ...	X	612 (e)
ESTIMATED VALUE of subject-matter, as to which case is submitted to court by agreement, ...	X	528

	ACT.	SEC.
ESTIMATION of amount of monies payable in India under Queen's order in appeal, expressed in British currency ...	X	610
EUROPEAN vagrants, provisions not to apply to, ...	IV	232
officer or soldier declared lunatic, procedure in respect of, ...	XI	3
British subjects, power to try, ...	XVII	15
EVENT, reasons to be stated for direction that costs shall not follow, ...	X	220
EVICTION of incumbrancer of property under management ...	XIV	21
EVIDENCE of voluntary execution, procedure for obtaining, ...	III	33
fee for summons to attend and give, ...	IV	57
of publication of proclamation ...	"	67
provisions relating to, ...	"	134—166
recorded partly by one magistrate and partly by another ...	"	156
under commission ...	"	158
certificate of accused found lunatic being capable of defence, receivable as, ...	"	197—202
of service of summons ...	X	90
documents not produced on notice not to be given in, ...	"	131
adjournment for further, ...	"	155
judgment in case of either party failing to produce, ...	"	155
statement in summons whether person is required to give, ...	"	163
person present in court may be required to give, ...	"	165
taken by judge dying or removed before close of suit ...	"	191
receiving as, of commissioner's proceedings, &c. ...	"	395
of pauperism, fixing day for receiving, ...	"	408
powers of court to order measures for obtaining, ...	"	499 (c)
failure to make award in time for want of, ...	"	514
to be taken in case remanded ...	"	563
taking of, by chartered high courts ...	"	633
and documents to be sent to magistrate in case of charge of offence ...	"	643
form of summons to attend and give, ...	"	sch. IV, Nos. 125, 126
<p>See <i>Additional evidence, Admissibility Admission Answer, Argument, Compelling, Duty, Exclusion, Failure, Inadmissible, Instrument, Insufficient, Material objects, Mode, New evidence, Party requiring, Persons, Record, Recording, Refusal, Return, Special rules, Taking, Time, Transaction.</i></p>		
of claim against insolvent, see <i>Unscheduled creditor.</i>		
CATTLE included in <i>Cattle</i> ...	XIII	7, exp.
EXAMINATION of person executing power-of-attorney ...	III	33
by registering officer ...	"	35
of complainant ...	IV	30, 31
of complainant and witnesses for prosecution ...	"	82
of accused ...	"	123
of persons present in court ...	"	134
of prisoner in jail ...	"	139
of accused persons ...	"	148—151
as witness of accomplice accepting tender of pardon ...	"	150
of medical witness ...	"	152
of chemical examiner ...	"	153
of insane accused ...	"	194
of contracts and certificates by magistrate ...	V	18
of emigrants at <i>depôt</i> ...	"	24, 25
of attesting witness to verification of plaint ...	X	53
of documents produced ...	"	62
of officer serving summons ...	"	82
of witnesses to signature of written statements ...	"	115

	ACT.	SEC.
EXAMINATION (contd.)		
of parties and pleaders by court	X	117-120
of witnesses or documents before framing issues	"	148
of serving officer in case of non-service of summons	"	168
of strangers to suit	"	171
of witnesses, provisions relating to,	"	181-193
of witness about to leave jurisdiction	"	192
of persons for information as to property for sale	"	287
of applicant to be declared insolvent	"	350
of commissioner for local investigation	"	393
of witnesses before commissioners	"	399
of pauper	"	406
of applicant for order for security	"	478, 484
of parties in hearing of case submitted to court by agreement	"	531
of witness required to enable appellate court to pronounce judgment	"	568 (b)
of witnesses by unauthorized persons	"	635
of native military insane	XI	5
See <i>Accounts, Commission, Defendants, Powers of commissioners, Recall, Seizure, Summon- ing.</i>		
of accounts, see <i>Commissioner.</i>		
of transcript of record, see <i>Preparation.</i>		
EXCEPTION of property of insolvent from vesting in receiver	X	354
liability to attachment	"	357
of documents from record in appeal to Queen	"	602, 603
EXCEPTIONS to section 300 of penal - code, offence not falling within,	IV	94, <i>ill. (a)</i>
to admissibility of documents, saving of,	X	128
from suits which paupers may bring	"	402
EXCESS in plaintiff's claim beyond deposit in satisfaction	X	379
of award, appeal from decree in,	"	522
of share, limitation-time to run from payment by surety in, .. in suit for contribution to run from advance by sharer in,	XV "	sch. II, No. 82 sch. II, No. 99
EXCESSIVE, see <i>Distress.</i>		
EXCHANGE, see <i>Authority.</i>		
of property	IV	243, exp.
EXCISE-DUTY on salt manufactured in Bombay	XVIII	6
in Madras	"	7
EXCLUDED evidence, directions to take, in case remanded	X	563
EXCLUDING cause of action, appeal from order as to,	X	588, (d)
EXCLUSION of time of release on bail, from imprisonment ultimately awarded	IV	175
of evidence of fact essential to determination of rights of parties	X	562
of documents from record in appeal to Queen	"	602 (1) to (4)
relating to claims	XIV	13
of time in computing limitation-period	XV	12-16
of time in reckoning period of enjoyment of easement	"	27
See <i>Law, Time.</i>		
from property, see <i>Joint family-property.</i>		
EXCLUSIVE PRIVILEGE, see <i>Infringement.</i>		
EXCUSE for non-payment of court-fee, or non-appearance, effect of showing sufficient,	X	99
for default of summoned person	"	174

	ACT.	SEC.
EXECUTANT, presentation by, of document for registration ...	III	32
EXECUTANTS, time for presenting documents executed at different times by several, ...	III	23
election by, of place for registration ...	"	29
<i>See Accident, Appearance, Death, Denial, Enforcement, Identity, Necessity.</i>		
EXECUTING and staying decrees under appeal ...	X	545—547
EXECUTION of orders to enforce public duties ...	I	48
place of registration determined by place of, ...	III	29
of power-of-attorney to agent for registration ...	"	32, 33
inquiry as to, ...	"	34 (a)
of will or authority to adopt, registering officer to be satisfied as to, ...	"	41 (a)
of warrant directed to several police-officers ...	IV	59
by officer other than the one addressed ...	"	60
magistrate may personally superintend, ...	"	61
for attachment and sale of property ...	"	77, 78
procedure in case of failure as to, ...	"	137
provisions relating to, ...	"	183—193
of warrant for attachment and sale of property of person forfeiting recognizance ...	"	228, 229
of decrees by small cause courts ...	X	5
of agreement between parties to accept decision of court on matter in dispute ...	"	151 (a)
of decrees ...	"	223—343
of decree, attachment of property of public officer sued to be only in, ...	"	427
against government or public officer, issue of, ...	"	429
against foreign prince or chief ...	"	433
in British India, of decrees of courts in native states ...	"	434
of decree, confinement until, of defendant not giving security ...	"	431
application for sale of property attached before judgment in, ...	"	489
of process, provisions as to, applied to persons authorized to enter land, &c., for inspection ...	"	499
of agreement to refer case to court ...	"	531 (a)
of decree of appellate court ...	"	583
of decrees in second appeals ...	"	587
of decree appealed against to Queen not to be stayed ...	"	606
of orders of Queen ...	"	610
of final decree, reference to high court in case of doubt as to question arising in, ...	"	617
of decree before ascertainment of costs, power of high court to order, ...	"	634
of so much of decree as relates to costs ...	"	634
of trust, concise statement of claim for, ...	"	sch. IV, No. 114
of bond, limitation-time to run from, ...	XV	sch. II, No. 67
of process for enforcing judgment, limitation-time to run from, ...	"	sch. II, No. 164
of decree or order of civil court not provided for ...	"	sch. II, No. 179
of which certified copy is registered ...	"	sch. II, No. 179
appealed against ...	"	sch. II, No. 179

	ACT.	SEC.
EXECUTION (<i>contd.</i>)		
of decrees included in provision as to distribution of business	XVII	34
See <i>Admission, British india, Cantonment, Death, Delay, Denial, Female party, Husband, Incapable, Instruments, Issue, Notice, Obstruction, Order, Proof, Resistance, Setting-aside, Stay, Staying, Suspension, Trusts, Warrant of attachment, Warrant of sale, Wrongful sale.</i>		
of civil process, see <i>Arrest.</i>		
of decree, see <i>Order for committal, Questions.</i>		
of decrees, see <i>Collector.</i>		
of original decrees, see <i>Rules.</i>		
EXECUTIONS , see <i>Bar, Operation, Revival.</i>		
EXECUTION-SALE under civil court decree, suit to set aside	XV	sch. II, No. 12 (a)
See <i>Attempt, Order for delivery, Purchaser, Sale, Setting-aside.</i>		
EXECUTION-SALES , see <i>Proceeds.</i>		
EXECUTOR , contract for sale by, of testator's property, in erroneous belief of co-executor's authority	I	28, <i>ill.</i> to (c)
power of court to declare interests of legatees in suit against,	"	42, <i>ill.</i> (b)
through misconduct or insolvency, bringing property into danger, injunction to restrain recovery of assets by, ..	"	54, <i>ill.</i> (e)
when entitled to present will for registration	III	40
administrator or heir, joinder of claims by or against, as such, with personal claims	X	44, rule (b)
plaint what to shew in suit of,	"	50, <i>ill.</i> (a)
suit against, under Act XII of 1855	XV	sch. II, No. 33
suit by, to compel refund of legacy	"	sch. II, No. 43
See <i>Act XIII of 1855, Joint-executor, Legatee, Letters, Probate, Refusal, Revocation, Set-off.</i>		
personally liable for legacies, see <i>Administration-suit.</i>		
EXECUTORS , suits by, under Act XII of 1855	XV	sch. II, No. 20
XIII of 1855	"	sch. II, No. 21
See <i>Joinder, Trustees.</i>		
EXECUTRIX , See <i>Married, Wife-executrix.</i>		
EXEMPTION of leases from compulsory registration	III	17 (d)
of documents from registration	"	90
from Act, power to allow,	VIII	23 (a)
from limitation-law, grounds of, to be shewn in suit for barred debt	X	50
from personal appearance, effect of,	"	195
from attachment or sale	"	266
of pauper from appearance in court	"	404
of public officer from personal appearance	"	428
of women from personal appearance	"	640
from personal appearance, power of government as to, ..	"	641
from arrest	"	642
of certain thákurs from provisions of Act	XIV	38
See <i>Arrest, Attendance, Personal appearance.</i>		

	ACT.	SEC.
EXEMPTIONS from power to enforce public duties	I	45
from appearance in person at registration-office	III	88
EXERCISE of jurisdiction not vested by law, power of high court to		
call for record in case of,	X	622
of right to easement by actual user	XV	26, <i>ill. (b)</i>
EXHIBITS, <i>see Copies.</i>		
EXIGIBLE DOWER, suit for, by Muhammadan	XV	sch. II, No. 103
EXISTENCE of material part of subject-matter of contract, effect of		
prior ceasing of,	I	21 (<i>b</i>)
<i>See Custom.</i>		
EXISTING RULES, <i>see Legalization.</i>		
<i>Ex officio</i> authority to act for government	X	417
powers to be exercised,	XVII	7
<i>See Advocate-general.</i>		
EXONERATION of trust-estate from incumbrances, agreed to by trust-		
tees contracting to sell it	I	22, <i>ill. (f)</i>
<i>Ex parte</i> , when court may proceed,	X	100 (<i>a</i>)
when commissioner may proceed,	"	400
application by late minor electing to proceed with or abandon		
suit, &c.	"	453
notice to respondent that on his non-appearance appeal		
will be heard,	"	554
hearing of appeal on non-appearance of respondent	"	556
judgment, application by defendant for order to set		
aside,	XV	sch. II, No. 164
<i>See Adjournment, Rehearing, Setting-aside.</i>		
hearing of appeal, <i>see Re-hearing.</i>		
EXPECTANCY of succession by survivorship not liable to attachment	X	266 (<i>k</i>)
effect of false statement by insolvent as to property in,	"	359 (<i>a</i>)
EXPENSE of copying deposited will	III	45
of notice to parties of institution of suit by one for all	X	30
of serving process by whom payable	"	93
of proving documents, admission of genuineness of which is		
refused	"	128
of copies of decree and judgment chargeable to parties		
supplied	"	217
of keep exceeding value, immediate sale of attached prop-		
erty in case of,	"	269
of service of application of insolvent	"	347
of publication of application of insolvent	"	347
of serving notice of application for order to alter schedule		
or injury caused by improper arrest or attachment, com-		
pensation for,	"	491
groundless injunction, compensation		
for,	"	497
of making copies of exhibits	"	550
of copies of judgment and decree	"	580
of translating, transcribing, &c., in case of appeal to		
Queen	"	602 (<i>b</i>)
<i>See Delay, Unreasonable.</i>		

	ACT.	SEC.
EXPENSES of witnesses, deposit of,	IV	142
of complainants and witnesses, payment of,	"	245
of sending emigrant back to place of registration	V	27
dependant back to place of registration	"	28
of witnesses, payment of, into court	X	160, 162
of sale	"	308
of commission to be prepaid into court	"	397
of noting bill or promissory note for non-acceptance or non-payment	"	536
of making copies of papers required by parties in case of appeal to Queen	"	603 (d)
of military lunatic, payment of,	XI	8
<i>See Compensation.</i>		
of re-sale, see <i>Defaulting purchaser.</i>		
of thákur, see <i>Allowance.</i>		
of witness, see " <i>Lawful excuse.</i> "		
EXPERIMENT, power to authorize trying of,	X	499 (c)
EXPIRATION of period of limitation therefor, objection to admission of application for review on ground of,	X	629 (c)
<i>See Commencement.</i>		
EXPIRY of time allowed for award, effect of,	X	515 (a)
for application to set aside award	"	522
for appeal, staying execution of appealable decree before,	"	545
limited for application for leave to appeal to Queen while court is closed	"	590
of limitation-period prescribed by Act No. IX. of 1871	XV	2
when appeal or application for review admissible after,	"	5
when court is closed, proviso as to,	"	5
effect of acknowledgment of liability before,	"	19
effect of payment of interest before,	"	20
of term of payment, limitation-time to run from,	"	sch. II, No. 74
<i>See Determination.</i>		
EXPLANATION of charge to accused	IV	90
EXPRESS PROVISION as to appeal, exception of,	X	540
EXPRESS REQUEST, see <i>Necessaries.</i>		
EXPRESS TRUSTEES, no limitation of suits against,	XV	10
<i>See Assigns, Legal representatives.</i>		
EXTENSION of time for which person is bound to keep the peace	IV	211
of code to small cause courts	X	8
of time allowed in suits against government	"	420
fixed in summons in suit against public officer	"	423
for making award	"	514
of limitation-period in case of disability, limit to,	XV	7
of section to other original jurisdiction	XVII	17 (b)
EXTENSIVE DAMAGE likely to occur, Act may be put into operation in case of,	XIII	3
EXTENT of jurisdiction as to offences against laws relating to railways, &c.	IV	239
EXTINGUISHMENT of debts and liabilities	XIV	20
of foreign contract by foreign limitation-law	XV	11
of right to property	"	28

	ACT.	SEC.
EXTORTION, trial for, where person is put in fear of injury in one district and delivers property in another ...	IV	19, <i>ill.</i> (c)
charge against person accused of, ...	"	94, <i>ill.</i> (c)
EXTRA ASSISTANT COMMISSIONER included in <i>Assistant commissioner</i> ...	XVII	3
EXTRACT from register to accompany application for attachment ...	X	233
EXTRACTS from documents, effect of inclusion of, in affidavits ...	X	196
<i>See Requisitions.</i>		
EXTRAORDINARY, original, civil jurisdiction of high court, service of process issued in exercise of, ...	X	636
EYESIGHT, <i>see Grievous hurt.</i>		
FACT, <i>see Exclusion of evidence, Question.</i>		
FACTOR, concise statement of claim against, for breach of duty	X	sch. IV, No. 114
money received	"	sch. IV, No. 114
suit against, for account ...	XV	sch. II, No. 88
<i>See Money received, Price.</i>		
FACTORY, <i>see Nuisance.</i>		
FACTS to which affidavits are to be confined ...	X	196
disclosed by defendant in summary suit, on which he may obtain leave to appear ...	"	533
<i>See Knowledge of facts, Statement.</i>		
FAILURE of justice from error or defect in charge or proceedings ...	IV	177
to present written statement called for, procedure on, ...	X	113
of party required to appear in person ...	"	120
to answer interrogatories, or comply with order for discovery or inspection, consequence of, ...	"	136
of parties or any of them to appear, procedure on, ...	"	157
to produce evidence or witnesses, or to do other act for which time was allowed, court may proceed in case of, ...	"	158
to comply with summons, consequence of, ...	"	174
to execute decree to be certified to court passing it ...	"	223
to appear or to answer notice to shew cause against execution, procedure on, ...	"	249
to certify satisfaction of decree out of court ...	"	258
by reason of formal defect, withdrawal of suit in case of, ...	"	373
to furnish security for costs, effect of, ...	"	381
of pauper in suit, procedure on, ...	"	412
of defendant to shew cause against demand of security ...	"	479
to give security or find fresh security, procedure upon, ...	"	481, 483, 485
to shew cause against demand of security, effect of, ...	"	485
of plaintiff's suit for want of ground ...	"	491
of arbitrators to appoint umpire ...	"	511
of agreement of parties as to nomination of arbitrator ...	"	523
of appellant to furnish security, rejection of appeal for, ...	"	549
of appellant to deposit cost of serving notice ...	"	557
to determine material issue of law or usage, a ground of second appeal ...	"	584 (b)
of party to appear in person, appeal from order on, ...	"	588 (g)
to furnish further security or make further payment, effect of, ...	"	606, 609
of court to exercise jurisdiction, power of high court to call for record in case of, ...	"	622
of applicant for review to appear, remedy in case of rejection on, ...	"	629

	ACT.	SEC.
FAILURE (contd.)		
of consideration on which money paid, limitation-time to run from,	XV	sch. II, No. 97
See <i>Description.</i>		
of consideration, see <i>Consideration.</i>		
to furnish security, see <i>Attachment before judgment, Order for committal.</i>		
FALSE ACCUSATION, see Criminal proceeding, False evidence.		
FALSE ANSWER by accused not punishable	IV	148
FALSE AVERMENT in statement by applicant for benefit of Act ...	XIV	6
FALSE EVIDENCE , charge against person accused of giving, and false accusation, separate trial for, ...	IV	96, <i>ill. (c)</i>
within meaning of Indian penal code	"	107, I, <i>ill. (d)</i>
FALSE IMPRISONMENT , suit for compensation for,	XIV	6
	XV	sch. II, No. 19
See <i>Assault, Husband and wife.</i>		
FALSE SEALS, see Search.		
FALSE STATEMENT , copy, translation or personation, penalty for, ...	III	82
by insolvent, effect of,	X	359 (a)
See <i>False averment.</i>		
FAMILIES, see Act XII of 1855, Compensation, Loss, Maintenance.		
FAMILY of accused, leaving summons with member or servant of, ...	IV	49
of defendant, service of summons on male member of, ...	X	78
See <i>Compromise, Necessaries, Undivided.</i>		
of thakur, see <i>Allowance.</i>		
FAMILY-HOUSE , suit for injunction to restrain destruction of, ...	I	54, <i>ill. (a)</i>
FAMILY-IDOL , right to enforce delivery of, to proper custodian ...	I	11, <i>ill. (b)</i>
FAMILY-PROPERTY, see Member, Timber.		
FAMILY-TOPICS, see Letters.		
FAMILY-UTENSILS , suit for injunction to restrain sale of, ...	I	54, <i>ill. (a)</i>
FARM, see Landlord and tenant, Lease.		
FATHER, see Master, Name.		
FEE for service of summons	III	37
for summonses and warrants	IV	57
for license for emigration-depôt	V	7
for recruiter's license	"	12
for registration of emigrant	"	23
prescribed by law for plaintiff, person unable to pay, is a pauper...	X	401, exp.
for petition of appeal, right to sue as pauper, of person unable to pay,	"	592
See <i>Registering, Remission, Remuneration, Return.</i>		
FEE for copies of entries in books and indexes	III	57
for inspection of books and indexes	"	57
for registration, searches and copies	"	78-80
for commissions, translations and attendance at residence ...	"	78
for inspection and copies	"	91
for service of process in pauper-suit	X	410
of office, concise statement of claim for money received as, ...	"	sch. IV, No. 114
for work done as pleader, concise statement of claim for, ...	"	sch. IV, No. 114
of pleaders as between parties, power to fix,	XVII	45
See <i>Collection, Haqqs, Recovery, Remission, Remuneration, Return of money.</i>		

	ACT.	SEC.
FELLING timber, see <i>Trespass</i> .		
FEMALE, see <i>Hindú female, Kidnapped, Muhammadan female</i> .		
FEMALE PARTY, suit not to abate by marriage of,	X	369
execution of decree against,	"	369
<i>See Husband.</i>		
FEMALES, power of magistrate as to abducted,	IV	17
FENCES, see <i>Pulling down</i> .		
FERRIES included in <i>Immoveable property</i>	III	3
FIDELITY of clerk, see <i>Bond</i> .		
FIELD, rescission of contract for sale of, where right of way over, is concealed by vendor from purchaser	I	35, <i>ill. (a)</i>
limitation of suit for injury to surface of, by digging subsoil	XV	24, <i>ill. (a)</i>
<i>See Carrying away, Crossing, Depositing.</i>		
FILE, see <i>Restoration</i> .		
FILING of authority to act for co-defendant or co-plaintiff	X	35
of appointment of pleader	"	39
of revocation of such appointment	"	39
of appointment of agent to receive process	"	41
of copies of documents produced by suitor	"	62
of document on record	"	141
of copies by court receiving decree for execution	"	225
in court, of military man's authority to sue and defend	"	465
of agreement to refer case for decision of court	"	529
with original proceedings, of copy of judgment and decree in appeal	"	581
of award, application for,	XV	sch. II, No. 176
<i>See Agreement, Depositions, Documents, Intervention, Notice, Signature, Time.</i>		
of application, see <i>Application</i> .		
FILLIES included in <i>Cattle</i>	XIII	7, exp.
FINAL, orders passed under section to be,	X	583
order for rejecting application for review to be,	"	629
and conclusive, see <i>Confirmation of sale</i> .		
FINAL APPELLATE JURISDICTION, appeal to Queen from decrees of courts of,	X	595 (a)
<i>See Certificates.</i>		
FINAL DECISION explained	X	13, exp. 4
suit to be framed so as to afford ground for,	"	42
or order, limitation-time to run from,	XV	sch. II, No. 13
FINAL DECREE of appellate court, limitation-time to run from,	XV	sch. II, No. 179, 2
<i>See Administration-suit, Foreclosure, Partnership.</i>		
FINAL DECREES from which appeals lie to Queen	X	595 (a), (b)
FINAL DETERMINATION of case by appellate court	X	565
FINAL DISPOSAL of suit, summons for, to state accordingly	X	68
<i>See Small cause courts.</i>		
FINAL ORDER to be recorded	IV	114
of appellate court, limitation-time to run from,	XV	sch. II, No. 179, 2
FINANCIAL TRANSACTIONS, see <i>Adjustment</i> .		

	ACT.	SEC.
FINDER of property deposited for safe custody and lost, recovery from, by deposittee	I	10, <i>ill. (d)</i>
FINDING of court on agreement between parties	X	150, 151
at first hearing on issues framed, judgment on,	"	154
in case of acquittal on ground of lunacy	IV	199
in case of contempt to be recorded	"	205
on each separate issue framed	X	204
of court on question referred by agreement of parties	"	527
<i>See Objections, Record, Return.</i>		
FINE on registration of document presented after limited time	III	24
in case of delay in presentation	"	34
power of magistrate to impose,	IV	115
exceeding two hundred rupees, appeal in case of sentence of,	"	167
levy of,	"	185
for contempt of court	"	205
exceeding two hundred rupees, procedure where court considers contempt should be punished with,	"	206
under section 170, attachment to cover costs and,	X	168
on absconding witness	"	170
on person not complying with summons, &c.	"	174
on pauper for frivolous suit	"	412
for resisting apprehension or for escape	"	651
for trespass on embankment	XIII	7 (c)
appeal against order imposing,	XIV	29
for breach of rules as to petition-writers	XVII	26
<i>See Appeal, Improvement.</i>		
FINES, power to make rules as to,	III	69
recovery of,	"	83
appeal from orders imposing,	X	588 (u)
<i>See Government, Remission.</i>		
FINING ministerial officers	XVII	36
FIRE, see <i>Cargo</i> .		
FIRE-INSURANCE policy, plaint in suit on,	X	sch. IV, No. 54
concise statement of claim for loss under policy of, upon house and furniture		sch. IV, No. 114
breach of contract to insure house		sch. IV, No. 114
<i>See Marine-insurances.</i>		
FIRE-PROOF boxes for registration-offices	"	16
box, will for deposit to be placed in,	III	43
FIRM, see <i>Insolvent firm, Partners, Partnership-debts, Relief</i> .		
FIRST APPEALS	XVII	37
FIRST CHARGE, see <i>Subject-matter</i> .		
FIRST INDORSEE against maker, plaint in suit of,	X	sch. IV, No. 30
first indorser, plaint in suit of,	"	sch. IV, No. 32
acceptor, plaint in suit of,	"	sch. IV, No. 39
indorser, plaint in suit of,	"	sch. IV, No. 42

	ACT.	SEC.
FIRST INDORSEER, see <i>First indorsee, Subsequent indorsee.</i>		
FISHERIES included in <i>Immoveable property</i>	III	3
FISHERY, concise statement of claim for damages for infringement of right to,	X	sch. IV, No. 114
FIT CASE for appeal to Queen	X	595 (c), 600
FITNESS of new next friend to be shewn by affidavit	X	447
of person proposed as guardian for suit	"	456
of question submitted to court for decision	"	531 (c)
FIXED PRICE, see <i>Goods delivered, Goods sold, Services.</i>		
FIXED RENT, see <i>Use and occupation.</i>		
FIXED TIME, see <i>Bill of exchange.</i>		
FIXING day for hearing appeal	X	552
FIXTURES, see <i>Sale of land</i>		
FLOODS, see <i>Land.</i>		
FOLLOWING property in hands of express trustees, no limitation of suit for,	XV	10
FOOD, see <i>Lodging, Price.</i>		
FOOT of process, memorandum to be placed at,	X	sch. IV, No. 180
FORCE, see <i>Fraud.</i>		
of warrant, duration of,	IV	56
of fraud, penalty for use of, to induce emigration	V	40
of law, when acquired by rules as to provisions relating to summary suits on negotiable instruments	X	538
rules of high court to have,	"	612
rules to have, on publication	"	647, 652
rules to have,	XIV	31
See <i>Law.</i>		
FORECLOSURE or sale, plaint in suit for,	X	sch. IV, No. 109
form of final decree for,	"	sch. IV, No. 129
suit by mortgagee for,	XV	sch. II, No. 147
FOREIGN and native rulers, suits by and against, and by aliens	X	430-434
FOREIGN BILL, see <i>Dishonoured, Payee.</i>		
FOREIGN CONTRACTS, limitation of suits on,	XV	11
FOREIGN COUNTRY, alien enemy residing in, not to sue in British Indian court	X	430
defined	XV	3
See <i>Foreign contracts, Foreign courts, Foreign limitation-law, Jurisdiction.</i>		
FOREIGN COURT defined	X	2
trial by British Indian courts of suits pending in,	"	12, exp. 391
FOREIGN COURTS, provisions as to commissions of,	X	
FOREIGN GOVERNMENT, see <i>Public duties.</i>		
"FOREIGN JUDGMENT" defined	X	2
relied on, effect of production of,	"	13, exp. 6
when no bar to suit in British India	"	14
plaint in suit on,	"	sch. IV, No. 27
concise statement of claim upon,	"	sch. IV, No. 114
as defined in code of civil procedure, suit on,	XV	sch. II, No. 117
FOREIGN LIMITATION-LAW, operation of, as to Indian suits	XV	11
FOREIGN STATE recognized by Queen or Government of India, suits by,	X	431
FORFEITED PROPERTY, see <i>Restoration.</i>		

	Act.	Sec.
FORFEITURE by purchaser, of deposit and claim to property ...	X	308
or penalty, suit for, under statute, Act, regulation or bye-law	XV	sch. II, No. 6
suit for immoveable property, title to which accrues from,	"	sch. II, No. 143
<i>See Principal, Surety.</i>		
FORGED, see <i>Bill.</i>		
FORGED DOCUMENT dishonestly used as genuine to convict public servant of offence, separate trial for, ...	IV	107, II, <i>ill.</i> (f)
FORGED DOCUMENTS, see <i>Search.</i>		
FORGED INSTRUMENT purporting conveyance in trust for one person, of land conveyed to another, and by him bequeathed to a third	I	39, <i>ill.</i> (b)
FORGERIES, see <i>Seals.</i>		
FORGERY of instrument issued or registered, suit to declare, ...	XV	sch. II, No. 92
attempted to be enforced, suit to declare, ...	"	sch. II, No. 93
FORGING, see <i>Instruments.</i>		
FORM of summons	IV	47
of warrant	"	56
of warrant for intermediate custody	"	71
of recognizance	"	72, 93
of warrant of commitment	"	89
of charge	"	97
of recognizance	"	140
and direction of warrant for execution	"	184
of recognizance to keep the peace	"	222
of license of recruiter	V	12
of certificate of state of health of emigrant	"	17
of list to accompany documents produced	X	140
of conveyance or endorsement executed by court	"	262
of plaint in summary suit on negotiable instrument	"	532
of summons in like suit	"	532
of appeal from original decree	"	541
of objection by respondent to decree appealed against	"	561
of decree in appeal, effect of agreement as to, of parties to appeal	"	577
of applications for review	"	625
of permission to appear, plead and act	XVII	43
<i>See Defect, Imperfection.</i>		
FORMAL CHARGE when dispensed with and when necessary ...	IV	116
FORMAL DOCUMENTS excluded from record in appeal to Queen ...	X	602 (1)
FORMS to be contained in registration-books	III	16
of charges	IV	sch. III
of summonses, warrants, bonds and recognizances	"	sch. III
high court's power to frame,	X	639
in fourth schedule, use of,	"	644
prescribed by repealed Acts continued... ..	XVII	2
of seals of courts, power to prescribe,	"	27 (c)
of books, entries, statistics and accounts, power to prescribe,...	"	27 (d)
when to have force of law	"	47
FOUND, service of summons when accused can be,	IV	48
cannot be,	"	49
procedure when person summoned cannot be,	X	80
FRAME of suit	X	42-47
of plaint, effect of defect in,	"	53 (e), (f)
of written statements	"	114
FRAMING of issues	X	146

	ACT.	SEC.
FRAMING (contd.)		
and recording of issues in summary suit on negotiable instrument ...	X	533
by appellate court, of issues not framed by lower court ...	"	566
FRANCHISE, see Property.		
FRAUD or misrepresentation, discretion to refuse specific performance even in absence of, ...	I	22
by which contract is in terms different from what defendant supposed it to be ...	"	26 (a)
by which contract is entered into under misapprehension of its effect as between parties ...	"	26 (b)
rectification of instrument not expressing intention of parties owing to, ..	"	31
effect of foreign judgment obtained by, ...	X	14 (d)
or force to prevent execution of decree ...	"	230
plaint in suit for procuring property by, ...	"	sch. IV, No. 76
concise statement of claim for damages for fraudulent misrepresentation of credit ...	"	sch. IV, No. 114
for damages for fraudulent misrepresentation on sale of horse, or business or shares ...	"	sch. IV, No. 114
for money obtained by, ...	"	sch. IV, No. 114
in keeping from knowledge of right to sue, effect of, ...	XV	18
suit to set aside decree obtained by, ...	"	sch. II, No. 95
for relief on ground of, ...	"	sch. II, No. 95
<i>See Consideration, Force, Refusal.</i>		
FRAUDULENT CONCEALMENT , transfer or removal of property by insolvent ...	X	{ 351 (b) 359 (b)
by party to arbitration, setting-aside award for, ...	"	521 (b)
of document necessary to establish right to sue ...	XV	18
FRAUDULENT DISPOSAL of property by pauper ...	X	407 (b)
FRAUDULENT INSERTION of certified purchaser's name, saving of suit to obtain declaration of, ...	X	317
FRAUDULENTLY procuring credit to be given to another, plaint for, ...	X	sch. IV, No. 77
<i>See Lease.</i>		
FRAUDULENT PURCHASER and his transferee with notice, plaint in suit against, ...	X	sch. IV, No. 98
FRAUDULENT REPRESENTATION , see <i>Ship</i> .		
FREE from payment of land-revenue, see <i>Holding land</i> .		
FREIGHT of goods, plaint in suit for, ...	X	sch. IV, No. 24
(valued policy), plaint in suit for, ...	"	sch. IV, No. 51
and demurrage, concise statement of claim for, ...	"	sch. IV, No. 114
of cargo, see <i>Insurance</i> .		
FREIGHTOR , see <i>Ship-owner</i> .		
FRESH PERIOD of limitation in case of continuing breaches and wrongs ...	XV	23
FRESH PLAINT when not precluded by rejection ...	X	56
FRESH SECURITY , call upon defendant to furnish, ...	X	480
FRESH SUIT when first suit dismissed ...	X	99
barred by decree against plaintiff by default ...	"	103

	ACT.	SEC.
FRESH SUIT (contd.)		
on same cause of action not allowed in case of abatement or dismissal	X	371
when barred	"	373
withdrawal with liberty to bring,	"	373
<i>See Limitation-law.</i>		
FRESH SUMMONS , issue of,	X	100 (b)
FRIEND , see <i>Relative</i> .		
FRIVOLOUS or vexatious suit, punishment of pauper in case of, ...	X	412
FRUIT , see <i>Trees</i> .		
FULFILMENT of decree, order to call for security for,	X	sch. IV, No. 160
FULL BENCH , appeal to,	XVII	17 (c)
appeal to, from lower bench	"	17 (d)
decision of question on which judges of, holding different opinions, are equal	"	20 (a)
<i>See Bench, Reference, Single judge.</i>		
FUNDS raised under Act, payment of debts out of,	XIV	17
FURNITURE pledged by agent of absent owner and offered for sale by pledgee, enforcement of specific delivery of,	I	11, ill. (a)
<i>See Fire-insurance, Hire, Household furniture.</i>		
FURTHER APPEAL , when commissioner and chief court may receive, in suit of the nature cognizable by small cause court	XVII	38
... ..	"	39
FURTHER ENQUIRY , power to direct,	XIV	7 (a)
to complete liquidation-scheme	"	18 (a)
FURTHER PAYMENT for translating, transcribing, &c., in case of appeal to Queen	X	605
FURTHER SECURITY in case of appeal to Queen	X	605, 609
FUTURE LIABILITIES , see <i>Administration-suit</i> .		
FUTURE TIME for payment fixed by agreement, limitation-time to run from,	XV	sch. II, No. 64
GARRISON , see <i>Cantonment</i> .		
GATE , see <i>Removing</i> .		
GELDINGS included in <i>Cattle</i>	XIII	7, exp.
GENERAL AVERAGE contribution, concise statement of claim for,	X	sch. IV, No. 114
<i>See Loss.</i>		
GENERAL EXCEPTIONS of penal code, offence not falling within, ...	IV	94, ills. (a),(b)
GENERAL OFFICER COMMANDING , duty of, as to native military in-sane	XI	5
GENERAL RULE of chief court as to appeal to benches	XVII	17 (c)
GENUINENESS of documents, power to demand admission of,	X	128
GIFT , exception of instruments of,	III	18 (a)
prohibition of receiving attached immoveable property by,	X	274
<i>See Instruments, Private alienation.]</i>		
GOATS included in <i>Cattle</i>	XIII	7, exp.
GOOD BEHAVIOUR , see <i>Security</i> .		
"GOOD FAITH" defined	XV	3
exclusion of time occupied in prosecution in,	"	14
<i>See Doubt, Person claiming, Transferee.</i>		

	ACT.	SEC.
GOODS, non-enforceable contract for supply of,	I	21, <i>ill.</i> (b)
of certain class, non-enforceable contract for purchase of, from particular manufactory only	"	22, <i>ill.</i> (k)
liable to attachment	X	266
sold at fixed price and delivered, form of plaint in suit for, ...	"	sch. IV, No. 6
sold at reasonable price and delivered, plaint in suit for, ...	"	sch. IV, No. 7
delivered to third party at defendant's request at fixed price, plaint in suit for,	"	sch. IV, No. 8
sold at fixed price, plaint in suit for,	"	sch. IV, No. 10
reasonable price, plaint in suit for,	"	sch. IV, No. 11
made at defendant's request and not accepted	"	sch. IV, No. 12
sold, plaint in suit for not delivering,	"	sch. IV, No. 59
<i>See Auction, Bailment, Carriage, Carrier, Delay, Delivery, Freight, Hire, Injury, Loss, Pledge, Price, Warehouseman, Warehouse-rent.</i>		
sold and delivered, see <i>Price</i> .		
to be delivered, see <i>Balance</i> .		
GOOD-WILL of business unconnected with business-premises, grant of injunction against seller of, to enforce agreement not to carry on the business in same place	I	75, <i>ill.</i> (a)
of business, grant of injunction to restrain seller of, from acts tending to withdraw,	"	57, <i>ill.</i> (b).
<i>See Sale of land.</i>		
GOVERNMENT, bar of suit against,	I	
map or survey, description of houses and lands by re- ference to,	III	21 (b)
defined	IV	39
power of, to regulate prosecutions	"	39
serving summons on servant of,	"	49
when attached property at disposal of,	"	68
defined	X	2
saving of rights of,	"	295
debts due, or liabilities incurred, to,	"	325
payment of debts, fines and penalties due by insolvent to,	"	356 (b)
costs recoverable by, when pauper succeeds in suit	"	411
or public officers, suits by or against,	"	416-429
appearances, acts and applications for,	"	417
security not to be required from,	"	547
debts and liabilities other than those due to,	XIV	4, 11
manager to pay debts due to,	"	11
suit against, to set aside attachment, lease or transfer of immoveable property by revenue-au- thorities for arrears of government-re- venue	XV	sch. II, No. 15
to recover money paid under protest in satisfaction of claim of revenue-authori- ties on account of arrears	"	sch. II, No. 16

	ACT.	SEC.
GOVERNMENT, (contd.)		
suit against, for compensation for land taken for public purpose	XV	sch. II, Nos. 17, 18
saving of jurisdiction of certain courts over claims against,	XVI	1
land not within site of town or village	XVII	49, exp.
of Madras to fix sum to cover cost of importation, purchase, &c., of salt	XVIII	8
may alter sum so fixed		9
<i>See Acquittal, Complaints, Estate, Governor general, Grants, Imperial, Indian, Land, Local government, Native state, Officers, Public duties, Sanction.</i>		
GOVERNMENT ADVOCATE, powers of, as to suits relating to charities	X	539
<i>See Officer, Powers.</i>		
GOVERNMENT AGENT in foreign territory where defendant resides, service of summons through,	X	90
GOVERNMENT AUTHORITY, penalty for false representation of, in recruiting	V	41
GOVERNMENT LOAN, contract for sale of, not enforceable	I	21, <i>ill.</i> , (a)
GOVERNMENT OFFICER, attachment of property in custody of, suit to set aside official act or order of,	X	272
	XV	sch. II, No. 14
GOVERNMENT OFFICERS, registration of documents executed by,	III	88
GOVERNMENT OF INDIA, see Representative.		
"GOVERNMENT PLEADER" defined	X	2
dispaupering on motion of,	"	414
the agent of government to receive process	"	419
suit against public officer how to proceed in absence of appearance by,	"	427
<i>See Application, Authority, Defence, Instructions, Notice.</i>		
GOVERNMENT-REVENUE due for land in suit, effect of non-payment of,	X	501
manager to pay,	XIV	11
<i>See Arrears, Incumbrances, Under-tenures.</i>		
GOVERNMENT SECURITIES liable to attachment	X	266
" investment in, and sale of,	XIV	31 (d)
GOVERNMENT SOLICITOR may withdraw remaining charges on conviction on one	IV	112
<i>See Advocate-general, Hearing, Notice.</i>		
GOVERNMENT STAMPS, see Coin.		
GOVERNOR GENERAL, bar to making of order binding on,	I	45 (f)
consent of, to appointment of branch inspector-general	III	4
to declare, in regard to military cantonment beyond British India, who shall be inspector-general, &c.	"	9
remuneration of registering officers subject to approval of,	"	14
complaints not receivable without order of,	IV	38

	ACT.	SEC.
GOVERNOR GENERAL, (contd.)		
transfer to single judge of chief court's power of superintendence, subject to sanction of, ...	XVII	48
duty on salt manufactured in Orissa to be paid at rate fixed by,	XVIII	11
<i>See British india, Sanction.</i>		
GOVERNOR OF BOMBAY, bar to making of order binding on, ...	I	45 (f)
appointment by, of branch inspector-general	III	4
<i>See Rules.</i>		
GOVERNOR OF MADRAS, bar to making of order binding on, ...	I	45 (f)
GRADE of court, see <i>Return of plaint.</i>		
GRADES of courts in Panjáb	XVII	4
GRANT of relief in respect of property of charity	X	539
of application for review	"	626
of administration, claim to, by next-of-kin with disputed interest	"	sch. IV, No. 115, 4
<i>See Certificates, Officer.</i>		
of review, see <i>Notice.</i>		
GRANTS of probate and letters of administration, saving of, ...	II	2
of immoveable property by government	III	17 (j)
GRASS not included in <i>Immoveable property</i>	III	3
included in <i>Moveable property</i>	"	3
<i>See Cutting grass, Shrubs.</i>		
GRAVEL, see <i>Carrying away, Sand.</i>		
GRAZING CATTLE on embankment	XIII	7 (a)
GREGORIAN CALENDAR, all instruments deemed made with reference to,	XV	25
GRIEVOUS HURT, trial for, where person is wounded in one district and disabled in another	IV	19, <i>ill. (b)</i>
effect of charging person with voluntarily causing,	"	94, <i>ill. (b)</i>
and theft, separate charges and trials for,	"	105, <i>ill.</i>
trial for, of person causing loss of eye-sight, who was previously tried for and acquitted of different offence	"	113, <i>ill. d)</i>
<i>See Hurt, Kidnapped, Rescue, Rioting.</i>		
GROINS included in <i>Embankment</i>	XIII	2
GROUND common to all, reversal on appeal by one or more of several plaintiffs or defendants, of decree proceeding on,	X	544
of decree appealed against being wholly different from that of proceeding of appellate court... ..	"	565
of objection, setting forth in appeal, of error, &c., as a,	"	591
of appeal common to appellant and applicant for review	"	623
for review, effect of absence of sufficient,	"	626
of discovery of new matter or evidence, grant of review on,	"	626 (b)
of mistake, see <i>Rescission.</i>		
GROUNDLESS ARREST, see <i>Compensation.</i>		
GROUNDLESS COMPLAINT, see <i>Compensation.</i>		
GROUNDS of objection to produce document to be stated	X	129
of nomination of receiver by subordinate judge	"	505

	ACT.	SEC.
GROUND (<i>contd.</i>)		
for setting aside award	X	521
of objection to decree to be stated	"	541
not stated in memorandum of appeal, hearing on,	"	542
decided against respondent in lower court, support of decree by him on,	"	561
of second appeal	"	584 (a) — (c), 585
of appeal to Queen to be stated	"	600
of objection to application for review	"	629
GROWING CROPS not included in <i>Immoveable property</i>	III	3
included in <i>Moveable property</i>	"	3
<i>See Price.</i>		
GUARANTEE , concise statement of claim for damages for breach of contract of,	X	sch. IV, No. 114
concise statement of claim for damages for breach of contract to indemnify agent to distrain	"	sch. IV, No. 114
GUARDIAN of minor included in <i>Representative</i>	III	3
copy of order of maintenance to be given to,	IV	236
of Muhammadan minor, plaint in suit of,	X	50, <i>ill.</i> (c)
<i>ad litem</i> , applications for minor to be by next friend or,	"	441
of person or property, within meaning of Indian Majority Act, 1875, sec. 3, who is not,	"	443
for suit, application for order for appointment of,	"	456
application by, for benefit of Act, for minor or insane thákur	XIV	4
suit by ward to set aside sale by,	XV	sch. II, No. 44
<i>See Appointment, Civil court, Co-defendant, Compromise, Court of wards, Death, Married woman, Master, Money, Order, Plaintiff, Removal, Trustee.</i>		
GUIDANCE of officers, power to make rules as to,	XIV	31 (c)
<i>See Enforcement.</i>		
GUJARÁTHÍ , notice in, to claimants	XIV	12
HABITUAL OFFENDERS , trial of,	IV	128
HANDWRITING of payer, fact of payment to be in,	XV	20
HAQQS , a charge on immoveable property	XV	sch. II, No. 132, exp.
HARDSHIP , non-enforceable contract, performance of which would involve,	I	22, <i>ill.</i> 2
HEAD of office where summoned person is employed, sending sum- mons to,	IV	49
in which defendant public officer is employed, service of summons through,	X	422
or superior officer of office in which military man in staff- employ is serving, signature in presence of, of authority to sue and defend	"	465
<i>See Rights.</i>		
HEALTH , see <i>Certificate, Stay.</i>		

	ACT.	SEC.
HEARING appellant, his advocate or pleader, government solicitor, &c., in appeal	IV	174
of petition against classification by collector	VIII	11
on day fixed in summons for defendant's appearance	X	96
receiving written statement after first,	"	111, 112
examination at first,	"	117, 118
documentary evidence to be in readiness at first,	"	138
disposal of suit at first,	"	152-155
when to be continued from day to day	"	156
of suit, provisions relating to,	"	179, 180
of judgment-debtor and decree-holder, against order setting aside sale	"	313
of application to be declared insolvent	"	350
of application to sue as pauper	"	409
of interpleader suit, procedure at first,	"	473
and disposal of case submitted to court by agreement	"	531
on grounds not stated in memorandum of appeal	"	542
of appellant on his appearance	"	551
of appeal, fixing day for,	"	552
parties or pleaders before pronouncing judgment	"	571
of suit or appeal, reference to high court in case of doubt as to question arising before or during,	"	617
of parties by high court in case of reference	"	619
opposite party on application for review	"	626 (a)
of application for review	"	627
of restored application for review... ..	"	629
of parties before withdrawal of suit	XVII	16
of parties before withdrawal of appeal	"	41
<i>See Notice.</i>		
appeal, see <i>Procedure.</i>		
<i>ex parte</i> , see <i>Re-hearing of appeal.</i>		
HEARSAY, effect of including matters of, in affidavits	X	196
HEIR or representative, being a minor, of deceased judgment-debtor, against whom enforcement of decree is applied for, guardian of,	X	460
and devisees, concise form of claim against,	"	sch. IV, No. 115
defined	XIV	3
of thakur, application by, for benefit of Act	"	4
<i>See Executor, Intestate, Land, Minor.</i>		
HEIR EXPECTANT, suit by, for injunction to restrain Hindú widow in possession from destroying property without justifying cause	I	54, <i>ill. (m)</i>
HEIRSHIP, see <i>Certificate.</i>		
HEREDITARY ALLOWANCES included in <i>Immoveable property</i>	III	3
HEREDITARY OFFICE, limitation in case of right to sue for, accruing during insanity	XV	7, <i>ill. (e)</i>
exception of suit for possession of,	"	17
suit for possession of,	"	sch. II, No. 124
possession of, defined... ..	"	sch. II, No. 124, exp.
HEREDITARY OFFICER appointed or recognized under Bombay Act III of 1874	XVI	1 (a)
HER MAJESTY, see <i>British India, Queen, Representative, Vessels.</i>		
"HIGH COURT" defined	II	1
included in <i>District court</i>	III	3
to which commitment made, to try	IV	18
to decide where, in case of doubt, trial shall take place	"	23

	Act.	Sec.
HIGH COURT, (contd.)		
process in case of complaint of offence triable exclusively by,	IV	35 (b)
inquiry into cases triable by,	"	81
case found, after commencement by magistrate, to be triable by,	"	127
trial by, of persons previously convicted of certain offences	"	128
transfer to, of proceedings, where accused is unable to understand them	"	131
tender of pardon in cases triable by,	"	150
appeal to, from convicted person	"	167
procedure of, on appeal from order of acquittal, &c.	"	168
transmission to, of appeal from person in jail	"	171
procedure of, on petition of appeal	"	172
to cancel sentence by magistrate not having jurisdiction	"	179
reference to, where magistrate considers term of bond for keeping the peace should be extended	"	211
on failure to furnish security for good behaviour	"	214
of proceedings in case of failure to furnish security or find sureties	"	221
release of person imprisoned for failure to furnish security ordered by,	"	225
procedure where courts in which suit may be instituted are under different appellate courts, but subordinate to same,	X	23
power of, to withdraw and try or transfer suit	"	25
to prescribe form of list of documents	"	140
scale of expenses of witnesses in court subordinate to, execution by, of decree sent by other court	"	160
form of conveyance or endorsement by court, prescribed by,	"	227
to make rules for conducting sales of property	"	262
summons in summary suit on negotiable instrument to be in form prescribed by,	"	287
costs according to rule by,	"	532
having jurisdiction, institution in, of suit relating to public charity	"	532
may make rules as to reference of appeal to other judges, when those hearing it differ	"	539
second appeals to,	"	575
appeal to, from orders in insolvency-matters	"	575
other orders	"	584
bar to appeal to Queen from certain judgments of judges of,	"	589
appeal to, from order refusing certificate to applicant for leave to appeal to Queen	"	589
power of, to make rules	"	597
rules to have force of law in,	"	601
in provisions relating to appeals to Queen, includes Recorder of Rangoon	"	612
rules and restrictions as to appeals to Queen applied to decisions of,	"	612
reference to, and revision by,	"	612
power of, to call for record of non-appealable case	"	617-622
application for review of judgment of,	"	622
bar to interference with power of, to make rules as to advocates, &c.	"	624
service of process by persons authorized by rule of,	"	635
who may serve process of,	"	636
may by rule declare what are non-judicial and quasi-judicial acts	"	636
	"	637

	ACT.	SEC.
HIGH COURT (contd.)		
in appellate jurisdiction, section not applying to, ...	X	638
in insolvent jurisdiction, code not to affect, ...	"	638
in original civil jurisdiction, provisions which do not apply to, ...	"	639
power of, to frame forms and to make rules as to books, &c., to be kept ...	"	639
list of persons exempted from personal appearance to be kept in, ...	"	641
use of forms subject to power conferred on, by statute	"	644
language of courts subordinate to, ...	"	645
may make rules for admission of affidavits in miscellaneous proceedings ...	"	647
power of, to make subsidiary rules ...	"	652
Bombay, validation of Bombay Act VI of 1862, so far as it affects, ...	XIV	39
appeal to, from order refusing certificate required for appeal to Queen ...	XV	sch. II, No. 153
appeal under code of criminal procedure to court other than a ...	"	sch. II, No. 154
other than from sentence of death or judgment of acquittal...	"	sch. II, No. 155
other than in cases provided for in Nos. 151, 153 ...	"	sch. II, No. 156
chief court deemed a, ...	XVII	29
Madras, transfer of ministerial officers of courts other than, ...	XIX	3
<i>See Applications, Confirmation, Costs, Decrees, District defined, Mandamus, Practice, Presidency high court, Report, Rule, Setting-aside.</i>		
HIGH COURTS, procedure where courts in any of which suit may be brought are subordinate to different, ...	X	24
invested with powers as to receivers ...	"	505
in presidency-towns, provisions as to suits on negotiable instruments applied to, ...	"	538 (a)
appeals to Queen from final decrees of, ...	"	595 (a), (b)
legalization of existing rules of, relating to appeals to Queen ...	"	613
<i>See Chartered, Presidency high courts, Public duties.</i>		
HIGHEST civil court of appeal, chief court to be, ...	XVII	14
court of criminal appeal or revision, chief court to be, ...	"	15
HIGH SEAS, see Jurisdiction.		
HIGHWAY, see Way.		
HINDÚ widow, life-interest of, in land as to which easement is claimed	XV	27, <i>ill.</i>
governed by mitákshará law, suit by, to set aside father's alienation of ancestral property ...	"	sch. II, No. 126
devisee, suit by, for possession of immoveable property ...	"	sch. II, No. 141
remainderman, suit by, for possession of immoveable property ...	"	sch. II, No. 141

	ACT.	SEC.
HINDÚ (contd.)		
reversioner (other than landlord), suit by, for possession of immoveable property	XV	sch. II, No. 141
See <i>Adoption, Alienation, Bond, Conjugal rights, Death, Heir expectant, Maintenance, Marriage, Promissory note.</i>		
family, see <i>Member, Timber,</i>		
female, see <i>Alienation, Death,</i>		
joint family, see <i>Partition.</i>		
HIRE, concise statement of claim for damages for negligence in custody of furniture or carriage lent on, ...	X	sch. IV, No. 114
wrongful detention of same ...	"	sch. IV, No. 114
of goods (furniture, &c.), concise statement of claim for, ...	"	sch. IV, No. 114
of boat, limitation in case of right to sue for, accruing during minority	XV	7, <i>ill. (a)</i>
of animals, vehicles, boats or household furniture, suit for, ...	"	sch. II, No. 50
See <i>Wages.</i>		
HOLDER of decree sought to be attached, notice to,	X	273
See <i>Certificate, Dishonoured, Property.</i>		
HOLDERS of estates included in <i>Thákur</i>	XIV	3
HOLDING, land wholly or partially free from payment of land-revenue, jurisdiction as to claims against government relative to,	XVI	1 (b)
See <i>Tenure.</i>		
HOLIDAYS, power to make rules as to,	III	69
HOME-MADE SALT, sum to cover cost of importation, &c., of, ...	XVIII	10
HORSE, see <i>Fraud.</i>		
HORSES included in <i>Cattle</i>	XIII	7, <i>exp.</i>
HOSPITALS, dispensaries, lunatic asylums, allotments for construction and repair of,	VII	1
HOTEL, see <i>Keeper.</i>		
HOUR, judgment-debtor may be arrested at any,	X	336
See <i>Presentation.</i>		
HOUSE, specific performance of contract to sell,	I	12, <i>ill. (c)</i>
destroyed by cyclone after contract of sale, purchaser may be compelled to pay for,	"	13, <i>ill. (a)</i>
non-enforceable contract to take lease of,	"	21, <i>ill. (b)</i>
specific performance of contract for purchase of, entered into for oneself in character of agent	"	24, <i>ill. (a)</i>
and garden with ornamental trees, effect of felling latter, on right to specific performance of contract for sale of, ...	"	24, <i>ill. (b)</i>
effect on contract for lease of, with condition that it be first put into tenantable repair, of subsequent oral agreement to take at a higher rent a new one built in its place ...	"	26, <i>ill. (e)</i>
conveyance of, in which, by fraud, three godowns are included instead of one	"	31, <i>ill. (a)</i>
of accused, fixing summons to,	IV	49
suspected to contain stolen property, &c., search of, ...	"	160

	ACT.	SEC.
HOUSE (contd.)		
of defendant, fixing copy of summons on, ...	X	80, 82
of witness absconding, fixing copy of proclamation to, ...	"	163
or building, seizure of property in, ...	"	271
not to be entered after sunset or before sunrise, for arrest in execution ...	"	336
See <i>Eaves, Ejectment, Fire-insurance, Insolvency, Lessee, Light, Nuisance, Repair, Support, Use and occupation.</i>		
HOUSE-BREAKER, see Robber.		
HOUSE-BREAKING by day with intent to commit adultery, and adultery, separate trials for, ...	IV	107, III, <i>ill.</i> (m)
HOUSEHOLD FURNITURE, see Depriving, Hire, Return of goods.		
HOUSEHOLD SERVANT, see Wages.		
HOUSES, description of, in document tendered for registration ...	III	21 (b)
liable to attachment ...	X	266
See <i>Materials, Trespass.</i>		
HUNDs included in <i>Bill of exchange</i> ...	XV	3
HUNDs , joinder of parties liable on same, ...	X	29
liable to attachment ...	"	266
See <i>Negotiable instruments.</i>		
HURT, person acquitted of voluntarily causing, not afterwards triable for grievous, ...	IV	113, <i>ill.</i> (e)
See <i>Robbery.</i>		
HUSBAND of female-party, execution against, jointly with wife ...	X	369
issue of execution on application of, ...	"	369
of married executrix not to join, ...	"	439
and wife, concise statement of claim by, for assault and false imprisonment ...	"	sch. IV, No. 114
against, for assault ...	"	sch. IV No. 14
and wife-executrix, form of claim of, ...	"	sch. IV No. 115
See <i>Adultery, Enticing.</i>		
HUSBANDLIKE, see Arable land.		
HUSBANDRY, see Arable land, Implements.		
IDENTIFICATION of documents tendered for registration...	III	21 (a), 22
IDENTITY of alleged executants, inquiry as to, ...	III	34 (b)
of testator or agent depositing will ...	"	43
IDIOCY, see Landlord, Legal disability, Right to sue, Tenant.		
IDIOT, application for benefit of Act by thakur who is an, ...	XIV	4
See <i>Committee, Minor.</i>		
IGNORANCE of fact affecting contract for sale of life-interest ...	I	22, <i>ill.</i>
ILLEGAL, see Defect, Distress.		
ILLEGAL OBSTRUCTION or resistance to apprehension ...	X	651
ILLEGAL OMISSIONS included in words referring to acts done ...	IV	6
ILL-TREATMENT, see Compensation.		
IMITATING, see Wrongfully imitating.		
IMMEDIATE EXAMINATION of witness ...	X	192
IMMEDIATE EXECUTION of limited decree for money ...	X	256

	ACT.	SEC.
IMMEDIATE INDORSEER, see <i>Subsequent indorsee.</i>		
IMMEDIATE POSSESSION, see <i>Prohibitory order.</i>		
IMMORAL LIFE, injunction to restrain publication by medical adviser of patient's communications shewing he has led an,	I	55, <i>ill. (f)</i>
IMMOVEABLE PROPERTY, recovery of possession of,	I	8, 9
defined	III	3
documents relating to, the registration of which is compulsory	"	17
effect of non-registration of document relating to, required to be registered	"	49
of which no part is situated within jurisdiction of court sued in	X	57 (b)
and mesne profits, decree in suit for,	"	212
liable to attachment	"	266
attachment of,	"	274
rules as to execution-sales of,	"	304—327
power of collector in executing money-decrees in satisfaction of which court has ordered sale of,	"	322
sold in execution, obstruction of purchaser of, in British India, requiring security for costs from non-resident plaintiff not possessing,	"	334
of foreign prince or chief	"	380
plaint in suit for not completing purchase of,	"	433 (c)
being charged with debts, application for benefit of Act on ground of,	"	sch. IV, No. 58
of debtor, management of,	XIV	4
mortgaged, provision as to suits relating to,	"	7 (c), 8
suit for possession of, not provided for	XV	2
	"	sch. II, No. 144
<p>See <i>Absolute owner, Attachment, Breach of condition, Charge, Chartered court, Compensation, Complaint, Delivery, Determination, Discontinuance, Dispossession, Distraint, Entry, Foreclosure, Forfeiture, Grants, Interest, Land, Money-decree, Mortgage, Mortgaged, Non-testamentary, Order, Partition, Portion, Presumption, Profits, Prohibitory order, Purchase-money, Purchaser, Recovery, Recovery of possession, Redemption, Relief, Restoring, Right, Sale, Security, Small cause court, Specific relief act, Succession, Time, Transaction, Trespass, Vendor.</i></p>		
IMPEACHMENT of sale, see <i>Pre-emption.</i>		
IMPERFECTION in form of award, correction in case of,	X	518 (b)
IMPERIAL GOVERNMENT, see <i>Adjustment.</i>		
IMPLEMENTS of husbandry not liable to attachment	X	266 (b)
IMPORTANT matter or evidence, see <i>Discovery.</i>		
IMPORTATION of salt, cost of,	XVIII	8
IMPORTED SALT, sum to cover cost of importation, &c., of,	XVIII	19
<p>See <i>Duty on salt.</i></p>		

	ACT.	SEC.
IMPOUNDING document produced	IV	147
documents, power of court as to,	X	143
moveable property in dispute pending appeal to Queen	"	608 (a)
IMPRESSMENT of labourers, power as to,	XIII	3 (a)
IMPRISONMENT in default of payment of fine	IV	112
power of magistrate to award,	"	115
exceeding six months, appeal in case of sentence of,...	"	167
in default of payment, discretion to levy fine by		
distress and sale, notwithstanding award of, in		
sentence	"	185
in lieu of whipping unexecuted	"	191
for contempt of court	"	205
otherwise than in default of payment of fine, pro-		
cedure where magistrate considers offender punish-		
able with,	"	206
in default of finding sureties for keeping the peace...	"	209
in default of security	"	223
in default of recovery of penalty of forfeited recog-		
nizance	"	228, 229
on neglect of order to provide maintenance	"	234
statement as to, in application for execution	X	235 (j)
enforcement of decree by,	"	254, 259, 260
in execution of decree	"	336, 342, 343
in execution of decree, limit to,	"	342
of insolvent guilty of misconduct	"	359
of pauper for frivolous suit	"	412
in case of disobedience of injunction	"	493
appeal from orders for,	"	588 (n)
barred pending reference to high court	"	618
for resisting apprehension or for escape	"	651
for trespass on embankment	XIII	7 (c)
appeal against order imposing,	XIV	29
<i>See Arrest, Commencement, Limit, Recognizance, Warrant, Whipping.</i>		
IMPROPER, see <i>Unreasonable.</i>		
IMPROVEMENT of property in suit by receiver	X	503
under management, provision for,	XIV	17
IMPROVEMENTS, see <i>Cost.</i>		
INABILITY of judge to make memorandum of evidence	X	190
<i>See Answer.</i>		
INADEQUATE, see <i>Consideration.</i>		
security, see <i>Further.</i>		
INADMISSIBLE document, bar to use of, in evidence	X	137
<i>See Rejected, Rejection.</i>		
INAM-TITLE-DEEDS, see <i>Sanads.</i>		
INCAPABLE of defence, procedure when accused is,	IV	194, 196
of knowing nature of act, procedure when accused ap-		
pears to have been,	"	195
of execution, effect of award being,	X	520 (b)
INCAPACITY to perform essential term of contract, effect of,	I	24 (b)
<i>See Death.</i>		
INCIDENTAL PROCEEDINGS	X	361—400
INCOME, payment of debts out of,	XIV	17
<i>See Residue.</i>		

	ACT.	SEC.
INCOMPETENCY of judgment-debtor or his representative to mortgage, charge, lease or alienate	X	323
of debtor whose estate is under management	XIV	9
<i>See Disability.</i>		
INCONVENIENCE, see <i>Unreasonable.</i>		
INCORPORATION, see <i>Promoters.</i>		
INCORRECT endorsement, copy, translation or registration, penalty for,	III	81
INCREASE of security, see <i>Further.</i>		
INCUMBENT, see <i>Public duties.</i>		
INCUMBERED ESTATES, see <i>Broach and Kaira, Chutid ndgpur.</i>		
INCUMBRANCE, continuance of attachment subject to claim of,	X	282
in possession of property, removal of,	XIV	21
<i>See Mortgage, Right.</i>		
INCUMBRANCES on property for sale to be stated	X	287 (c)
in entire estate sold for arrears of government-revenue, or in patni taluq or other tenure, suit to avoid,	XV	sch. II, No. 121
<i>See Exoneration, Mortgage.</i>		
INDEBTEDNESS affecting value of interest in trade-stock contracted to be sold	I	22, <i>ill. (b)</i>
INDEFINITENESS in award of,	X	50 <i>b)</i>
INDEMNIFICATION of persons retaining fees paid	VIII	17
of taluqdari settlement-officer	XIV	41
INDEMNIFY, see <i>Contract to indemnify.</i>		
INDEMNITY by plaintiff in suit on lost instrument	X	6f
of judges and public officers for errors, &c., in sale-proclamations	"	288
suit by stake-holder to obtain,	"	470
<i>See Agreement, Calls, Guarantee.</i>		
INDEPENDENT of contract, see <i>Malfeasance.</i>		
INDEXES to be kept in offices	III	51
of contents of books	"	54
power to regulate entry of particulars in,	"	69
INDEXING, see <i>Expense, Further.</i>		
INDIA, monies payable in, see <i>British currency.</i>		
INDIAN CONTRACT ACT, 1872, words in Act to have meanings assigned by,	I	3
recovery of lost property subject to right of finder under section 168 of, ..	"	10, <i>ill. (d)</i>
section 56 referred to,	"	13
section 25, saving of,	XV	2
<i>See Applications.</i>		
INDIAN DIVORCE ACT, provisions not applying to,	XV	1 (a)
INDIAN EMIGRATION ACT, 1871, application of, to Straits	V	51
INDIAN EVIDENCE ACT, bar to use as evidence of document inadmissible under,	X	137
applied	"	148
application of provisions of, to strangers to suit	"	171
examination of re-called witness subject to provisions of,	"	193
INDIAN GOVERNMENT, see <i>Adjustment.</i>		

	Act.	Sec.
INDIAN LIMITATION ACT, 1871, part iv, injunction to restrain interference with right acquired under, applied to appeals and applications ...	I	55, <i>ill.</i> (a)
section 22, applied ...	IV	167
1877 ...	X	32
... schedule II, Nos. 151, 152, enlarged ..	XV	
applied ...	XVII	18
INDIAN MAJORITY ACT, 1875, see <i>Guardian of person.</i>	"	40
INDIAN PENAL CODE, cap. xii, setting out of previous conviction of offence punishable under, ...	IV	94
caps. xii and xvii, trial of persons previously convicted of offences under, ...	"	123
saving of penalty incurred under, ...	X	330, 331
procedure as to certain offences under, ...	XIII	643
public servants within meaning of, ...	XIV	8 33
<i>See Statements.</i>		
INDIAN REGISTRATION ACT, saving of operation of, on documents ...	I	4 (c)
registration under, of void or voidable instrument ...	"	39
1877 ...	III	
INDIAN SUCCESSION ACT, 1865, section 259, saving of, ...	III	46
sections 320, 321, suit under, for refund of legacy paid or assets distributed ...	XV	sch. II, No. 43
INDIAN TARIFF ACT, 1875, schedule A, No. 49, amended ...	XVIII	4
INDICES to transcripts of records, see <i>Preparation.</i>		
INDIGO, contract for sale of, not enforceable ...	I	21, <i>ill.</i> (a)
INDORSEE against drawer, acceptor and indorser ...	X	sch. IV, No. 46
<i>See First indorsee, Subsequent indorsee.</i>		
INDORSEMENT for costs on concise statement of claims ...	X	sch. IV, No. 114
<i>See Accommodation-bill, Endorsement, Special indorsement.</i>		
INDORSEMENTS of character of parties to claims ...	X	sch. IV, No. 115
INDORSER, see <i>First indorsee, First indorser, Immediate indorser, Indorsee.</i>		
INDUCING breach of contract, suit for compensation for, ...	XV	sch. II, No. 27
INFECTIOUS, see <i>Malignant.</i>		
INFERENCE from refusal to answer, or false answer ...	IV	148
INFERIOR COURTS, see <i>Public duties.</i>		
INFIRMITY, see <i>Attendance.</i>		
INFIRM PERSONS, see <i>Attendance.</i>		
INFLICTION, see <i>Whipping.</i>		
INFLUENCE, see <i>Assent, Disclosure.</i>		
INFORMATION, obligation to furnish, ...	III	84
by police-officer or private person, cognizance of offence on, ...	IV	25 (b), (c)
of offences, all persons bound to give, ...	"	246
as to depôt, to be furnished ...	V	8
obligation of public to furnish, ...	VIII	22
and aid, holder of attached decree bound to give, ...	X	273
of cause of non-service of process ...	"	468
powers of court to order measures for obtaining, ...	"	499 (c)
failure to make award in time for want of, ...	"	514
of arrest or attachment of person or property outside court's district ...		648

	ACT.	SEC.
INFRINGEMENT of patent, suit for injunction to restrain, of copyright or other exclusive privilege, suit for, ...	I XV	54, <i>ill. (u)</i> sch. II, No. 40
<i>See Copyright, Fishery, Pasture, Patent.</i>		
INHABITANTS of locality to be called to witness search ...	IV	165
<i>See Right of way.</i>		
INITIALS, <i>see Attestation.</i>		
INJUNCTION, exclusion of time in reckoning limitation-period for suit institution of which is stayed by, ...	XV	15
<i>See Diversion, Infringement, Injury, Notice, Restoration, Waste, Wilful disobedience.</i>		
against nuisance, <i>see Nuisance.</i>		
INJUNCTIONS generally	I	52, 53
INJURIES caused by negligence on rail-road, plaint in suit for, ...	X	sch. IV, No. 87
negligent driving, plaint in suit for, ...	"	sch. IV, No. 88
<i>See Act XIII of 1855, Property, Statements.</i>		
INJURY caused by irregularity in execution-sale, right to sue for compensation for, ...	X	298
resulting from irregularity in sale ...	"	311
to person, suit for compensation for, ...	XV	sch. II, No 22
caused by injunction wrongfully obtained, suit for, ...	"	sch. II, No. 42
<i>See Apprehension, Continuance, Expense or injury, Medical man, Mischievous animal, Negligence, Pleader, Reversioner, Specific injury, Threatening, Traveller, Wrongful.</i>		
complained of, <i>see Compensation.</i>		
to goods, <i>see Carrier.</i>		
INQUIRIES open to court in rectifying instrument	I	33
in administration-suit	X	213
with a view to promoting efficiency of judicial and ministerial officers	XVII	27 (<i>f</i>)
INQUIRY by registering officer	III	34 (<i>a</i>)
in case of refusal to register on ground of denial of execution	"	74
or trial of offence covered by complaint]	IV	28 (<i>a</i>)
into cases triable by high court	"	81—93
high court may order further,	"	176
in case of accused being of unsound mind	"	194
into claim to set-off	X	111
as to propriety of interrogatories with reference to costs	"	123
as to agreement by parties to accept decision of court on matter in dispute	"	151
as to mesne profits in dispute in suit	"	212
in case of dissatisfaction with commissioner's proceedings, court may order further,	"	395
into pauperism of applicant for leave to appeal	"	593
into claims against property under management	XIV	15
<i>See Mesne profits, Place, Preliminary.</i>		
into pauperism, <i>see Costs.</i>		

	ACT.	SEC.
INSANE, procedure when accused appears to have been, at time of committing act	IV	195
<i>See Lunatic, Native officer, Stay, Understanding, Un-sound mind.</i>		
INSANITY, suit for property conveyed during,	XV	sch. II, No. 94
<i>See Hereditary office, Legal disability, Right to sue.</i>		
INSCRIPTION on seal of cover containing will for deposit ...	III	43
INSERTION of name, <i>see Name.</i>		
INSOLVENCY, effect of, on right to specific performance of contract to sell and occupy house	I	24, <i>ill. (b)</i>
<i>See Bankruptcy, Death, Executor, Rejecting.</i>		
INSOLVENCY-MATTERS, appeal from orders as to,	X	588 (a)
INSOLVENT, application of rules as to estates of persons adjudged, ...	X	213
application of person arrested in execution of money-decree to be declared an,	"	336
judgment-debtors, provisions relating to,	"	344-360
<i>See Promissory-note, Surplus, Trespass.</i>		
judgment-debtor, <i>see Creditor, Scheduled creditor, Un-scheduled creditor.</i>		
INSOLVENT COURT, code not to apply to high court as, ...	X	638
INSOLVENT FIRM, <i>see Partner.</i>		
INSOLVENTS, <i>see Investment.</i>		
INSPECTION of register-books and indexes	III	57
and copies of documents exempted from registration	"	91
of vessels with return-emigrants	V	6
of emigration-depôt	"	8
of list of licenses	VIII	8
of courts, power to regulate,	XVII	27 (e)
<i>See Application, Copies, Failure, Notice to produce, Objection, Preservation, Time.</i>		
INSPECTOR-GENERAL, inspectors subordinate to,	III	8
of military cantonment beyond British India		
declared a district	"	9
appointment by, of person to act for registrar	"	10
to report appointments	"	13
authentication of books in manner prescribed	"	
by,	"	52
<i>See Controlling, Superintendence.</i>		
INSPECTOR-GENERAL OF PRISONS may visit accused lunatic in asylum	IV	201
INSPECTOR-GENERAL OF REGISTRATION	III	4
INSPECTORS of registration-offices, appointment of,	III	8
INSTALMENTS, whipping not to be inflicted by,	IV	190
decree for money may direct payment by,	X	210
grant of repeated application for execution of decree for money or delivery of property by,	"	230 (b)
application for payment of decree by,	XV	sch. II, No. 175
<i>See Default, Promissory-note or bond.</i>		
INSTIGATION, <i>see Judgment-debtor.</i>		

	ACT.	SEC.
INSTITUTION of suits, place of,	X	15—25
of suits, provisions relating to,	"	48—63
of suit, transfer by judgment-debtor after, of property sold in execution	"	332
of suit by foreign state	"	433 (a)
of suits on negotiable instruments	"	532
of suit relating to public charity	"	539
of suits, appellate courts have powers of courts of ori- ginal jurisdiction in respect of,	"	582
of suit when deemed to be effected	XV	4, exp.
of suit in case of legal disability at time from which limitation is to be reckoned	"	7
of suit, date of, in certain cases	"	22
INSTRUCTIONS and proceedings to be furnished to commissioner for examination of accounts	X	295
to government pleader, time to be allowed for,	"	420
INSTRUMENT evidencing different rights or obligations may be can- celled in part and allowed to stand for residue	I	40
relating to shares in joint stock land-company	III	17 (f)
running of limitation-time in case of,	XV	sch. II, No. 5
<i>See Attorney, Compensation.</i>		
attempted to be enforced, see <i>Forgery.</i>		
issued or registered, see <i>Forgery.</i>		
not provided for, see <i>Cancellation.</i>		
INSTRUMENTS of gift of immoveable property, registration of, com- pulsory	III	17 (a)
non-testamentary, the registration of which is com- pulsory	"	17 (b), (c)
of partition made by revenue-officers	"	17 (k)
of which registration is optional	"	18
and materials for counterfeiting or forging, search for, in writing relating to property in suit, execution of, by receiver	IV	160
for payment of money only, plaints in suits on,	X	503
included in <i>Bond</i>	"	sch. IV, Nos. 28—70
computation of time mentioned in,	XV	3
of mortgage of property in British Burma	"	25
	"	sch. II, No. 148
<i>See Cancellation, Certificates, Rectification.</i>		
INSUFFICIENT, power to order increase to bail when that first taken is found,	IV	75
payment into court on account of expenses of wit- nesses, procedure in case of,	X	162
grounds, arrest or attachment on,	"	491
grounds, compensation to defendant for injunction on, procedure when appellate court cannot determine issue or question by reason of evidence being,	"	497
	"	566
INSULT, see <i>Contempts.</i>		
INSURANCE, concise statement of claim for loss on policy of, freight of cargo or return of premiums... ..	X	sch. IV, No. 114
<i>See Fire-insurance, Marine insurances, Set-off, Ship.</i>		
INTENTION of parties to contract requiring to be rectified	I	32
INTEREST acquired subsequent to sale or lease with imperfect title	I	18 (a)
of vendor with imperfect title, lien of purchaser on,	"	18 (d)
on deposit in contract for sale, where vendor's title is im- perfect, purchaser's right to,	"	18 (d)

	ACT.	SEC.
INTEREST (contd.)		
of contractor made by contract not assignable ...	I	23 (b)
of purchaser in possession, land subsequently purchased without inquiry into, ...	"	27, <i>ill.</i> (b)
whether absolute or for life, taken by legatees, power of court to declare, ...	"	42, <i>ill.</i> (b)
on sums payable by emigration-agent ...	V	31
in subject-matter to be shewn in plaint of suitor as representative ...	X	50
of defendant in subject-matter to be shewn in plaint ...	"	50
on rent or mesne profits, payment of which is decreed ...	"	211
on costs ...	"	223
of persons not joining in application for execution of decree in favour of several, protection of, ...	"	231
statement as to, in application for execution ...	"	235 (g)
payable in respect of subject-matter of suit, decision by court executing decree, of questions regarding, ...	"	244 (b)
or dividend payable on property to be attached ...	"	272
in estate paying revenue to government, proclamation in case of sale of, ...	"	287 (b)
or debt sold in execution, prohibitory order as to, ...	"	301
or dividend on negotiable instrument or share sold in execution, realization of, by court ...	"	302
in property sold, setting-aside sale on ground of judgment-debtor having no saleable, ...	"	313, 315
on purchase money ...	"	315
on judgment-debts ...	"	322, 324
on sum deposited in court in satisfaction ...	"	378
adverse to minor, absence of, to be shewn ...	"	447
in matter in suit, adverse to minor ...	"	456, 457
of plaintiff in interpleader suit, statement as to, in plaint...	"	471 (a)
in land or tenure in suit, sale of which is ordered for non-payment of revenue or rent ...	"	501
on amount awarded against defaulter in respect of revenue or rent of land or tenure in suit ...	"	501
in question submitted by agreement for decision of court ...	"	531 (b)
on amount of decree in summary suit on negotiable instrument ...	"	532
in result of appeal, joining as respondent of party to original suit who has su, ...	"	559
upon money lent, concise statement of claim for, ...	"	sch. IV, No. 114
payable on debts, power to fix, ...	XIV	16
on debt or legacy, effect of payment of, ...	XV	20
on money due, suit for, ...	"	sch. II, No. 63
in immoveable property, suit for possession of, not provided for, ...	"	sch. II, No. 144
on money secured by judgment, &c., effect of payment of, ...	"	sch. II, No. 180
of judge in suit or appeal brought before him ...	XVII	46

See Adverse, Agreement, Allowance, Assignment, Defence, Determination, Disputed interest, Instalment, Last payment, Money, Money-bond, Money lent, Right, Several demands, Share, Suit, Tenant for life, Transferable.

	ACT.	SEC.
INTEREST (<i>contd.</i>) for life or term of years, see <i>Life-interest, Tenure</i> . purporting to be sold, see <i>Saleable interest</i> .		
INTERESTS in land of which value cannot be fixed, special rules for sale of,	X	327
INTERFERENCE with power of high court to make rules as to advocates, attorneys and vakils	X	635
with rights of adopted son, limitation-time to run from,	XV	sch. II, No. 119
<i>See Public duties.</i>		
in business, see <i>Partner</i> .		
INTERIM SALE, see <i>Perishable articles</i> .		
INTERLINEATIONS, blanks, erasures or alterations, registration of document containing,	III	20
INTERLOCUTORY APPLICATIONS, affidavits on,	X	196
INTERLOCUTORY ORDERS	X	498—502
INTERMEDIATE CUSTODY, see <i>Warrant</i> .		
INTERMEDIATE INDORSEER, see <i>Subsequent indorsee</i> .		
INTERMEDIATE TENURE included in <i>Patni taluq</i>	XV	sch. II, No. 12 (d), exp.
INTERNATIONAL LAW, effect of foreign judgment founded on incorrect view of,	X	14 (b)
INTERPLEADER, provisions relating to,	X	470—476
plaint in suit of,	"	sch. IV, No. 104
INTERPLEADER SUITS, appeal from orders as to,	X	588 (g)
INTERPRETATION of deposition to witness	X	183
INTERROGATORIES by complainant and accused, for witness to be examined under commission	IV	158
power to deliver,	X	121
in examination by commission	"	383
form of,	"	sch. IV, No. 123
<i>See Failure, Irrelevant, Plaintiff.</i>		
INTERRUPTION of enjoyment of easement	XV	26, exp.
<i>See Contempts.</i>		
INTERVENTION of court, filing of awards on matters arbitrated on without,	X	525
INTESTACY, form of claim to revocation of letters of administration granted as in an,	X	sch. IV, No. 115, 3.
INTESTATE, enforcement against heir or representative, of contract for conveyance of land before performance of which contractor has died,	I	27, <i>ill</i> (b)
jurisdiction of high court, service of process issued in exercise of,	X	636
title to benefit of Act, of heir of thakur dying,	XIV	4
<i>See Bequest, Distribution, Share.</i>		
INTOXICATION, see <i>Force</i> .		
INVALID, see <i>Adoption</i> .		

	ACT.	SEC.
INVALIDATION of acts done in good faith, not on ground of defect in appointment or procedure	III	87
<i>See Defect.</i>		
INVALIDITY, see <i>Adoption, Alienation, Custom.</i>		
INVA-SION of right, grant of injunction to prevent,	I	54
INVENTORY of property of judgment-debtor not in his possession	X	236
court to ascertain whether application for execution is accompanied by,	"	245
INVESTIGATION of claims to attached property and objections to attachment	X	278, 279, 285
of complaint of obstruction to execution	"	328
of claim to property sold in execution	"	331, 332, 335
on application for order for security from defendant	"	478, 484
by arbitrators, punishment of default during,	"	513
of suit on merits under order of remand	"	562
of certain offences committed in case pending before civil court	"	643
by manager, a judicial proceeding	XIV	34
<i>See Claim, Local investigation.</i>		
INVESTIGATIONS, issue of commissions for local,	X	392, 393
INVESTMENT of other courts with jurisdiction of district courts as to insolvents	X	360
of moneys received or raised, power to make rules as to,	XIV	31 (d)
IRREGULAR, see <i>Distress.</i>		
IRREGULARITY in proceedings before trial properly held, no ground for reversal, &c.	IV	178
in recruitment, effect of,	V	27
in execution-sale of moveable property, effect of,	X	298
in publishing or conducting sale, application to set-aside execution-sale on ground of,	XV	sch. II, No. 166
<i>See Error, Setting-aside.</i>		
IRRELEVANT OR UNNECESSARY interrogatories, power to refuse to answer,	X	125
<i>See Rejection.</i>		
IRRIGATION, see <i>Obstructing.</i>		
ISSUE of summons	X	64-71
or question on which right to discovery depends, determination of,	"	135
of law or usage, second appeal on ground of decision failing to determine material,	"	584 (b)
of execution on failure by appellant to give further security	"	609
of execution barred pending reference to high court	"	618
<i>See Life-tenancy.</i>		
of execution, see <i>Notice.</i>		
ISSUED, see <i>Instrument, Knowledge.</i>		
ISSUES, application for staying proceedings before settlement of,	X	20
summons only for settlement of, to declare accordingly	"	68
adjournment after framing and recording,	"	155
framed, statement on each of several,	"	204

	ACT.	SEC.
ISSUES (contd.)		
to be tried on re-admission of suit in lower court, power of appellate court to direct as to,	X	562
<i>See Burden, Framing, Omission, Re-settlement, Settlement, Trial.</i>		
ITEM of account admitted or proved, limitation-time to run from close of year in which is entered the last,	XV	sch. II, No. 85
JÁGÍRDÁR included in <i>Thákur</i>	XIV	3
JÁGÍRDÁRS and others exercising jurisdiction under Bombay Regulation XIII of 1830, and Act XV of 1840	X	7
JAIL , exemption from attendance at registration-office, of persons who are in,	III	33
exemption from personal appearance of person in,	"	38
warrant for execution to be sent to officer in charge of,	IV	183
service on defendant in,	X	87
out of district in which suit instituted, service of summons in,	"	88
commitment to, of person obstructing execution	"	330
commitment to, of arrested debtor failing to apply to be declared insolvent	"	336
committal to, of applicant to be declared insolvent	"	349
<i>See Appellant, Detention, Officer in charge, Place of imprisonment, Presence, Prisoner, Release.</i>		
JEWELS pledged and disposed of by pledgee, right of recovery of,	I	ill. (b)
deposited with agent and claimed by third person as wrongfully obtained from him, interpleader-suit in case of,	X	474, ill. (a)
deposited with agent and then placed as security for debt, interpleader-suit in case of dispute as to discharge of debt	"	474, ill. (b)
JOINDER of charges	IV	105—112
of parties liable on same contract	X	29
of claims with suit for recovery of land	"	44, rule (a)
of executors and administrators	"	438
JOINING , see <i>Defendants, Plaintiffs.</i>		
JOINT CONTRACTOR , partner, &c., not chargeable under acknowledgment by co-contractor, &c.	XV	21
JOINT CREDITOR , see <i>Disability.</i>		
JOINT DEBT , see <i>Contribution.</i>		
JOINT DECREE , see <i>Contribution.</i>		
JOINT DECREE-HOLDER , application by, for execution of decree for benefit of all	X	231
JOINT ESTATE , see <i>Manager, Sharer.</i>		
JOINT EXECUTOR , see <i>Joint contractor.</i>		
JOINT FAMILY-PROPERTY , suit by person excluded from, to enforce right to share in,	XV	sch. II, No. 127
JOINTLY or separately, what persons may be tried,	IV	111
in favour of several persons, decree or order passed,	XV	sch. II, No. 179, exp. 1
against several persons, decree or order passed,	"	sch. II, No. 179, exp. 1
JOINT MORTGAGEE , see <i>Joint contractor.</i>		
JOINT PARTNER , see <i>Joint contractor.</i>		
JOINT STOCK , see <i>Instrument.</i>		
JOINT TENANT , enforcement against, of contract for sale of moiety which either may alien in life-time, but which devolves on survivor		27, ill. (c)

	ACT.	SEC.
JOURNEY or voyage, place of trial for offence committed on, ...	IV	21.
JUDGE of district when to act as registrar ...	III	10
execution before, and authentication by, of power-of-attorney ...		33 (c)
defined ...	{ IV	39
	{ X	2
to attest amendment of plaint ...	"	47, 53
to sign summons ...	"	64
to sign amendment in written statement ...	"	116
to record substance of oral examination ...	"	119
allowance by, of further time for filing answer ...	"	126
receiving documents at after stage, to record reasons ...	"	139
endorsement by, on admitted documents ...	"	141
to sign endorsement on rejected document ...	"	142
to record reasons for adjournment ...	"	156
to write and sign with his own hand memorandum of substance of evidence ...	"	189
dying or removed before close of suit, dealing with evidence taken down by, ...	"	191
to attest amendment of memorandum of appeal ...	"	543
unable to write judgment in English, language of judgment of, ...	"	572
to sign translation of judgment ...	"	573
to date and sign judgment in appeal ...	"	574
who delivered judgment to be ordinarily applied to for review ...	"	624
to record reasons for grant of review ...	"	626
what acts which are required to be done by, may be done by registrar or other officer ...	"	637
exemption of, from arrest ...	"	642
sitting alone not to reverse decree, order, sentence or decision of any court ...	XVII	19
trial by, of suit in which he is interested ...	"	46
appeal against his own decree ...	"	46
<i>See Mandamus, Nomination, Opinion, Presence, Provisions, Single judge.</i>		
JUDGES, prosecution of, ...	IV	39
from whose judgments appeal to Queen is barred ...	X	597
to hear application for review ...	"	627
of chief court, appointment and tenure of, ...	XVII	5
provision for exercise by, of powers of court ...	"	19
<i>See Bench, Concurring, Court, Difference of opinion, Dissenting, Indemnity, Precedence, Rank.</i>		
JUDGMENT subject to decision of high court on reference ...	IV	240
defined ...	X	2
for one or more of plaintiffs joined ...	"	26
against one or more of several defendants ...	"	28
on original and cross-claim in case of set-off ...	"	111
on issue submitted to court by agreement between parties at first hearing ...	"	151
against one of several defendants, who is not at issue with plaintiff ...	"	152
op finding at first hearing on issues framed ...	"	153
	"	154

	ACT.	SEC.
JUDGMENT (cont'd.)		
in case of either party failing to produce evidence ...	X	155
and decree, provisions relating to,	"	198—217
accordance of decree with,	"	205, 206
to direct by whom costs to be paid	"	219
on full satisfaction of plaintiff's claim by deposit in court	"	379
arrest before,	"	477—482
application for injunction before or after,	"	493
against plaintiff suing out injunction, compensation to defendant in case of,	"	497
application for order of reference to arbitration before,	"	506
according to award of arbitrators or opinion of court	"	522
on case submitted to court by agreement	"	531
against respondent in appeal heard <i>ex parte</i>	"	560
procedure when evidence on record is sufficient to enable appellate court to pronounce,	"	565
production of document or examination of witness required to enable appellate court to pronounce,	"	568 (b)
in appeal	"	571—578
in appeal, what may be directed in,	"	577
against which pauper applies for leave to appeal	"	592
and order included in <i>Decree</i>	"	594
of high court on question referred	"	618, 619
review of,	"	623—630
on reference from small cause court, review of,	"	623 (c)
obtained in British India, suit upon,	XV	sch. II, No. 122
See <i>Certified, Chartered court, Copy, Ex parte judgment, Pronouncement, Set-off.</i>		
"JUDGMENT-DEBTOR" defined	X	2
order on application of, as to terms of payment of instalments decreed	"	210
preventing execution of decree by fraud or force	"	230
notice to, of application for execution of assigned decree	"	232
application by, for stay of execution	"	239
may apply for order on decree-holder to certify satisfaction of decree	"	258
property of, liable to attachment	"	266
procedure on obstruction by, or at instigation of,	"	329, 330
guardian of minor heir or representative of,	"	460
stay of sale of immoveable property on application of,	"	546
first entitled to possession, limitation to run from time when,	XV	sch. II, No. 137
See <i>Attempt, Balance, Death, Hearing, Incompetency, Insolvent, Interest, Lien, Notice, Occupancy, Pending suit, Postponement, Purchaser, Refusal of execution, Representative.</i>		
JUDGMENT-DEBTS of original assignor, of one of cross-decrees	X	246, exp. 2
procedure when they can be satisfied without sale of whole of property ordered to be sold	"	322
not being discharged on expiry of lease or management, procedure on,	"	324

	ACT.	SEC.
JUDGMENTS from which appeal to Queen is barred	X	597
<i>See Recording.</i>		
JUDICIAL COMMITTEE, <i>see Saving.</i>		
JUDICIAL NOTICE of non-recognition of foreign state	X	431
JUDICIAL OFFICER, <i>see Commission.</i>		
JUDICIAL OFFICERS, exemption of, from arrest... ..	X	642
<i>See Discipline, Efficiency.</i>		
JUDICIAL PRINCIPLES, discretion to decree specific performance to be guided by,	I	22
JUDICIAL PROCEEDING, bar to injunction to stay,	I	56 (a)
includes proceeding under Act	III	84
investigation by manager a,	XIV	34
JUDICIAL PROCEEDINGS, persons authorized to act for government in,	X	417
<i>See Multiplicity.</i>		
JUDICIAL PROCESS for arrest, sale of property or payment of money, rules applied to all,	X	649
JUICE, <i>see Trees.</i>		
JURISDICTION not barred by contract becoming incapable of specific performance	I	19, exp.
to decree specific performance	"	22
bar to excess of, in imposing penalties	III	83
of presidency-magistrates	IV	8
given by complaint	"	28
serving summons outside magistrate's,	"	50
process for attendance or arrest within, for offence committed without, or on high seas, or in foreign country	"	54
execution of warrant within or without,	"	63, 64, 65
procedure in case found after commencement to be beyond,	"	127
cancelment of sentence by magistrate not having,	"	179
not otherwise conferred not given by code	X	6
of courts, provisions relating to,	"	10-14
effect of proving want of, in case of foreign judgment recognized agents of parties residing out of,	"	13, exp. 6
in cases where causes of action are joined	"	37 (a)
of court receiving plaint, effect of no part of property in suit being within,	"	45
effect of cause of action not arising within,	"	57 (b)
of another court, service of summons on defendant residing in, and having no agent	"	57 (c)
residence within or without, in relation to obligation to attend in person	"	85
examination of witness about to leave,	"	176
want of, no bar to exercise of power as to costs	"	192
of court sending decree for execution, proof of,	"	220
reading of deposition as evidence when maker is out of,	"	225
as to agreements by parties to submit case to court	"	390 (a)
of court, parties submitting case by agreement to be subject to,	"	529
as to suit relating to public charity	"	530
of other court, form of order for transmission of summons for service in,	"	539
	"	sch. IV, No. 120

	ACT.	SEC.
JURISDICTION (<i>contd.</i>)		
of certain courts over claims against government ...	XVI	1
and powers of subordinate civil courts in Panjáb ...	XVII	30—36
exceeding limit, bar to exercise of, ...		34
conferred on settlement-officer, power to limit exercise of, by particular civil court ...		49
See <i>Error, Exercise, Extent, Extraordinary, Failure, Final, Intestate, Investment, Leaving, Local limits, Matrimonial, Ordinary, Original, Procedure, Proceeding, Prosecution, Removal, Residue, Saving, Testamentary, Want.</i>		
JUSTICE , see <i>Failure.</i>		
JUSTICES OF THE PEACE , presidency-magistrates to be, ...	IV	8
KABŪLIYAT included in <i>Lease</i> ...	III	3
KAIRA , saving of jurisdiction of civil courts in, ...	XVI	1 & sch.
See <i>Broach, Collectors.</i>		
KANÁRA , saving of jurisdiction of civil courts in, ...	XVI	1 & sch.
KARÁCHÍ , provisions as to suits on negotiable instruments applied to court of judge of, ...	X	538 (<i>d</i>)
KASBÁTI included in <i>Thákur</i> ...	XIV	3
KEEPER of hotel, tavern or lodging-house, see <i>Price of food.</i>		
KEEPING and submission of registers, books and accounts goods, see <i>Pledge.</i>	XVII	28
house in repair, see <i>Landlord and tenant.</i>		
out of the way, see <i>Substituted service.</i>		
the peace, see <i>Security.</i>		
KIDNAPPED person, place of trial for concealing, ...	IV	20, <i>ill. (c)</i>
female minor confined and detained as a slave, separate trial for two offences in respect of, ...	"	107, I, <i>ill. (e)</i>
KIDS included in <i>Cattle</i> ...	XIII	7, <i>exp.</i>
KILLING animal and stealing carcass, separate trial for, ...	IV	107, II, <i>ill. (j)</i>
KNOWLEDGE of fact affecting contract for sale of life-interest affidavits limited to facts provable by personal, ...	I	22, <i>ills.</i>
of suitor, review of judgment on discovery of matter or evidence not previously within, ...	X	196
of fraud, reckoning of limitation from time of getting, ...	"	623
of possession, limitation-time to run from, ...	XV	18
of neglect or misconduct of agent, limitation-time to run from, ...	"	sch. II, No. 48
of facts entitling to cancelment of instrument, limitation-time to run from, ...	"	sch. II, No. 90
" of issue or registry of forged instrument, limitation-time to run from, ...	"	sch. II, No. 91
of conveyance by insane, limitation-time to run from, ...	"	sch. II, No. 92
of fraud, limitation-time to run from, ...	"	sch. II, No. 94
of mistake, limitation-time to run from, ...	"	sch. II, No. 95
of facts entitling to rescission, limitation-time to run from, ...	"	sch. II, No. 96
of alleged adoption, limitation-time to run from, ...	"	sch. II No. 114
		sch. II, No. 118

	Act.	Sec.
KNOWLEDGE (<i>contd.</i>) of exclusion, limitation-time to run from, ...	XV	sch. II, No. 127
of right to sue, see <i>Fraud, Title.</i>		
LABOURER, see <i>Wages.</i>		
LABOURERS not being obtainable in time, Act may be put into operation in case of, ...	XIII	3
See <i>Impressment, List, Payment, Wages.</i>		
LAHORE, registration by registrar at, ...	III	30 (b)
LAMBS included in <i>Cattle</i> ...	XIII	7, exp.
LAND, specific enforcement of contract for sale of, where small portion only cannot be delivered ...	I	14, <i>ill. (a)</i>
requiring protection by embankment from floods, enforcement of contract for sale of, ...	"	22, <i>ill. (c)</i>
sold in forgetfulness of condition of its demise, non-enforceable contract for sale of, ...	"	22, II, <i>ill. (e)</i>
contract for sale of, with stipulation which vendor cannot fulfil without risk of litigation ...	"	22, <i>ill. (h)</i>
without specific consent required under will ...	"	25, <i>ill. (b)</i>
by heir of one believed but not proved to be dead ...	"	25, <i>ill. (c)</i>
included in <i>Immoveable property</i> ...	III	3
situated in several sub-districts or districts, procedure on registration of document relating to, ...	"	64, 65
procedure on registering document relating to, ...	"	66
paying revenue to government, attachment of, to be by collector ...	IV	68
provision for payment of rent or mesne profits in decree made in suit for, ...	X	211
registered in collectorate, application for attachment of, ...	"	238
publication of prohibitory order respecting revenue-paying, ...	"	274
stay of public sale of, on representation of collector ...	"	326
paying revenue to government or of which revenue has been assigned or redeemed, appointment of collector to be receiver of, ...		504
suit by person having interest in, to have alienation declared void ...	XV	sch. II, No. 125
trial by settlement-officers of suits and appeals relating to, ...	XVII	49
defined ...	"	49, exp.
See <i>Agreement, Arable land, Auctioneer, Authority, Bailiff, Bequest, Cause of action, Certificate, Claims, Conveyance, Declaration, Entry, Interest, Intestate, Joinder, Lease, Lunatic, Mortgaged land, Order confirming, Order for delivery, Polluting, Possession, Recovery, Support, Tenure, Things, Unhusband-like, Waste.</i>		
paying revenue to government, see <i>Government-revenue, Possession.</i>		
taken for public purpose, see <i>Acquisition, Compensation, Government.</i>		
LAND COMPANY, see <i>Instrument.</i>		
LAND IMPROVEMENT ACT, see <i>Certificate, Certificates.</i>		
LANDING emigrant or dependant at other than port agreed on, penalty for, ...	V	
LANDLORD and tenant, saving of law relating to, ...	X	

	ACT.	SEC.
LANDLORD (<i>contd.</i>)		
and tenant, concise statement of claim for damages for breach of contract to keep house in repair...	X	sch. IV, No. 114
claim for damages for breach of covenants in lease of farm ...	"	sch. IV, No. 114
Limitation in case of right to sue as, accruing during idiocy ...	XV	7, <i>ill. (f)</i>
suit by, to recover possession from tenant ...	"	sch. II, No. 139
<i>See Tenant, Tenants.</i>		
LAND-REVENUE, jurisdiction as to claims against government to receive payments charged on or payable out of, ...	XVI	1 (c)
released, compounded for, redeemed or assigned ...	XVII	49, exp.
<i>See Payment.</i>		
LANDS liable to attachment ...	X	266
conveyed, <i>see Purchase-money.</i>		
LAND-TAX on property of certain thākurs ...	XIV	38
LANGUAGE of instrument to be rectified, court not limited to inquiry as to intended, ...	I	33
of seals of registering officers ...	III	15
of charge ...	IV	94
of list of licenses ...	VIII	8
of plaint ...	X	49
of judgment ...	"	200
of proclamation of sale ...	"	287
of notice to decree-holders ...	"	323
of court ...	"	572, 573
of judgment in appeal ...	"	572
of courts subordinate to high court ...	"	645
<i>See English, Gujarāthi, Interpretation, Translation.</i>		
LANGUAGES in common use, power to declare, ...	III	69
LAPSED STATE, <i>see Colābbā, Māndvi.</i>		
LAST DAY, <i>see Closed.</i>		
LAST PAYMENT of principal or interest on account of mortgage-debt, limitation-time to run from, ...	XV	sch. II, No. 146
LATEST revivōr, payment or acknowledgment, limitation-time to run from, ...	XV	sch. II, No. 180
LAW for the time being in force, bar to making of orders excluded by, ...	I	45 (b)
as to summonses, commissions and compelling attendance of witnesses and their remuneration, applied ...	III	39
against which offence is committed, to be stated ...	IV	94
rules to have force of, ...	X	327
sending dishonest insolvent to magistrate to be dealt with according to, ...	"	359
relating to lunatics ...	"	463
exception of express provision as to appeal by other, ...	"	540
second appeal on ground of decision being contrary to, ...	"	584 (a)
for verification of plaints, statement verified according to, ...	XIV	6

	Act.	Sec.
LAW, (contd.)		
suit for compensation for doing or omitting to do act in pursuance of,	XV	sch. II, No. 2
application for execution in accordance with,	"	sch. II, No. 179, 4
exception of provisions of other,	XVII	17
rules and forms when to have force of,	"	47
<i>See Bar, Contrary, Issue, Question, Questions.</i>		
"LAWFUL EXCUSE" defined	X	174, exp.
<i>See Refusal to give evidence.</i>		
LAW OF EVIDENCE, see Admission, Proof.		
LEARNING , skill, solvency or personal quality of party to contract, being material ingredient, effect of,	I	23 (b)
LEASE by lessor with imperfect title, rights of lessee under,	I	18
of land to be cultivated in a particular manner	"	21, ill. (b)
by trustee in excess of his powers, contract for, not enforceable	"	21, ill. (e)
of building which by fraud of lessor was included in conveyance to himself	"	31, ill. (a)
fraudulently granted, of part of land previously conveyed as held by tenants at will, and registered under Indian Registration Act, cancellation of,	"	39, ill. (c)
defined	III	3
postponement of sale to enable debtor to raise amount of decree by,	X	305
in perpetuity or for a term, power to raise amount of judgment-debts by,	"	322 (a)
on farm, power to raise amount of judgment-debts by,	"	322 (d)
of property under management, power to grant,	XIV	23
<i>See Charge, Covenants, Decree, Incompetency, Let, Mortgage, Rent, Sale of land, Unhusband-like, Waste.</i>		
by revenue-authorities, see <i>Government.</i>		
LEASES of immoveable property, registration of which is compulsory... ..	III	17 (d)
of which registration is optional	"	18 (c)
exempted under section 17, exception of,	"	50
restoration of property to owner, subject to,	XIV	19 (b)
granted by manager, restoration of owner subject to,	"	26
<i>See Consideration.</i>		
LEAVE of court for suing within jurisdiction in which all defendants do, not reside	X	17
to revocation of appointment of pleader	"	39
to omit some of several remedies	"	43
to join claim with suit as to land	"	44, rule (a)
to amend statements	"	58
to admit document not produced with plaint	"	63
to put in statement of set-off after first hearing	"	111
to put in written statements answering those called for to deliver interrogatories	"	112
to adjournment of sale	"	121
to purchase by decree-holder	"	291
for execution against husband also, of decree against wife	"	294
for issue, on application of husband, of execution of decree in favour of wife	"	369

	ACT.	SEC.
LEAVE of court (contd.)		
for continuance of suit against assignee of interest passing pending suit	X	372
to withdraw from suit or abandon part of claim	"	373
effect of withdrawal or abandonment without,	"	373
to proceed, application for, by late minor	"	451
for receipt of money or thing, before decree, by next friend or guardian	"	461
to compromise by next friend or guardian	"	462
effect of compromise without,	"	462
for defendant to appear in and defend suit on negotiable instrument	"	532, 533, 534
to urge grounds other than in memorandum	"	542
to sue or appeal as pauper in court against whose decree appeal is made, inquiry into pauperism in case of,	"	593
to appear and defend suit under cap. 39 of civil procedure code, application for, ...	XV	sch. II, No. 159
to appeal as pauper, application for, ...	"	sch. II, No. 170
of absence, see <i>Officers, Soldiers.</i>		
to enjoy right, see <i>Asking.</i>		
to sue, see <i>Application.</i>		
LEAVING jurisdiction, issue of commission in case of persons, ...	X	386
British India to avoid execution ...	"	477, 478
jurisdiction to avoid or delay plaintiff ...	"	477 (a), (b), 478, 483
See <i>British india, Execution.</i>		
LEGACY, limitation in case of right to sue for, accruing during minority suit for, ...	XV	7, <i>ill. (b)</i> sch. II, No. 123
See <i>Compelling refund, Interest, Set-off.</i>		
LEGAL ADVISER when a trustee for advantage gained ...	I	3, <i>ill. (b)</i>
LEGAL CHARACTER, see <i>Status.</i>		
LEGAL CONSEQUENCES intended by instrument to be rectified, inquiry as to, ...	I	33
LEGAL CURATOR, application by, for benefit of Act for minor or insane thâkur ...	XIV	4
LEGAL DISABILITY at time when limitation is to be reckoned ...	XV	7
" See <i>Disabilities.</i>		
LEGALITY, see <i>Objection.</i>		
LEGALIZATION of existing rules of high courts relating to appeals to Queen ...	X	613
of past receptions of military lunatics into asylums ...	XI	9
LEGAL NECESSITY, see <i>Alienation.</i>		
LEGAL PROCESS, see <i>Wrongful seizure.</i>		
LEGAL REPRESENTATIVE, who may be treated as, ...	X	366, exp.
of deceased one of several defendants, or of sole or sole-surviving defendant ...	"	368
setting-aside abatement or dismissal on application of, ...	"	371

	ACT.	SEC.
LEGAL REPRESENTATIVE (<i>contd.</i>)		
of person dying under disability, time for institution of suit by, ...	XV	7
of person dying before right to sue accrues to or against him, limitation-period to be reckoned from time when there is, ...	"	17
of deceased defendant against whom suit continued ...	"	23
plaintiff, application by, ...	"	sch. II, No. 171
<i>See Admission, Dispute, Representative in interest.</i>		
LEGAL REPRESENTATIVES of express trustees, no limitation of suits against, ...	XV	10
LEGAL RESULT intended by parties, which contract is not calculated to produce ...	I	26, <i>ill.</i> (c)
LEGATEE , plaint in suit by, against debtor to estate, where there is an executor ...	X	50, <i>ill.</i>
concise statement of claim of, to administer estate ...	"	sch. IV, No. 114
<i>See Probate, Revocation, Set-off.</i>		
LEGATEES , see <i>Administration, Administration-suit, Preliminary order.</i>		
LEGISLATIVE BODY , bar to injunction restraining application to, ...	I	56 (c)
LESSEE of house, suit by, for injunction to restrain making of alterations in adjoining house that will prevent his enjoyment ...	I	54, <i>ill.</i> (j)
suit against, for value of trees cut down ...	XV	sch. II, No. 108
<i>See Claimant, Decree, Mines, Possession, Suit, Waste.</i>		
LESSOR , contracts which cannot be specifically enforced in favour of, suit by, for value of trees cut down by lessee contrary to lease ...	I	25
	XV	sch. II, No. 108
<i>See Mines, Rights, Vendor.</i>		
LET , see <i>Authority.</i>		
LETTER recovered by writer without addressee's consent ...	I	10, <i>ill.</i> (c)
or telegram in official custody, bar to warrant for search for, substitution of, for summons ...	IV	159
covering summons for corporation or company ...	X	91
LETTERS on family-topics, suit by executor of writer of, to restrain publication by residuary legatee of addressee ...	"	436 (b)
on family-topics, publication of which is proposed, power to order destruction of, ...	I	54, <i>ill.</i> (g)
in custody of postal department, procedure as to, ...	"	55, <i>ill.</i> (d)
LETTERS OF ADMINISTRATION to estate of creditor being granted to his debtor, suspension of running of limitation-time in case of, ...	IV	146
	XV	o
<i>See Act XIII of 1875, Grants, Revocation.</i>		
LETTING , see <i>Lessor.</i>		
of house, see <i>Sale of land.</i>		

	ACT.	SEC.
LEVY by attachment and sale of property, of sum required for expenses of witnesses	X	162
of duty on salt manufactured in Madras	XVIII	7
LIABILITIES of receiver	X	503
<i>See Debts and liabilities.</i>		
LIABILITY of person in possession not as owner, to deliver to person entitled to immediate possession	I	11
of defendant in subject-matter to be shewn in plaint	X	50
in question, decision by court as to, under agreement between parties	"	150
of representative of deceased judgment-debtor.	"	234
<i>See Absolved, Acknowledgment, Creditors, Discharge.</i>		
of executor for legacies, see <i>Administration-suit.</i>		
LIBEL, abatement of suit for, on death of plaintiff	X	361, <i>ill. (c)</i>
bar of pauper-suit for,	"	402
the words being libellous in themselves, plaint in suit for,	"	sch. IV, No. 89
the words not being libellous in themselves, plaint in suit for,	"	sch. IV, No. 90
suit for compensation for,	XV	sch. II, No. 24
<i>See Defamation.</i>		
LIBELLOUS, see <i>Libel, Piracy.</i>		
LICENSE from Her Majesty's secretary of state, or from secretary to government of India, to resident in foreign country at war with Great Britain	X	430, exp.
<i>See Commencement, List, Officer, Particular, Penalty, Production, Recruiting, Remission, Renewal.</i>		
LICENSED, emigrant-vessels to be,	V	33
LICENSED PERSONS, duty on salt manufactured in Orissa to be paid by,	XVIII	11
LICENSES for trades and dealings, to be taken out annually issued under repealed Acts continued	VIII	3
...	XVII	2
LICENSING of recruiters	V	10
of trades and dealings in the North-Western Provinces	VIII	
<i>See Emigration-depôt.</i>		
LIEN, for deposit, &c., of purchaser of property sold with imperfect title	I	18 (d)
of pleader in case of set-off, saving of,	K	111
on amount decreed, for costs due	"	221
continuance of attachment of property found subject to,	"	282
delivery of property sold in execution, to which judgment-debtor is entitled subject to,	"	300
form of decree for sale, in suit by mortgagor or other person entitled to,	"	sch. IV, No. 128
for unpaid purchase-money, see <i>Vendor.</i>		
of other person, see <i>Prohibitory order.</i>		

	ACT.	SEC.
LIEUTENANT-GOVERNOR OF BENGAL, bar to making of order binding on...	I	45 (f)
LIFE, mortgage, &c., by restored thākur valid only for, ...	XIV	23
of Hindú or Muhammadan female, suit during, to have alienation by her declared void ...	XV	sch. II, No. 125
<i>See Loss.</i>		
LIFE-INSURANCE, see <i>Marine-insurances.</i>		
LIFE-INTEREST, see <i>Hindú widow, Interest for life.</i>		
LIFE-POLICY, concise statement of claim upon, ...	X	sch. IV, No. 114
LIFE-TENANCY with remainder to issue, contract intended to secure, but conferring absolute ownership ...	I	26, <i>ill. (d)</i>
LIFE-TENANT, see <i>Alienation.</i>		
LIGHT, concise statement of claim for damages for obstructing access of, ...	X	sch. IV, No. 114
<i>See Easements.</i>		
LIGHTS, injunction to restrain going on with new buildings which obstruct, and also to pull down so much of them as obstructs, ...	I	55, <i>ill. (a)</i>
included in <i>Immoveable property</i> ...	III	3
LIMIT to duration of attachment ...	X	259, 260, 268
to imprisonment in execution of decree ...	"	342
on failure to furnish security ...	"	481
to award of compensation ...	"	491
for groundless injunction ...	"	497
to remand ...	"	564
<i>See Duration.</i>		
LIMITATION of suit for recovery in case of dispossession ...	I	9
of appeal ...	IV	168
of suit for recovery of property ...	"	244
of grant of repeated application for execution ...	X	230
of proceedings for enforcement of decree ...	"	230
of suits to recover revived debts and liabilities ...	XIV	19
appeals and applications ...	XV	4-11
of appeals to full bench ...	XVII	18
of appeals ...	"	40
<i>See Act XIV of 1859, Disabilities, Disability, Express trustees, Foreign contract, Indian limitation act, Legal disability, Special, Succession.</i>		
prescribed for review, see <i>Expiration.</i>		
LIMITATION-LAW, fresh suit subject to, ...	X	99
applies to fresh suit brought after withdrawal of first ...	"	374
<i>See Exemption.</i>		
LIMITATION-PERIOD prescribed by Act IX of 1871 ...	XV	2
effect of instituting suits after expiry of, ...	"	4
prescribed for institution of suit for possession of property, effect of determination of, ...	"	23

	ACT.	SEC.
LIMITATION-PERIOD (contd.) not provided elsewhere, suit for which, ...	XV	sch. II, No. 120
<p>See <i>Absence, Acceptance of title, Acceptor, Access, Accessory, Accommodation-bill, Accounts, Accrual, Acknowledgment, Acquiescence, Acquisition, Acquittal, Act XII of 1855, Act XIII of 1855, Act XXIII of 1863, Addition, Adjustment, Administrator, Administrators, Admission of appeal, Adoption, Advance, Adverse possession, Agent, Agreement, Alienation, Alienee, Alteration, Appeal, Appeals, Appellate court, Application, Applications, Arrears, Attachment of property, Attempt, Attorney, Award.</i></p> <p><i>Balance of money, Bill of exchange, Bombay mámlatdárs courts act, Bond, Breach, British burma, Business.</i></p> <p><i>Call, Cancellation, Carrier, Certificate, Cessation, Charge, Chartered court, Civil procedure code, Claim, Claims, Close of year, Code of civil procedure, Code of criminal procedure, Collector, Company, Compelling, Compensation, Complaint, Completion of sale, Computation, Confirmation, Consideration, Contest, Continuance, Continuing breach, Contract, Contribution, Costs, Cosurety, Cotrustee, Court, Court of appeal, Court of first instance, Credit, Creditor, Current arrears.</i></p> <p><i>Day, Days, Death, Decision, Declaration, Decree, Decree-holder, Default, Defence, Delivery, Demand, Denial, Deposit, Depository, Derivation, Determination, Devisee, Disabilities, Discontinuance, Dishonest misappropriation, Dishonoured bill, Dismissal, Dispossession, Dissolution, Distress, Distribution, Distributive share, District judge, Diverting, Dower, Drawer, Duties.</i></p> <p><i>Effect, Election to avoid, Enforcement, Establishment, Estate, Excess, Exclusion, Execution, Execution-sale, Executor, Ex parte, Expiry, Express trustees, Extension.</i></p> <p><i>Factor, Failure, False imprisonment, Field, Filing, Final decision, Final decree, Final order, Following, Foreclosure, Foreign contracts, Foreign judgment, Foreign limitation-law, Forfeiture, Forgery, Fraud, Fresh period, Future time.</i></p> <p><i>Good faith, Government, Government officer, Guardian.</i></p> <p><i>Hereditary office, High court, Hindú, Hire.</i></p> <p><i>Immoveable property, Incumbrances, Indian contract act, Indian succession act, Inducing, Injunction, Injury, Insanity, Instalments, Instrument, Instruments, Interest, Interference, Irregularity, Item.</i></p> <p><i>Joint family-property, Jointly, Judgment, Judgment-debtor.</i></p> <p><i>Knowledge.</i></p> <p><i>Land, Landlord, Last payment, Law, Legacy, Lessee, Lessor, Letters of administration, Libel, Life, Loan, Loss.</i></p> <p><i>Majority, Manager, Mistake, Money, Mortgagee, Moveable property, Muhammadan.</i></p>		

	Act.	Sec.
LIMITATION-PERIOD (contd.)		
<i>See Name, New, Notice, Notice of refusal.</i>		
<i>Obstructing, Obstruction, Omission, Order.</i>		
<i>Partners, Patni taluq, Pauper, Pauper appeal,</i>		
<i>Pawn, Pawnee, Payee, Payment, Pending suit,</i>		
<i>Person claiming, Physical possession, Place, Poli-</i>		
<i>cy, Possession, Pre-emption, Presentation, Presi-</i>		
<i>dency high court, Price, Principal, Principal</i>		
<i>money, Proceeding, Production, Profits, Promis-</i>		
<i>sory-note, Pronouncement, Proof of death, Pro-</i>		
<i>perty, Protest, Publication, Purchase, Purchaser.</i>		
<i>Queen.</i>		
<i>Readmission, Receipt, Reciprocal, Recognizance, Re-</i>		
<i>covery, Redemption, Re-entry, Refusal, Refusal to</i>		
<i>accept, Refusal to complete, Registry, Rehearing,</i>		
<i>Rejection, Release.</i>		
<i>Sale, Seaman's wages, Shortened, Special damage,</i>		
<i>Successive breaches, Suspension,</i>		
<i>Tenant, Termination, Title.</i>		
<i>Under tenures, Unlawful, Use.</i>		
<i>Vendor, Voyage.</i>		
<i>Wages, Waiver, Ward, Waste, Wrong.</i>		
LIMITATION-RULES in force in British Burma, applied	XV	sch. II, No. 148
LIQUIDATION of debts, power to make order as to,	XIV	7 (c)
and liabilities of thákur	"	11
LIQUIDATION-SCHEME, preparation and submission of,	XIV	17
provisions of,	"	17
proceedings after sanction of,	"	20—28
<i>See Commissioner, Continuance, Manager, Proceedings.</i>		
LIST of witnesses for defence to be given in	IV	91
of emigrants	V	36, 43
of licenses	VIII	8
of documents relied on as evidence	X	59
to accompany documents produced for admission	"	140
of persons exempted from personal appearance	"	641
of labourers liable to be required	XIII	4
LISTS of papers not included in record, see <i>Preparation.</i>		
LITERARY WORK, non-enforceable contract for, by author with pub-		
lisher	I	21, ill. (b)
LITHOGRAPHED included in <i>Written</i>	X	2
LITHOGRAPHY, see <i>Writing.</i>		
LITIGATION, non-enforcement of part of contract which cannot be		
performed without risk of,	I	22, ill. (h)
suit to be framed so as to prevent further,	X	42
<i>See Blame.</i>		
LIVE-STOCK, see <i>Maintenance.</i>		
LOADING, see <i>Ship-owner.</i>		
LOAN, limitation-time to run from making of,	XV	sch. II, No. 57
<i>See Money lent.</i>		
LOCAL, see <i>Special, Special rules.</i>		

	Act.	Sec.
LOCAL GOVERNMENT to appoint inspector-general of registration ...	III	4
may arrange for conduct of his duties ...	"	4
to form districts and sub-districts ...	"	5
to appoint registrars and sub-registrars ...	"	6
to establish offices of registrar and sub-registrar ...	"	7
may amalgamate offices ...	"	7
may appoint inspectors of registration-offices ...	"	8
may constitute military cantonment a district or sub-district ...	"	9
filling by, of vacancy in office of registrar ...	"	10
sub-registrar ...	"	12
appointments to be reported to, ...	"	13
may suspend, remove or dismiss officers ...	"	13
assign salaries to registering officers ...	"	14
allow establishments for registration-offices ...	"	14
to prescribe second language for seal ...	"	15
to provide books for registration-offices ...	"	16
to sanction forms for registering books ...	"	16
to supply fire-proof boxes for registration-offices ...	"	17
to provide for safe custody of records ...	"	17
power of, to exempt leases from compulsory registration ...	"	17 (d)
complaints not receivable without order of, ...	IV	38
taxes and penalties recovered to be credited to, ...	VIII	20
included in <i>Government</i> ...	X	2
power of, to extend parts of code to small cause courts ...	"	8
may declare recognized agents in Panjáb, &c. ...	"	37
officer appointed by, to exercise powers as to suits relating to charities ...	"	539
power of, to exempt from personal appearance ...	"	641
to declare language of courts ...	"	645
rules by, as to labourers ...	XIII	4
declaration by, as to who are thákurs ...	XIV	3
power of, to terminate exemption of certain thákurs from provisions of Act ...	"	38
may confer certain powers on assistant commissioners and tahsildárs ...	XVII	8
may invest persons with certain powers ...	"	9
may direct exercise of powers as a bench ...	"	10
to direct where and in what cases persons and benches invested with powers shall exercise them ...	"	12
may fix local limits of jurisdiction of courts ...	"	13
appointment of registrar subject to sanction of, ...	"	22
dismissal of registrar and deputy registrar subject to sanction of, ...	"	24
submission to, of registers, books, &c. ...	"	28
chief court to comply with requisitions of, ...	"	28
may confer on assistant commissioner deputy commissioner's powers ...	"	33
direction or notification issued by, under section 12 or 13... ..	"	34
appointment of ministerial officers subject to rules made by, ...	"	35
submission to, of rules and forms for sanction ...	"	47
may appoint single judge to exercise chief court's power of superintendence ...	"	48
powers of, as to settlements and settlement-officers ...	"	49

	Act.	Sec.
LOCAL GOVERNMENT, (contd.)		
powers of, as to cases pending before settlement-officer when his powers are cancelled ...	XVII	49
power of, to alter subordination of courts ...	"	50
may transfer ministerial officers of courts other than high court	XIX	3
<i>See Powers, Public duties.</i>		
LOCAL INVESTIGATION, see <i>Commission.</i>		
LOCAL LAW as to appointment of guardian or manager for minor ...	X	464
<i>See Special.</i>		
LOCAL LAWS, see <i>Offences.</i>		
LOCAL LIMITS within which persons and benches invested with powers shall exercise them	XVII	12
of jurisdiction of courts, power to fix,	"	13
LOCAL OFFICIAL GAZETTE, see <i>Notification.</i>		
LODGING, food and clothing of emigrants	V	8, 27
dependants	"	28
maintenance, clothing and medicine of military lunatic ...	XI	8
<i>See Board and lodging, Price, Residence.</i>		
LODGING-HOUSE, see <i>Keeper.</i>		
LODGMET, see <i>Application.</i>		
LORDS COMMISSIONERS of Her Majesty's treasury, see <i>British currency.</i>		
LOSS or damage from default as to part of contract	I	15
likely to result to applicant for stay of execution	X	545 (a)
by general average, plaint in suit for,	"	sch. IV, No. 52
of life likely to occur, Act may be put into operation in case of, of service by seduction of servant or daughter, suit for compensation for,	XIII	3
by breach of trust, limitation-time to run from,	XV	sch. II, No. 26
	"	sch. II, No. 93
<i>See Defaulting purchaser, Particular average, Proof of death, Responsibility.</i>		
occasioned by death, see <i>Act XIII of 1855.</i>		
of eyesight, see <i>Grievous hurt.</i>		
of goods, see <i>Carrier.</i>		
under policy, see <i>Fire-insurance, Insurance.</i>		
LOSSES suffered by plaintiff, a ground for decreeing specific performance	I	22, III
LOST negotiable instrument, decree in suit on,	X	61
property, see <i>Specific moveable property.</i>		
LOTS, power of collector to sell property in one or more, ...	X	321 (a)
LOWER PROVINCES, suspension and removal of ministerial officers by district judges in,	XIX	
LUBKING, power to require security from person found,	IV	212
MACHINERY, see <i>Carrier, Mines.</i>		
MADRAS, duty on salt imported by land into,	XVIII	5
suspension and removal of ministerial officers by district judges in,	XIX	
<i>See Board of revenue, Districts, Emigration, Government, Presidency high court, Presidency-town, Regulation, Village-munsifs, Village-panchayats.</i>		

	ACT.	SEC.
MADRAS CIVIL COURTS ACT, 1873, section 23, amendment of, ...	XIX	2
MADRAS SALT-EXCISE ACT, 1871, amended ...	XVIII	7
MAGISTRATE, execution before, and authentication by, of power-of-attorney ...	III	33 (b)
in whose district offence committed, person arrested elsewhere to be sent to, ...	IV	55
conviction on evidence recorded partly by one, and partly by another, ...	"	156
defined ...	V	2
appearance before, of recruit and dependants ...	"	18
dishonest insolvent may be sent to, ...	X	359
exemption of, from arrest ...	"	642
sending to, of person charged with offence in case pending before civil court ...	"	643
<i>See Attestation, Duty, Presence, Presidency magistrate, Voluntary execution.</i>		
MAGISTRATES, see <i>Assistance, Presidency magistrates.</i>		
MAINTENANCE of road, specific enforcement of railway company's contract to pay for, ...	I	12, <i>ill.</i>
no appeal against order of, ...	IV	180, <i>ill. (d)</i>
of wives and families ...	"	234-236
and custody of attached live-stock and moveables ...	X	269
suit by Hindú for arrears of, ...	XV	sch. II, No. 128
declaration of right to, ...	"	sch. II, No. 129
<i>See Allowance, Lodging, Right.</i>		
MAJORITY of arbitrators, decision according to award of, ...	X	509 (b)
bar to appeal to Queen from judgments of judges not amounting to, ...	"	597
decision on application for review according to opinion of, ...	"	628
attainment of, by infant acquiring right to sue ...	XV	7, <i>ill.</i>
limitation-time to run from ward attaining, ...	"	sch. II, No. 44
decisions according to, ...	XVII	10
decision according to opinion of, ...	"	20
of judges, see <i>Bench.</i>		
MAKER, see <i>First indorsee, Payee, Subsequent indorsee.</i>		
MAKING memorandum, provision relating to, not applicable to high court ...	X	638
MALABAR, sum to cover cost of importation, &c., of salt in, ...	XVIII	10
MALFEASANCE, misfeasance or non-feasance independent of contract ...	XV	sch. II, No. 36
MALICIOUS PROSECUTION, plaint in suit for, ...	X	sch. IV, No. 93
suit for compensation for, ...	XV	sch. II, No. 23
<i>See Assault.</i>		
MALIGNANT doing of act likely to spread infection of dangerous disease ...	IV	113, <i>ill. (d)</i>
MALIKÁNA, a charge on immoveable property ...	XV	sch. II, No. 132, exp.
MÁMLATDÁRS, see <i>Bombay mámlatdárs.</i>		
MÁMLATDÁR'S KACHAHRIS, exhibition in, of notice to claimants ...	XIV	12
MANAGEMENT in person or by another, collector's power to raise amount of judgment-debts by, ...	X	322 (d)

	ACT.	SEC.
MANAGEMENT (contd.) *		
by collector of certain kinds of land	X	504
of immovable property of debtor, power to direct, ...	XIV	7 (c)
commencement of,	"	8
of estates as to which declaration made under Bombay Act VI of 1862	"	40, 41
<i>See Civil courts, Continuance, Costs, Custody, Death, Disabilities, Realization, Relinquishment, Scheme, Successor, Temporary, Termination.</i>		
MANAGER when a trustee for proprietor	I	3, <i>ill.</i> (f)
of business of partnership, service of summons on, ...	X	74
of non-resident defendant, service of summons on,	"	76
of company, prohibitory order on,	"	301
concise statement of claim against, for wrongful quitting of employment	"	sch. IV, No. 114
of estate, application by, for benefit of Act for minor or insane thákur	XIV	4
not precluded from letting property	"	9
powers of, as to property under management... ..	"	10
to prepare liquidation-scheme and schedule of debts ...	"	17
power of, to remove mortgagee or conditional vendee ...	"	21
to be made a party to suits	"	37
of joint estate of undivided family, suit by, for contribution	XV	sch. II, No. 107
<i>See Appointment, Civil court, Court of Wards, Investigation, Investment, New manager, Powers, Receipt, Removal, Suspension, Taluqdári settlement-officer.</i>		
MANAGERS, see Public servants, Receivers.		
MANDAMUS , bar to issue of, by high court or judge thereof ...	I	50
MANDATORY INJUNCTIONS	I	55
MÁNDVI , exception of lapsed state of,	XVI	1 & sch.
MANNER in which offence was committed when to be stated in charge	IV	96
MANNERS of country, see <i>Exemption of women.</i>		
MANUFACTORY , see <i>Goods.</i>		
MANUFACTURE of salt, cost of,	XVIII	8
<i>See Carrying-on, Crucibles.</i>		
MANUFACTURED SALT , see <i>Excise-duty.</i>		
MANUFACTURES , see <i>Secret process.</i>		
MAP , see <i>Government.</i>		
MAPS or plans, supply of copies of, which are contained in document tendered for registration	III	21 (c)
<i>See Exemption.</i>		
MARES included in <i>Cattle</i>	XIII	7, exp
MARINE (open) policy on vessel lost by perils of sea	X	sch. IV, No. 49
MARINE-INSURANCES , right to sue for injunction to prevent directors of fire and life-insurance company from engaging in,	I	54, <i>ill.</i> (d)

	Act.	Sec.
MARK, 'signature' and 'signed' apply to affixing a,	III	3
MARKED included in <i>Signed</i>	X	2
MARKET-RATE, see <i>Broker</i> .		
MARKETS, wells and tanks, allotments for construction of,	VII	1
MARKET-VALUE, specific delivery of property of unascertainable,	I	11, <i>ill. (c)</i>
of property, commission for ascertaining,	X	392
MARKING of documents produced for identification	X	62
MARRIAGE, contract of, not enforceable	I	21, <i>ill. (b)</i>
.. suit by Hindú for declaration of legality of,	"	43, <i>ill.</i>
<i>See Death, Dissolution of marriage, Female-party, Promise, Settlement.</i>		
MARRIAGE-SETTLEMENT securing annuity which, on death of husband insolvent, is claimed by official assignee	I	31, <i>ill. (b)</i>
<i>See Trustees.</i>		
MARRIED EXECUTRIX or administratrix, see <i>Husband, Wife-executrix</i> .		
MARRIED WOMAN cannot be guardian for suit	X	457
<i>See Enticing.</i>		
MASTER of emigrant-vessel, obligations and duties of,	V	33-36
penalty on, for offence against Act	"	42-45
of ship an agent to accept service for his owner or charterer... ..	X	76
against father or guardian of apprentice, plaint by,	"	sch. IV, No. 64
<i>See Apprentice.</i>		
MATERIAL INGREDIENT, see <i>Learning</i> .		
MATERIAL OBJECTS produced in evidence, provisions applied to,	X	145
MATERIAL PART of case, correction of judgment as to matters not affecting,	X	202
MATERIAL PROPOSITION of fact or law	X	146
MATERIALS of buildings not liable to attachment	X	266 (c)
not being obtainable in time, Act may be put into operation in case of,	XIII	3
power to take possession of,	"	3 (b)
<i>See Instruments, Rent, Services and materials.</i>		
MATERIAL TERMS, contract not enforceable, of which court cannot compel performance of,	I	21 (b)
MATRIMONIAL JURISDICTION of high court, service of process issued in exercise of,	X	636
MATS, appropriation of, in emergency	XIII	3 (b)
MATTER at issue, person interested in, may apply for appointment of next friend	X	449
to be referred to arbitration to be stated	"	506
referred to arbitration, dealing with, by court	"	508
not referred, effect of awarding upon,	"	518 (a)
referred to arbitration being left undetermined	"	520 (a)
not referred to arbitration being determined	"	520 (a)
<i>See New matter.</i>		
MATTERS as to which high court may make rules	X	612

	ACT.	SEC.
MATTERS (contd.)		
in dispute, see <i>Adjustment</i> .		
"MAUND" defined	XVIII	3
MEANING intended by instrument to be rectified, inquiry as to, ...	I	33
MEANS of payment of applicant to be declared insolvent, examination as to, ...	X	350
of plaintiff being such that he should not continue to sue as pauper, dispaupering in case of, ...	"	414 (b)
MEDICAL ADVISER, see <i>Immoral life, Legal adviser, Patient</i> .		
MEDICAL AID and comforts to be supplied	V	9
MEDICAL ATTENDANCE, concise statement of claim for, ...	X	sch. IV, No. 114.
MEDICAL EXAMINATION of intending emigrants	V	17
MEDICAL MAN, concise statement of claim for damages for injury from negligence as,	X	sch. IV, No. 114
MEDICAL OFFICER, examination by, of insane accused	IV	194
to be member of committee for examining insane	XI	5
<i>See Certificate, Civil surgeon, Stay.</i>		
MEDICAL OFFICERS, see <i>Commission</i> .		
MEDICAL WITNESS, see <i>Deposition, Examination</i> .		
MEDICINE, see <i>Lodging</i> .		
MEMBER of undivided Hindú family, suit for injunction to restrain injury to family-property by,	I	54, ill. (n)
<i>See Family, Officer.</i>		
MEMBERS, see <i>Corporation</i> .		
MEMORANDA to be entered in book No. I	III	51
power to regulate form of,	"	69
MEMORANDUM of documents filed to be endorsed on plaint	X	58
when evidence not taken down by judge	"	184
in unappealable cases	"	189, 190
of evidence at hearing of pauper's application	"	409
of appeal from original decree	"	541
objection of respondent to decree appealed against to be in form of,	"	561
of appeal, provisions relating to, applied	"	561
of objections to finding of lower court on issues referred to it by appellate court	"	567
of appeal to be contained in decree	"	579
setting forth error, &c., in certain orders, in,	"	591
by pauper	"	592
form of,	"	sch. IV, No. 173
at foot of process	"	sch. IV, No. 180
MENIAL SERVANTS, Act not to apply to,	V	49
MERITS, see <i>Error, Investigation of suit, Right decision</i> .		
of case, see <i>Error</i> .		
MESNE PROFITS, joinder with certain suits, of claims in respect of, ...	X	44, rule (a)
statement of amount claimed in suit for,	"	50
provision for payment of, in decree made in suit for property yielding,	"	211
defined	"	211, exp.
prior to institution of suit, power to determine amount of, or to reserve inquiry as to,	"	212
separate suit for,	"	244

	ACT.	SEC.
MESNE PROFITS, (contd.)		
decision by court executing decree, of questions regarding,	X	244 (a), (b).
to be subsequently ascertained, attachment in case of,	"	255
concise statement of claim for,	"	sch. IV, No. 114
<i>See Amount.</i>		
MESSENGER , sending letter instead of summons by special, ...	X	92
METES and bounds to distinguish shares in partition	X	396
MEXICAN BALM dishonestly described as compounded of rare essences and having sovereign medicinal qualities, bar to injunction to restrain sale of similar article as,	I	56, <i>ill. (c)</i>
MILITARY , see <i>Officers, Stipends.</i>		
MILITARY AUTHORITIES , transfer to, of military lunatic ...	XI	3
MILITARY BÁZÁR , see <i>Cantonment.</i>		
MILITARY BÁZÁRS , see <i>Small suits.</i>		
MILITARY CANTONMENT beyond British India declared a district or sub-district	III	9
MILITARY CANTONMENTS may be declared sub-districts	III	9
MILITARY COURTS OF REQUEST not affected by code	X	6 (a)
MILITARY CUSTODY , see <i>Detention.</i>		
MILITARY ESCORT for insane	XI	6
MILITARY LUNATICS ACT, 1877	XI	
MILITARY MAN , see <i>Defendant.</i>		
MILITARY MEN , suits by and against,	X	465—469
MILITARY REGULATIONS , declaration of lunacy under,	XI	3
MILITARY STATION , see <i>Cantonment.</i>		
MINE , suit for injunction to restrain works in neighbouring mine extending under, and threatened removal of pillars supporting,	I	54, <i>ill. (r)</i>
<i>See Support, Watercourse.</i>		
MINERAL PROPERTY , non-enforceable contract for purchase of, ...	I	21, <i>ill. (e)</i>
MINES , non-enforceable contract by lessee of, to make over machinery and plant to lessor on notice at a valuation	I	22, <i>ill. (i)</i>
<i>See Promoters.</i>		
MINISTERIAL OFFICER of court to sign documents filed	X	58
MINISTERIAL OFFICERS , power to appoint,	XVII	22
of subordinate courts, appointment, suspension and dismissal of,	"	35
punishment of,	"	36
enabling district judges to suspend and remove,	XIX	
<i>See Discipline, Duties, Efficiency, Powers.</i>		
"MINOR?" defined	III	3
or idiot or lunatic, procedure on alleged executant being found to be,	"	35
application for benefit of Act by thákur who is,	XIV	4
<i>See Court of wards, Election, Guardian, Heir, Kidnapped, Leave, Money, Order, Repudiation.</i>		
MINORITY , see <i>Hire, Legacy, Legal disability, Right to sue.</i>		
MINOR PLAINTIFF , see <i>Age, Election.</i>		

	ACT.	SEC.
MINORS and persons of unsound mind, suits by and against, ...	X	440-464
MINOR SON and heir of member of Hindú joint family, survival of cause of action to, in suit for partition ...	X	361, <i>ill. (d)</i>
MISAPPREHENSION by one party, contract entered into in reliance on, ...	I	26, <i>ill. (c)</i>
<i>See Assent, Fraud, Mistake of fact, Surprise.</i>		
MISAPPROPRIATION, <i>see Dishonest.</i>		
MISCELLANEOUS criminal cases and proceedings, procedure in, ...	IV	237
MISCELLANEOUS PROCEEDINGS, procedure in, ...	X	647
MISCELLANEOUS REGISTER to be kept ...	III	51
MISCHIEVOUS ANIMAL, concise statement of claim for damages for injury by dog ...	X	sch. IV, No. 114
MISCONDUCT or neglect of ministerial officers ...	XVII	36
<i>See Agent, Corruption, Dishonest, Executor, Imprisonment, Knowledge, Principal.</i>		
MISFEASANCE, <i>see Malfeasance.</i>		
MISJOINDER of parties not to defeat suit ...	X	31
effect of, in regard to plaint ...	"	53 (<i>f</i>)
<i>See Objections.</i>		
MISLEADING of accused by defect in complaint, &c. ...	IV	117
<i>See Deception.</i>		
MISREPRESENTATION, <i>see Assent, Fraud, Refusal.</i>		
MISSTATEMENTS, <i>see Errors.</i>		
MISTAKE of fact by which contract is in terms different from what defendant supposed it to be entered into under misapprehension of its effect as between parties ...	I	26 (a)
rectification of instrument not expressing intention of parties owing to mutual, ...	"	26 (b)
rescission of contract for, ...	"	31
or error apparent on face of record, review of judgment in case of, ...	"	36
concise statement of claim for money paid by, ...	X	623
suit for relief on ground of, ...	"	sch. IV, No. 114
	XV	sch. II, No. 95
<i>See Assent, Compensation, Money received, Rescission, Specific performance.</i>		
MISTAKES in contract by client to pay his attorney fixed sum in lieu of costs ...	I	34
MITAKSHARÁ-LAW, <i>see Hindu, Partition.</i>		
MODE of making attachment of property on failure to give security of taking additional evidence ...	X	486
evidence, sections not applying to high court, so far as relates to, ...	"	569
MODIFICATION or correction of award ...	"	638
of decrees in appeal ...	X	518
of award, appeal from orders as to, ...	"	544
	"	588 (<i>g</i>)
<i>See Rescission, Reversal or modification.</i>		

	ACT.	SEC.
MONEY of salary of public officer or servant of railway-company not liable to attachment	X	266 (h)
<i>See Joint tenant.</i>		
MONIES, see <i>British currency.</i>		
MONEY, contract not enforceable where adequate relief can be given by compensation in,	I	21 (a)
plaint in suit for recovery of,	X	50
order as to interest in decree for,	"	209
second application for execution of decree for,	"	230
value of property attached to correspond with amount of decree for,	"	245
payable out of property of deceased, execution against representative, of decree for,	"	252
payable as compensation or costs, or alternative to other relief, execution of decree for,	"	254
immediate execution of limited decree for,	"	256
liable to attachment	"	266
attachment of decree for,	"	273
recovery of costs of re-sale under rules for execution of decree for,	"	293
re-payment of purchase-money enforceable under rules for execution of decrees for,	"	315
or thing in behalf of minor, receipt of, before decree, by next friend or guardian	"	461
the subject of suit, deposit in court of,	"	502
payment of, according to finding of court on question referred by agreement	"	527 (a), 528
lent, form of plaint in suit for,	"	sch. IV, No. 1
received to plaintiff's use, form of plaint in suit for,	"	sch. IV, No. 2
received by defendant through plaintiff's mistake of fact, form of plaint in suit for,	"	sch. IV, No. 4
paid to third party at defendant's request, form of plaint in suit for,	"	sch. IV, No. 5
deposited with banker, concise statement of claim for,	"	sch. IV, No. 114
lent, concise statement of claim for,	"	sch. IV, No. 114
overpaid, concise statement of claim for,	"	sch. IV, No. 114
received (as pleader, factor, collector, &c.) concise statement of claim for,	"	sch. IV, No. 114
"	"	114
lent, suit for,	XV	sch. II, No. 57
lent, repayable on demand, suit for,	"	sch. II, No. 59
deposited, payable on demand, suit for,	"	sch. II, No. 60
paid for another, suit for,	"	sch. II, No. 61
received for plaintiff's use by defendant, suit for,	"	sch. II, No. 62
found due on accounts stated, suit for,	"	sch. II, No. 64
paid on consideration which fails, suit for,	"	sch. II, No. 97
<i>See Agent, Charge on immoveable property, Cheque, Conversion, Court, Delivery, Deposit, Discharge, Fraud, Instalment, Mistake, Money-bond, Money-decrees, Payment, Payment of money, Return of money, Securities.</i>		
advanced for goods, see <i>Balance.</i>		

	ACT.	SEC.
MONEY (contd.)		
expended as pleader, see <i>Fees</i> .		
in court or with government officer, see <i>Prohibitory order</i> .		
lent, see <i>Interest, Surety</i> .		
paid, see <i>Accommodation-bill, Award, Co-debtor, Contribution, Rent, Surety</i> .		
paid under protest, see <i>Government</i> .		
received, see <i>Surety</i> .		
won, see <i>Stake-holder</i> .		
MONEY-BOND , concise statement of claim upon,	X	sch. IV, No. 114
MONEY-DECREE , attachment before judgment to be in manner provided in case of execution of,	X	486
investigation of claims to property attached before judgment to be in manner provided in case of property attached in execution of,	"	487
under appeal, stay of sale of immoveable property ordered in execution of,	"	546
<i>See Insolvent, Release, Simple, Warrant of attachment, Warrant of sale.</i>		
MONEY-DECREES transferred, power of collector as to,	X	322
procedure of collector in case of,	"	323
special rules for sale of uncertain interests in land in execution of,	"	327
MORTGAGE of immoveable property, suits for foreclosure and redemption of, where instituted	X	16 (c)
continuance of attachment of property subject to,	"	282
or charge, execution-sale of property free from,	"	295
right of mortgagee or incumbrancer as to surplus-proceeds of property sold subject to,	"	295
postponement of sale to enable debtor to raise amount of decree by,	"	305
power to raise amount of judgment-debts by,	"	322 (b)
charge, lease or alienation made by restored thákur	XIV	28
<i>See Authority, Charge, Foreclosure, Incompetency, Mortgagee, Private alienation, Raising money, Redemption, Re-entry, Satisfaction.</i>		
MORTGAGED , see <i>Recovery of immoveable property</i> .		
immoveable property, see <i>Mortgagee</i> .		
MORTGAGE-DEBT , see <i>Last payment</i> .		
MORTGAGED LAND , see <i>Produce</i> .		
MORTGAGED PROPERTY , see <i>Unincumbered</i> .		
MORTGAGEE when a trustee of lease renewed	I	3, <i>ill.</i> (d)
joinder of claims by, to enforce remedies under mortgage	X	44 rule (a)
concise statement of claim of,	"	sch. IV, No. 114.
provision as to suit by, before chartered high court, for recovery from mortgagor of possession of property	XV	2
in possession after satisfaction of mortgage, not included in trustee,	"	3
effect of receipt of produce of land in possession of,	"	20
suit for recovery of immoveable property purchased from, for valuable consideration	"	sch. II, No. 134

	ACT.	SEC.
MORTGAGEE, (contd.)		
suit by, in unchartered court, for possession of mortgaged immoveable property ...	XV	sch. II, No. 135
in chartered court, to recover from mortgagor possession of mortgaged immoveable property	"	sch. II, No. 146
for foreclosure or sale	"	sch. II, No. 147
suit against, to redeem or recover possession of mortgaged immoveable property	"	sch. II, No. 148
See <i>Claimant, Joint mortgagee, Mortgage, Renewal, Right, Suit, Surplus-collections.</i>		
MORTGAGES made by manager, restoration of owner subject to, ...	XIV	26
MORTGAGOR, concise statement of claim of,	X	sch. IV, No. 114
or other person entitled to lien, form of decree for sale in suit by,	"	sch. IV, No. 128
provision as to certain suits for recovery of mortgaged property from,	XV	
See <i>Re-entry, Surplus-collections.</i>		
MORTGAGOR's right to possession, see <i>Determination.</i>		
MOTHER, see <i>Name.</i>		
MOTHER-TONGUE, see <i>Language.</i>		
MOTION, withdrawal of suit on court's own,	X	25
order for separation of causes of action on court's own, ...	"	45
of defendant, dispaupering on,	"	414
reference to high court on court's own,	"	617
withdrawal of suits on court's own,	XVII	16
withdrawal of appeal on court's own,	"	41
MOVEABLE, see <i>Property.</i>		
MOVEABLE PROPERTY, possession of,	I	10, 11
liability of custodian of, to deliver to person entitled to immediate possession	"	11
defined	III	3
levy of expenses of witnesses by sale of,	X	162
liable to attachment... ..	"	266
not in possession of judgment-debtor, attachment of,	"	268
in possession of judgment-debtor, attachment of,	"	269
rules as to execution-sales of,	"	296—303
wrongfully taken, plaint in suit for,	"	sch. IV, No. 96
not accounted for by agent, suit for,	XV	sch. II, No. 89
See <i>Distress and sale, Impounding, Notice, Presumption, Prohibitory order, Recovery, Relief, Restoration, Time, Warrant of attachment, Wrongful seizure.</i>		
MOVEABLES, execution of decrees for specific,	X	259
wrongfully detained, plaint in suit for,	"	sch. IV, No. 97
See <i>Compensation, Conversion, Maintenance, Trespass, Warrants.</i>		

	ACT.	SEC.
MUFASSAL COURTS, service of process of, in presidency-towns and Rangoon	X	86
MUFASSAL SMALL CAUSE COURTS, chapters and sections applying to, MUHAMMADAN, suit by, for exigible dower	X	5 & sch. II
	XV	sch. II, No. 103
deferred dower	"	sch. II, No. 104
devisee, suit by, for possession of immoveable property	"	sch. II, No. 141
remainderman, suit by, for possession of immoveable property... ..	"	sch. II, No. 141
reversioner (other than landlord), suit by, for possession of immoveable property	"	sch. II, No. 141
<i>See Death, Guardian.</i>		
MUHAMMADAN FEMALE, <i>see Alienation, Death.</i>		
MUKHTARS duly certificated may be recognized agents	X	37 (b)
MULES included in <i>Cattle</i>	XIII	7, exp.
MULTIPLICITY of judicial proceedings, injunction to prevent, of proceedings, bar to injunction to stay judicial proceeding, unless required to prevent,	I	54 (e)
MUNICIPALITIES, power to require returns from,	"	56 (a)
notice to,	VIII	18
may appropriate part of revenues for payments under Act	"	19
MUNICIPAL LAW, <i>see Appeals.</i>		
MUNSIF included in <i>Tahsildar</i>	XVII	3
MUNSIFS courts, suspension and removal of ministerial officers of, by district judges	XIX	
MURDER as a thug, place of trial for,	IV	22
effect of charging person with,	"	94, <i>ill. (a)</i>
charge against person accused of,	"	94, <i>ill. (c)</i>
trial together of two persons accused of same,	"	96, <i>ill. (e)</i> 111, <i>ill. (a)</i>
<i>See Culpable homicide, Errors, Robbery, Trial.</i>		
MURDEROUS OUTRAGES, revival of Act for suppression of,	IX	
MUTINY ACT, saving of,	X	266, 2nd prov. (b)
MUTUAL ACCOUNT, <i>see Balance due.</i>		
NAME of father or mother included in <i>Addition</i>	III	3
given by law creating it, description of offence by,	IV	94
of complainant and of accused to be recorded	"	114
of producer to be endorsed on admitted documents	X	141
description and place of abode of plaintiff, entry in place of, in suits by secretary of state	"	418
of plaintiff to be stated in notice of suit against government or public officer	"	424
of unscheduled creditor, application for insertion of, in insolvent's schedule	XV	sch. II, No. 174
<i>See Fraudulent, Superscription.</i>		
NAMES of executors to be entered in indexes	III	55
of appellant and respondent to be stated in decrees	X	579

	ACT.	SEC.
NAMES (<i>contd.</i>)		
and residences of persons exempted from personal appearance	X	641.
<i>See Contents of decree.</i>		
NARRATIVE of facts, written statement to be confined to, ...	X	114
evidence in form of, ...	"	182
not allowed in memorandum of appeal ...	"	541
NATIONALITY , see <i>Subsistence-allowance</i> .		
NATIVE , what included in <i>Addition</i> in case of, ...	III	3
and foreign rulers, suits by and against, and by aliens ...	X	430—434
NATIVE ARTICLES OF WAR , see <i>Pay and allowances</i> .		
NATIVE DATE , see <i>Bond, Promissory note</i> .		
NATIVE OFFICER or soldier appearing insane, procedure in case of, ...	XI	4—6
NATIVE PRINCE , see <i>Native state</i> .		
NATIVE PRINCES , see <i>Native states</i> .		
NATIVE SEAMEN , Act not to apply to, ...	V	49
NATIVE STATE , execution of decrees of courts established by government in, ...	X	229
NATIVE STATES , execution in British India of decrees of courts in, ...	X	434
<i>See Subjects.</i>		
NATURAL JUSTICE , effect of foreign judgment contrary to, ...	X	14 (c)
NATURAL LOVE and affection, see <i>Property</i> .		
NATURE of property or right, see <i>Omission</i> .		
of security, see <i>Amount</i> .		
NECESSARIES furnished to family of defendant's testator without express request, at reasonable price ...	X	sch. IV, No. 9
NECESSITY preventing appearance of executants, &c. ...	III	34
NEGATIVE AGREEMENT , see <i>Contract</i> .		
NEGLECT or refusal to comply with decree, consequence of, ...	X	261
of incumbrancer to obey order for delivery of possession ...	XIV	21
<i>See Agent, Knowledge, Misconduct, Principal.</i>		
to act, see <i>Death</i> .		
NEGLIGENCE , concise statement of claim for damages for injury from negligent driving ...	X	sch. IV, No. 114
" for injury while passenger in railway ...	"	sch. IV, No. 114
for injury from defective condition of station ...	"	sch. IV, No. 114
<i>See Act XIII of 1855, Bailment, Banker, Hire, Medical man, Pleader, Pledge, Responsibility, Traveller.</i>		
in driving, see <i>Injuries</i> .		
on railroad, see <i>Injuries</i> .		
NEGOTIABLE INSTRUMENT , see <i>Debts, Delivery, Summons in summary suit, Transfer</i> .		
NEGOTIABLE INSTRUMENTS , attachment of, ...	X	270

	ACT.	SER.
NEGOTIABLE INSTRUMENTS, (contd.)		
rules as to execution-sales of, ...	X	296
summary procedure on, ...	"	532—538
application for leave to appear and defend suit under provisions as to summary procedure on, ...	XV	sch. II, No. 159
<i>See Debts not secured, Endorsement, Lost, Summary procedure.</i>		
NEGOTIATION of bill, note or security, form of injunction to restrain,	X	sch. IV, No. 166
NEW trial, when magistrate may direct, ...	IV	102
enquiry or trial ...	"	156
trial, discretion of high court to order, ...	"	168
next friend, application for appointment of, ...	X	447
guardian for suit in case of death or removal of former, ...	"	459
arbitrator or umpire, appointment of, ...	"	510
manager, appointment and powers of, ...	XIV	32
period of limitation in case of acknowledgment ...	XV	19
payment of interest or part of principal ...	"	20
plaintiff or defendant, substituted or added, suit when instituted as to, ...	"	22
<i>See Stay of proceedings.</i>		
evidence, see <i>Discovery.</i>		
matter, see <i>Discovery.</i>		
NEXT FRIEND not to be joined without consent ...	X	32
minor to sue by, ...	"	440
who may act as, ...	"	445
notice to, of repudiation of suit by co-plaintiff late minor ...	"	454
<i>See Applications, Compromise, Costs, Death, Money, New next friend, Order, Removal.</i>		
NEXT-OF-KIN , see <i>Administration-suit, Grant of administration, Pre- liminary order, Probate, Revocation.</i>		
NOISE , suit for injunction to restrain interference with comfort by making, ...	I	54, ill. (s)
<i>See Nuisance.</i>		
NOMINATION of receiver by court subordinate to district court ...	X	505
of arbitrators ...	"	507
of arbitrator on matter referred by agreement between parties ...	"	523
NON-ACCEPTANCE , see <i>Bill of exchange, Dishonoured, Expenses, Payee.</i>		
NON-APPEARANCE of appellant, dismissal of appeal on, ...	X	556
<i>See Cause, Dismissal, Excuse, Parties.</i>		

	ACT.	SEC.
"NON-BAILABLE CASE" defined	IV	6
"NON-BAILABLE OFFENCE" defined	IV	6
when bail not to be taken for person accused of,	"	71
procedure when accused charged with,	"	196
NON-COMPLETION, see <i>Purchase</i> .		
NON-COMPLIANCE with notice to produce document, effect of,	X	131
NON-DELIVERY, see <i>Agreement, Goods sold, Sale of goods, Warehouse-man.</i>		
NON-EXECUTION of warrant of arrest	X	343
NON-EXISTENCE, see <i>Custom</i> .		
NON-FEASANCE, see <i>Malfeasance</i> .		
NON-JOINDER of parties, effect of, in regard to plaint	X	53 (f)
See <i>Objections</i> .		
NON-JUDICIAL and quasi-judicial acts, power of high court to declare what are,	X	637
may be done by registrar of court or other officer	"	637
power of chief court as to,	XVII	29
NON-PAYMENT of purchase-money and costs in suit to enforce right of pre-emption	X	214
See <i>Expenses, Lawful excuse</i> .		
NON-PERFORMANCE, see <i>Damage</i> .		
NON-PRODUCTION of documents at first hearing, effect of,	X	139
NON-REGISTRATION of document required to be registered, effect of,	III	50
See <i>Effects</i> .		
NON-RESIDENT defendant, service of summons in case of,	X	76
See <i>Acquiescence</i> .		
NON-SATISFACTION of decree, see <i>Certificate</i> .		
NON-SERVICE of process on military man	X	463
NON-TESTAMENTARY documents relating to immoveable property, register of,	III	51
See <i>Description, Instruments, Property</i> .		
NORTHERN DIVISION, Bombay, see <i>Revenue commissioner</i> .		
NORTH-WESTERN PROVINCES Local Rates Act, 1871, amendment of law relating to assignments from general provincial fund under,	VII	
suspension and removal of ministerial officers by district judges in,	XIX	
See <i>Licensing</i> .		
NOTARY PUBLIC, execution before, and authentication by, of power of attorney	III	33 (c)
NOTE of interlineation, &c., in registered document	III	20
See <i>Negotiation</i> .		
NOTICE to advocate, attorney or pleader of accused	IV	82
to accused, of matter with which he is charged	"	94, 95
when warrant cannot be executed	"	137

	ACT.	SEC.
NOTICE (contd.)		
of day for hearing appeal, to appellant, public prosecutor, government solicitor and respondent ...	IV	173
of application under Act X of 1875, section 147, to public prosecutor, government solicitor, &c. ...	"	181
to municipalities to pay license-fees ...	VIII	19
of application to transfer suit ...	X	22-24
of withdrawal of suit ...	"	25
of institution of suit by one of several parties in same interest ...	"	30
to defendant receiving summons but not in time ...	"	100 (c)
to defendant, of application to set-aside dismissal ...	"	103
of application to set-aside <i>ex parte</i> decrees ...	"	109
through court, of demand of admission of genuineness of documents ...	"	123
to produce for inspection documents mentioned in plaint, written statement or affidavit ...	"	131
by party called upon for document, as to time and place of inspection ...	"	132
of proclamation for witness out of the way ...	"	169, 170
to parties as to examination of witness leaving jurisdiction ...	"	192
of delivery of judgment on future day ...	"	198, 199
to parties, of proposed amendment of decree ...	"	206
of application for execution of assigned decree ...	"	232
to show cause against execution, issue of, ...	"	248
to surety for performance of decree, of application for execution ...	"	253
to judgment-debtor required to execute conveyance or endorsement ...	"	261
to occupant of property delivery of which is decreed ...	"	264
to withdraw before entry of <i>zanána</i> ...	"	271
to court or officer having custody of attachable property ...	"	272
of attachment of decrees other than for money ...	"	273
to other court which passed decree for money, of attachment thereof under decree to be executed ...	"	273
in case of property sold in execution, which is subject to lien to decree-holders by collector ...	"	300
to judgment-debtor or his representative, of non-discharge of judgment-debts ...	"	323
of application of insolvent ...	"	324
of application for order to alter schedule ...	"	347, 348, 350
to parties in case of assignment, &c., of interest pending suit...	"	353
to plaintiff, of deposit in court ...	"	370
to opposite party and to government pleader, of hearing of pauper's application for leave to sue ...	"	377
to plaintiff, of motion for dispaupering ...	"	408
before suit against secretary of state or public officer ...	"	414
of defendant's application for removal of minor's plaint ...	"	424
of application of co-plaintiff late minor repudiating suit ...	"	442
of application for dismissal of unreasonable or improper suit...	"	454
by defendant, to guardian of minor heir or representative of deceased judgment-debtor ...	"	455
to opposite party, of application for injunction ...	"	460
before application for order for sale of perishable articles or for detention, &c. ...	"	494
to arbitrators to appoint umpire ...	"	500
by arbitrators that they cannot agree ...	"	511
of filing of award ...	"	515 (b)
to show cause against filing of agreement to refer to arbitration ...	"	516
award ...	"	523
of filing of agreement by parties to submit case to court ...	"	525
	"	529

	ACT.	SEC.
NOTICE (contd.)		
of registry of appeal, to court which passed decree	X	550
of appeal to lower court or respondent, confirmation of decision appealed against without,	"	551
to lower court, of confirmation of its decision...	"	551
of day fixed for hearing appeal, publication and service of,	"	553
effect of appearance of respondent without,	"	557
to respondent not being served owing to appellant not depositing cost	"	557
by respondent to appellant, of objection to decree appealed against	"	561
to parties or pleaders before pronouncing judgment	"	571
of petition for leave to appeal to Queen	"	600
to respondent, of admission of appeal to Queen	"	603 (b)
to opposite party, review not granted without,	"	626 (a)
to opposite party, of application for restoration of rejected application for review	"	629
to produce documents, form of,	"	sch. IV, No. 124
to show cause against issue of execution	"	sch. IV, No. 135
to attaching creditor, form of,	"	sch. IV, No. 144
to person in possession of moveable property sold in execution	"	sch. IV, No. 146
of payment into court, form of,	"	sch. IV, No. 155
of application for injunction	"	sch. IV, No. 167
to respondent, of day for hearing appeal	"	sch. IV, No. 175
to show cause against grant of review, form of,	"	sch. IV, No. 178
of change of pleader, form of,	"	sch. IV, No. 179
to claimants against property under management	XIV	12
of sanction of liquidation-scheme	"	20
of obstruction to enjoyment of easement	XV	26, exp.
of award, reckoning limitation from,	"	sch. II, No. 1
of dishonour, limitation-time to run from,	"	sch. II, No. 77
of refusal of performance, limitation-time to run from,	"	sch. II, No. 113
to show cause why decree should not be executed, limitation of application for execution in case of issue of,	"	sch. II, No. 179, 5
before withdrawal of suit	XVII	16
before withdrawal of appeal	"	41
<i>See Conveyance, Copies, Dishonoured, Interest, Oral, Possession, Settlement, Transferee.</i>		
NOTICES and orders, form and service of,	X	94
of high court, who may serve,	"	686
published under Act XV of 1871, saving of,	XIV	2
<i>See Service.</i>		

	ACT.	SEC.
NOTIFICATION of limits of districts and alteration thereof ...	III	5
of re-sale in default of payment of purchase-money ...	X	309
applying to certain courts the provisions as to summary suits on negotiable instruments ...	"	538
of transfer of chief court powers to single judge ...	XVII	48
of settlement in progress ...	"	49
NOTIFICATIONS, <i>see Appointments.</i>		
NOTIFYING commitment to high court ...	IV	89
NOTING, <i>see Expenses.</i>		
NOXIOUS MANUFACTURE, <i>see Carrying-on.</i>		
NOXIOUS VAPOURS, <i>see Nuisance.</i>		
NUISANCE, bar to injunction to prevent act of which it is not reasonably clear that it will be a, ...	I	56 (g)
concise statement of claim for damages to house, trees, crops, &c., by noxious vapours from factory, or by noise from works or stables ...	X	sch. IV, No. 114
<i>See Abatement.</i>		
NUMBER of case to be recorded ...	IV	114
of suit to be endorsed on admitted documents ...	X	141
of appeal to be stated in decree ...	"	579
<i>See Contents of decree.</i>		
<i>of judges, see Majority.</i>		
NUMBERING of pages of registration-books ...	III	16
of entries in books ..	"	58
of entries in register of suits ...	X	58
of paragraphs in written statement ...	"	114
as a suit, of application to file agreement to refer to arbitration ...	"	523
award ...	"	525
of filed agreement to submit case to court ...	"	529
of grounds of objection to decree ...	"	541
NUMBERS, <i>see Houses.</i>		
OATH, power of registering officer to administer, ...	III	63
officer serving summons to be examined on, ...	X	82
examination of serving officer to be on, ...	"	168
of declarant to affidavit, who may administer, ...	"	197
OBJECT of parties to produce legal result which contract is not calculated to produce ...	I	26, <i>ill. (c)</i>
OBJECTION to produce documents under order for discovery ...	X	129
called for ...	"	132
to discovery or inspection, procedure on, ...	"	135
to judgment at first hearing, proviso as to, ...	"	154
to question, taking down of, ...	"	186
to execution of decree, offered on notice to show cause to sale for irregularity, disallowance or allowance of, ...	"	249
by representative of deceased defendant sought to be brought in ...	"	312
to legality of award apparent on face of it ...	"	368
to decree, by respondent, on hearing of appeal ...	"	520 (c) 561
<i>See Ground, Grounds.</i>		
OBJECTIONS to institution of suit in one of several courts in which it may be brought ...	X	23, 24
to non-joinder or misjoinder, time for taking, ...	"	34

	ACT.	SEC.
OBJECTIONS (<i>contd.</i>)		
to execution of conveyance or endorsement ordered by court	X	261
to attachment, investigation of,	"	278, 279, 285
to alteration of schedule, hearing of,	"	353
of parties, to continuance of suit against assignee to whom interest has passed pending suit	"	370
of parties, to report of commissioners for partition	"	396
to removal of minor's plaint, hearing of,	"	442
to finding of lower court on issues referred by appellate court	"	567
to draft-conveyances or draft-endorsements, appeal from orders as to,	"	588 (l)
to admission of application for review	"	629
<i>See Disallowance.</i>		
OBJECTOR , see <i>Petition.</i>		
OBJECTS of charity, see <i>Declaration.</i>		
"OBLIGATION" defined	I	3
grant of specific relief by enforcement of,	"	5 (b), (c)
in favour of applicant, perpetual injunction to prevent breach of,	"	54
power to compel performance of acts necessary to prevent breach of,	"	55
OBLIGATIONS , see <i>Instrument.</i>		
OBLIGEE , see <i>Waiver.</i>		
OBSCENE , see <i>Piracy.</i>		
OBSERVATION , power to authorize making of,	X	499 (c)
OBSTRUCTING public servant, charge against person accused of,	IV	94, <i>ill. (d)</i> , 96, <i>ill. (d)</i>
way, plaint in suit for,	X	sch. IV, No. 80
right to use water for irrigation, plaint in suit for,	"	sch. IV, No. 82
drain or sluice connected with embankment	XIII	7 (c)
way or watercourse, suit for,	XV	sch. II, No. 37
<i>See Lights, Wrongfully obstructing.</i>		
OBSTRUCTION of execution of transmitted decree	X	228
to execution, procedure in case of,	"	328—335
to execution of decree, application for security to be taken in case of,	"	477, 483, 484
to enjoyment of easement	XV	26, exp.
" to possession by purchaser, suit by person affected by order in case of,	"	sch. II, No. 11
to delivery, limitation-time to run from date of,	"	sch. II, No. 167
<i>See Illegal, Resistance.</i>		
OCCUPANCIES , see <i>Houses.</i>		
OCCUPANCY of judgment-debtor, delivery of immoveable property in,	X	318
of tenant, delivery of immoveable property in,	"	319
OCCUPANT of place searched to be allowed to attend	IV	165
OCCUPATION , see <i>Use and occupation.</i>		
OCCUPY , see <i>Undertaking.</i>		
OFFENCE to be stated in every charge	IV	94
proved being different from that charged	"	109
included in that charged	"	110

	ACT.	SEC.
OFFENCE (contd.)		
different from that for which trial had, resulting from same act	IV	113
complained of to be recorded	"	114
under penal code, section 188	X	136
<i>See Abetment, Attempt, Disposal, Property.</i>		
OFFENCES , sentence on conviction of several,	IV	13
created by local and special laws, inquiry into and trial of, of same kind, trial of person accused of several,	"	18, exp. 106
committed by same person in one series of acts forming same transaction, trial of,	"	107, I
against law relating to railways, telegraphs, post-office or arms, trial of,	"	238
against Act, provisions relating to,	V	39—47
under penal code committed in case pending before civil court, procedure as to,	X	643
<i>See Prosecution, Trial.</i>		
OFFENDER, see Detention.		
OFFICE under government, officers who may simultaneously hold other,	III	4
of registrar and sub-registrar, establishment of,	"	7
at which documents are to be presented	"	28
of registrar, book to be kept in,	"	51
of pleader, effect of leaving process at,	X	40
of collector, publication of prohibitory order in,	"	274
<i>See Fees, Head, Right.</i>		
OFFICER to grant license	VIII	4
of court, sending summons by, for service out of jurisdiction in charge of jail, delivery to, and service by, of summons	X	85
or member of corporation or company, service of interrogatories on,	"	87, 88
of court, production of document in presence of, for inspection	"	124
to exercise powers as to suits relating to public charities, where there is no advocate-general or government-advocate	"	131
to attest amendment of memorandum of appeal	"	539
of court to register memorandum of appeal	"	543
to sign translation of judgment	"	573
to certify copy of judgment and decree	"	581
empowered by court to complete record in appeal to Queen... ..	"	602 (2)
appointed by high court, acts which may be done by,	"	637
in charge of asylum, duty of, as to military lunatic	XI	3, 6
<i>See European, Government-officer, Presence, Small suits, Trustee, Village-officer.</i>		
executing warrant, see <i>Custody</i> .		
of court, see <i>Deposit</i> .		
of government, see <i>Prohibitory order</i> .		
OFFICERS concerned in execution-sales not to bid or buy	X	202
of government; civil and military, issue of commission in case of,	"	386 (c)
in actual service who cannot get leave, may authorize any person to sue or defend for them	"	465

	ACT.	SEC.
OFFICERS (<i>contd.</i>)		
of district court, arrest and attachment by, under process of other court	X	648
<i>See Corporation, Enforcement, Guidance.</i>		
OFFICES established, confirmation of	III	2
<i>See Registration-offices.</i>		
OFFICIAL ACT or order, see <i>Government-officer.</i>		
OFFICIAL ASSIGNEE , see <i>Annuity, Marriage-settlement, Public functionaries, Trespass.</i>		
OFFICIAL LIQUIDATOR , suit against company being wound-up deemed to be instituted on first submission of claim to,	XV	4, exp.
OFFICIAL TRUSTEE , see <i>Public functionaries.</i>		
OFFICIATING JUDGE , see <i>Permanent judge.</i>		
OMISSION by plaintiff able to seek relief further than mere declaration of title, to sue therefor	I	42
to sue, effect of intentional,	X	43
by lower court to frame issues or determine question of fact	"	566
to specify nature of property or right, immaterial	XV	19, exp. 1
to do act, see <i>Compensation.</i>		
OMISSIONS , see <i>Errors.</i>		
ONE PARTY , see <i>Defence, Suit.</i>		
OPEN , presidency-magistrate's court to be,	IV	132
<i>See Door.</i>		
OPEN ACCOUNT , see <i>Balance due.</i>		
OPEN COURT , witnesses to be examined in,	X	181
judgment pronounced in,	"	198
judgment to be dated and signed in,	"	202
judgment in appeal to be pronounced in,	"	571
OPENING of cover containing deposited will	III	5, 46
OPERATION of law, execution of decree transferred by,	X	232
when Act may be put into,	XIII	3
of processes, executions and attachments to cease	XIV	9
<i>See Time.</i>		
OPINION , power to make rules for settling differences of	IV	9 (d)
of court, statement by arbitrators, of case for,	X	517
" judgment according to, on special case	"	522
bar to appeal to Queen from judgment of judges equally divided in,	"	597
of court making reference to high court to accompany	"	617
of majority of judges, decision according to,	"	628
of judge, statement of case by registrar for,	"	646
<i>See Contingent, Difference, Reference.</i>		
of court, see <i>Case.</i>		
of judges, see <i>Bench, Difference.</i>		
OPIMUM ACT , 1876, postponement of commencement of,	VI	
OPPORTUNITY , see <i>Respondent.</i>		
OPPOSITE PARTY , admission or denial of allegations of,	X	117
interrogatories for,	"	121
notice to, of application for injunction	"	494

	Act.	Sec.
OPPOSITE PARTY, (contd.)		
notice to, of petition for leave to appeal to Queen	X	600
review not granted without notice to, and hearing of,	"	626 (a)
notice to, of application to restore rejected application for review	"	629
<i>See Notice.</i>		
OPTION as to place of suing	X	18
as to selection of court for institution of suit	"	57 (a)
OPTIONAL , documents of which registration is,	III	18
ORAL AGREEMENT , effect of registered document against,	III	48
ORAL APPLICATION of decree-holder, order on, for immediate execution	X	256
ORAL EVIDENCE , production in appellate court of additional,	X	568
as to undated acknowledgment of liability	XV	19
ORAL EXAMINATION by court	X	118
ORALLY , evidence of witness in attendance to be taken,	X	181
ORAL NOTICE to persons present in court	IV	173
ORDER in alternative, on application for enforcement of public duties of court for production of will, procedure on,	III	46
to register, after inquiry on refusal to register	"	75
to give bond to keep the peace, when to be issued	IV	220
to furnish security to keep the peace, contents of,	"	222
of rejection of plaint	X	55
for satisfaction of decree to be enforced out of proceeds of attached decree	"	273
for withdrawal of attachment, on payment of amount decreed, with costs, charges and expenses	"	275
confirming sale objected to for irregularity	"	312
of court required for release of debtor from jail	"	341
appointing receiver, effect of,	"	354
for commission	"	384
affecting minor, obtained without next friend or guardian, discharge of,	"	414
for removal of next friend	"	416
for discharge of next friend, application for, by minor	"	451
for dismissal of suit or application, on election by late minor to abandon	"	452
for appointment of guardian for suit	"	456
to bring up defendant on application that security be taken	"	478
for injunction, discharge, variation or setting-aside of,	"	496
for sale of perishable articles, &c.	"	498
for detention, preservation, &c., of property in suit	"	499
for sale of land or tenure for non-payment of revenue or rent due	"	501
for deposit in court, of money or deliverable article the subject of suit	"	502
of reference to arbitration	"	506, 508
of reference to arbitration, on application in that behalf	"	523
to file award in arbitration without intervention of court	"	526
for execution of decree, security in case of,	"	546
for sale of immovable property in execution of money-decree under appeal, stay of,	"	546
of dismissal of appeal not to be passed when respondent appears without notice	"	557
of remand by appellate court	"	562
to be passed in appeal, effect of agreement of parties as to,	"	577
and judgment included in <i>Decree</i>	"	594

	ACT.	SEC.
ORDER (contd.)		
refusing certificate to applicant for leave to appeal to Queen, appeal from,	X	601
of Queen in council as to exclusion from record in appeal ...	"	602 (1)
to furnish further security or make further payment ...	"	605
of Queen, appeal stayed not to proceed without, ...	"	606
of Queen as to court to which her decree is to be sent for enforcement	"	610
of court making reference, alteration, cancelment or setting-aside of,	"	621
on reference, power of high court to make,	"	621
in case called up for revision, power of high court to make, ...	"	622
from which appeal is allowed but has not been preferred, review of judgment in case of,	"	623 (a)
from which appeal is not allowed, review of judgment in case of,	"	623 (b)
for restoration of rejected application for review	"	629
of rejection of application for review final	"	629
passed on review, or on application for review, bar of application for review of,	"	629
for re-hearing case on application for review	"	630
for attachment outside court's district	"	648
for transmission of summonses for service in other jurisdiction, form of,	"	sch. IV, No. 120
for dissolution of partnership, form of,	"	sch. IV, No. 132
for payment of money in hands of third party, form of, ...	"	sch. IV, No. 143
confirming sale of land, form of,	"	sch. IV, No. 149
for delivery to certified purchaser of land at execution-sale ...	"	sch. IV, No. 151
for committal for resisting, &c., execution of decree for land ...	"	sch. IV, No. 153
for committal on failure to furnish security, form of, ...	"	sch. IV, No. 159
to call for security for fulfilment of decree	"	sch. IV, No. 160
of reference to arbitration under agreement of parties ...	"	sch. IV, No. 170
by court, with consent of parties	"	sch. IV, No. 171
for reception into asylum	XI	3, 6
" to put Act into operation	XIII	3
of inquiry on application for benefit of Act	XIV	5
of management	"	8
of payment of debts and liabilities, power to make rules as to,	"	31 (c)
exclusion of time in reckoning limitation-period for suit institution of which is stayed by,	XV	15
in case of attachment of property or obstruction to possession by purchaser, suit by person affected by,	"	sch. II, No. 11
under criminal procedure code respecting possession of property, suit by person bound by,	"	sch. II, No. 47
Bombay mámlatdárs courts Act respecting possession of property, suit by person bound by,	"	sch. II, No. 47
for restoration of application for review, application for, ...	"	sch. II, No. 159
compelling decree-holder to certify adjustment	"	sch. II, No. 160

	ACT.	SEC.
ORDER, (contd.)		
limitation-time to run from date of,	XV	sch. II, Nos. 162, 173, 179
for insertion of name in schedule of creditors, application for,...	"	sch. II, No. 174
passed severally against several persons	"	sch. II, No. 173, exp. 1
jointly against several persons	"	sch. II, No. 173, exp. 1
severally in favour of several persons	"	sch. II, No. 173, exp. 1
jointly in favour of several persons	"	sch. II, No. 173, exp. 1
of Queen, application for enforcement of,	"	sch. II, No. 180
<i>See Appealable, Chartered court, Copy, Decision, District judge, Error, Final, Final order, High courts, Passing, Performance, Queen, Rule or order, Sentence, Special order.</i>		
in appeal, see <i>Copy</i> .		
of court, see <i>Judge sitting alone</i> .		
of inspection, see <i>Application</i> .		
of Queen, see <i>Certified</i> .		
to set aside, see <i>Default, Ex parte judgment</i> .		
ORDERS which court is barred from making under powers for enforcement of public duties	I	45 (f), (g), (4)
of court in dealing with claims to property sold in execution, have force of decree	X	333
appeals from,	"	558-531
what court to hear appeals from,	"	583
not appealable except as provided	"	591
relating to enforcement of Queen's orders, appeal against,	"	611
issued under repealed Acts confirmed	XVII	2
of Madras Board of revenue as to payment of salt-duty	XVIII	7
<i>See Appointments, Decrees, Notices, Prize courts, Recording.</i>		
of Queen, see <i>Enforcement, Execution</i> .		
ORDINARY , original civil jurisdiction, application of provisions as to summary suits on negotiable instruments to courts having, power to order execution of decree by high court in exercise of,	X	538 (c)
of,	"	634
of high court, service of process issued in exercise of,	"	636
<i>See Chartered court.</i>		
ORIGINAL CIVIL JURISDICTION , appeal to Queen from decrees of high court exercising,	X	595 (4)
sections not applying to high court in exercise of its ordinary or extraordinary,	"	638
ORIGINAL DECREES , appeals from,	X	540-583
<i>See Rules.</i>		

	ACT.	SEC.
ORIGINAL JURISDICTION, trial of European British subjects by chief court as court of,	XVII	15
<i>See Chief court, Courts, Extraordinary, Ordinary, Presidency high court.</i>		
ORIGINAL PROCEEDINGS in suit, filing with, of copy of judgment and decree in appeal	X	581
ORIGINAL SUIT or appeal, demand of security for costs of,	X	549
ORISSA, duty on salt manufactured in,	XVIII	11
OUDH, recognized agents in,	X	37
<i>See Saving.</i>		
OUTSIDE, see <i>Jurisdiction, Presidency-towns.</i>		
OUTSTANDING, see <i>Apprehension.</i>		
OVER-CHARGE, see <i>Money overpaid.</i>		
OVER-PAYMENT, see <i>Money overpaid.</i>		
OVER-RULING, see <i>Setting-aside.</i>		
OWNER, obligation to surrender thing held by person not as,	I	11
collector managing property under attachment, may exercise powers of,	X	322, last para.
of property in suit, powers of receiver equal to those of,	"	503
manager of property to have powers of,	XIV	10
of property under management, restoration of,	"	19 (b)
<i>See Absolute owner, Master.</i>		
OWNERSHIP, acquisition of, by possession	XV	26, 27
PAGES, see <i>Certificate, Numbering.</i>		
PANCH MAHÁLS excepted	XVI	1 & sch.
PANJÁB, recognized agents in,	X	37
<i>See Chief court, Murderous outrages, Saving.</i>		
PANJÁB COURTS ACT, 1877	XVII	
PAPERS of client coming into possession of vakil in course of employment, right to sue for injunction to restrain threatened publication of,	I	54, ill. (A)
excluded from record in appeal to Queen, by agreement of parties	X	602 (2)
<i>See Books, Destruction, Safe custody, Transmission.</i>		
not included in record, see <i>Preparation.</i>		
PARAGRAPHS, division of statements into,	X	114
<i>See Division.</i>		
PARDON, commitment of accomplice accepting tender of,	IV	151
<i>See Tender.</i>		
PART of contract, specific performance of independent,	I	16
bar to specific performance of,	"	17
execution of decree in,	X	224
PARTICULAR AVERAGE loss, plaint in suit for,	X	sch. IV, No. 53
PARTICULAR CASES, suits in,	X	401-476
PARTICULARS as to time, place and person to be stated in charge	IV	95
to be specified in license	VIII	5
to be contained in plaint	X	50

	ACT.	SEC.
PARTICULARS, (contd.)		
omission in plaint of necessary,	X	53 (a)
inclusion of unnecessary,	"	53 (b)
to be stated in applications for execution	"	235, 237
court to ascertain whether application for execution contains necessary,	"	245
of claim against property under management to be furnished	XIV	13
<i>See Contents.</i>		
PARTIES who cannot be compelled to perform		
their appearances, applications and acts	X	28
in same interest, suit or defence by one in behalf of all,	"	26—41
who cannot be ordered to appear in person	"	30
appearance of, and consequence of non-appearance	"	67
or pleaders to have documentary evidence ready	"	96—109
to suit, decision by court executing decree, of questions between,	"	138
proceedings on agreement of,	"	244 (c)
to agreement to submit case, to be subject to jurisdiction and bound by statements	"	527—531
to pay costs, statement as to, in decree in appeal	"	530
supply to, of copies of judgment and decree	"	579
exclusion from record in appeal to Queen, of papers inclusion of which is not asked for by,	"	580
giving to, of authenticated copies of papers in suit, in case of appeal to Queen... ..	"	602 (2)
to suit, exemption of, from arrest	"	603 (d)
	"	642
<i>See Alteration of decree, Appearance, Death, Examination, Hearing, Notice, Order of reference, Rules, Summoning.</i>		
out of jurisdiction, see <i>Trade</i> .		
to appeal, see <i>Agreement</i> .		
to claims, see <i>Character</i> .		
to suit, see <i>Effect of declaration</i> .		
PARTITION of immoveable property, saving of local law relating to,...		
of immoveable property, suits for, where instituted	X	4
of family-property, survival of cause of action in suit for, by member of Hindú joint family under mitákshará law	"	16 (b)
commission to make,	"	361, <i>ill. (d)</i>
	"	396
<i>See Estate, Instruments.</i>		
PARTNER when a trustee for co-partners		
suit for injunction to restrain tradesman from holding out person as his,	I	3, <i>ill. (e)</i>
in insolvent firm, or his representative, not entitled to prove in competition with creditors	"	54, <i>ill. (x)</i>
interfering with business, form of injunction to restrain,...	X	352
		sch. IV, No. 166
<i>See Joint-partner, Partnership-debts.</i>		
PARTNERS in business, non-enforceable contract between persons to become,		
effect of payment of licensc-fee by one of several,	I	21, <i>ill. (d)</i>
service of summons on,	VIII	13
	X	74

	ACT.	SEC.
PARTNERS, (contd.)		
limitation in case of debt to, when some are under disability, but one can give discharge	XV	8, <i>ill. (a)</i>
when all are under disability	"	8, <i>ill. (b)</i>
PARTNERSHIP, plaint in suit for dissolution of,	X	sch. IV, No. 113
concise statement of claim to have account taken of,	"	sch. IV, No. 114
final decree in suit relating to,	"	sch. IV, No. 133
<i>See Dissolution, Dissolved partnership, Manager, Order, Set-off.</i>		
PARTNERSHIP-ACCOUNTS on which depends the value of interest in trade-stock contracted to be sold ...	I	22, <i>ill. (b)</i>
PARTNERSHIP-DEBTS and effects, refusal of injunction sought by one who has improperly possessed himself of firm-books, to restrain his partner from receiving,	I	56, <i>ill. (a)</i>
PARTNERSHIP-PROPERTY, suit by co-partners for injunction to restrain act tending to destruction of, ...	I	54, <i>ill. (l)</i>
PARTNERSHIP-TRANSACTION, see Partners.		
PART-PAYMENT, see Principal.		
PARTY to contract may obtain decree for specific performance ...	I	23 (a)
may apply for order for discovery	X	129
called upon for document, to give notice of place and time of inspection	"	132
in possession of land or tenure the subject of suit, effect of non-payment by, of revenue or rent due	"	501
to original suit, having interest in result, joining of, as respondent in appeal	"	559
not appealing may apply for review of judgment	"	623
requiring evidence of exempted person, payment by, of costs of commission	"	641
<i>See Dismissal, Failure.</i>		
interested, see <i>Special cause.</i>		
PASS, see Embarkation-pass.		
PASSAGE-MONEY, plaint in suit for,	X	sch. IV, No. 25
PASSENGER, see Death.		
in railway, see <i>Negligence.</i>		
PASSING decree or order contingent upon opinion of high court on point referred thereto	X	618
PASTURE, concise statement of claim for damages for infringement of right of,	X	sch. IV, No. 114
PATENT, compensation for breach of contract for sale of, ...	I	19, <i>ill. 3</i>
concise statement of claim for damages for infringement of,	X	sch. IV, No. 114
cases, form of injunction in,	"	sch. IV, No. 166
<i>See Infringement.</i>		
PATENT PLUMBAGO CRUCIBLES, see Crucibles.		
PATH, see Using.		
PATIENT, suit for injunction to restrain medical adviser from publication of effect of communications as,	I	54, <i>ill. (i)</i>
power to order destruction of written communications made by, to his medical adviser	"	55, <i>ill. (c)</i>

	ACT.	SEC.
PATNI TALUQ, suit to set-aside sale of, for current arrears ...	XV	sch. II, No. 12 (d)
defined	"	sch. II, No. 12 (d), exp.
sold for arrears of rent, suit to avoid incumbrances or under-tenures in,	"	sch. II, No. 121
PATWÁRÍs, exemption of documents filed in office of,	III	90 (c)
" PAUPER" defined	X	401, exp.
application for leave to appeal as,	XV	sch. II, No. 170
<i>See Abusive language, Application, Assault, Caste, Compensation, Costs, Fee, Libel, Petition, Plaintiff, Property, Slander, Subject-matter, Wearing apparel.</i>		
PAUPER-APPEAL, time to be excluded in reckoning limitation-period prescribed for application for leave to present, ...	XV	12
PAUPER-APPEALS	X	592, 593
PAUPERISM, see <i>Costs, Evidence, Inquiry, Special cause.</i>		
PAUPERS, suits by,	X	401—415
PAUPER-SUIT when instituted	XV	4, exp.
PAWN, limitation-time to run from date of,	XV	sch. II, No. 145
PAWNEE, suit for recovery of moveable property bought from, for valuable consideration	XV	sch. II, No. 133
against, to recover moveable property pawned	"	sch. II, No. 145
PAY and allowances of persons subject to native articles of war not liable to attachment	X	266 (i)
PAYABLE at fixed time, see <i>Bill of exchange.</i>		
PAYEE against maker, plaint in suit of,	X	sch. IV, No. 29
acceptor, plaint in suit of,	"	sch. IV, Nos. 38, 48
drawer for non-acceptance, plaint in suit of,	"	sch. IV, No. 41
of foreign bill	"	sch. IV, No. 47
suit by, against drawer of bill dishonoured by non-acceptance	XV	sch. II, No. 78
<i>See Delivery to payee, Waiver.</i>		
PAY MASTER of circle to pay expenses of military lunatic	XI	8
PAYMENT of money to be endorsed on document admitted to registration... ..	III	58
for copies of proceedings	IV	170
into court of expenses of witnesses	X	160
costs and fine by absconding witness	"	170
of purchase-money of property subject to right of pre-emption in suit, fixing day for,	"	214
of money under decree	"	257, 258
into court of attached debt	"	268
of debt and costs, stay of sale on,	"	291
for property other than instruments or shares sold in execution	"	297
into court of subsistence-money before arrest	"	339
provisions relating to,	"	376—379
to plaintiff of sum deposited in satisfaction	"	377
into court of thing claimed in interpleader-suit	"	472

	ACT.	SEC.
PAYMENT (contd.)		
by party interested, of revenue or rent for non-payment of which land or tenure is to be sold	X	501
by receiver, of balance due from him	"	503 (g)
into court, of sum mentioned in summons	"	532, 533
for labour impressed and materials taken	XIII	5
receipt of produce of mortgaged land is a	XV	20
of legacy, limitation-time to run from,	"	sch. II, No. 43
limitation-time to run from date of,	"	sch. II, No. 161
of principal-money secured by judgment, &c., or of interest thereon, effect of,	"	sch. II, No. 180
<p>See <i>Averment, Charge on immoveable property, Consideration, Day specified, Default, Further, Interest, Last payment, Latest, Means, Order of payment, Penalty, Principal, Resale, Sureties, Time for payment.</i></p>		
<p>at specified date, see <i>Enforcement.</i> into court, see <i>Notice.</i> of cheque, see <i>Banker.</i> of debts, see <i>Prohibitory order.</i> of instalment, see <i>Default.</i> of land-revenue, see <i>Free.</i> of money, see <i>Judicial process, Order,</i> only, see <i>Instruments.</i> of sum assured, see <i>Policy of insurance.</i> of value of property, see <i>Security.</i></p>		
PAYMENTS by manager, see <i>Continuance.</i>		
PECUNIARY CLAIMS, statement as to, in application of insolvent	X	345
PECUNIARY LEGATEES, see <i>Administration.</i>		
PROBINARY LIABILITY, incompetency to enter into contract involving,	XIV	9 (a)
PECUNIARY LIMITS of jurisdiction of courts	XVII.	32
PENAL CODE, see <i>Indian penal code, Offence.</i>		
PENAL LAW, specific relief not grantable for mere purpose of enforcing,	I	7
PENALTIES for offences under Act	III	81
for trespass on embankments	XIII	7
<p>See <i>Government, Punishment, Taxes.</i></p>		
PENALTY, procedure to compel payment of, by accused	IV	77
specified in bond to keep the peace how to be fixed	"	220
for continuing trade or dealing without license	VIII	14
for not producing license	"	15
<p>See <i>Forfeiture, Indian penal code, Principal, Surety.</i></p>		
PENDENCY of appeal, increase of security found inadequate during,	X	609
by other party, application for review of judgment notwithstanding,	"	623
PENDING appeal, security in case of order for execution of decree,	X	546
<p>See <i>Powers.</i></p>		
PENDING CASES before settlement-officer whose powers are cancelled, provisions as to,	XVII	249

	ACT.	SEC.
PENDING SUIT of judgment-debtor against decree-holder, stay of execution until decision of,	X	243
or application, days to be counted in excluding time occupied in,	XV	14, exp. 1
<i>See Assignment.</i>		
PENDING SUITS, provisions as to,	X	12
PENSIONS, see <i>Political, Stipends.</i>		
PEREMPTORY ORDER on application for enforcement of public duties	I	47
PERFORMANCE of order of Queen in pending appeal, security for, ...	X	608 (b), (c)
of decree pending appeal to Queen, security for, ...	"	608 (c)
<i>See Averment, Contract, Duties, Refusal, Security, Specific performance.</i>		
PERILS of the sea, see <i>Marine.</i>		
PERIOD for which person may be bound to keep the peace ...	IV	210
of enjoyment of easement, reckoning of,	XV	26
<i>See Computation.</i>		
of limitation, see <i>Computation, Limitation-period.</i>		
PERISHABLE, sale of attached property when it is,	IV	68
PERISHABLE ARTICLES, power to order interim sale of,	X	498
PERMANENT JUDGE superior to officiating judge	XVII	6
PERMISSION to conduct prosecution	IV	129
of government to alien enemies to reside in British India	X	430
of court to appear, plead and act	XVII	42, 43
<i>See Leave.</i>		
PERMIT for removal from place of storage, of manufactured salt ...	XVIII	7
" PERPETUAL INJUNCTIONS " defined	I	53
when granted	"	54, 55
PERPETUITY, see <i>Lease.</i>		
PERSON claiming under contractor, by title arising subsequently ...	I	27 (b)
prior to contract, but capable of being displaced	"	27 (c)
arrested out of jurisdiction of issuer of warrant	IV	65
appearance by party in,	X	36
summons for appearance in,	"	64 (a), 66
service of summons on defendant in,	"	75
consequence of non-attendance of party required to appear in,	"	107
order for appearance of party in,	"	120
what persons bound to attend court in,	"	176
presentation of pauper's application in,	"	404
interested in minor may apply for appointment of new next friend	"	449
interested in certain award may apply for filing thereof	"	525
through whom right derived, included	XV	3
guilty of fraud, reckoning of limitation-period for suit against,	"	18 (a)
claiming through one guilty of fraud, limitation of suit against,	"	18 (b)
through whom title or liability derived, effect of acknowledgment from,	"	19
claiming under another, suit by,	"	sch. II, No. 47
<i>See Appearance, Compensation, Particulars, Refusal of execution.</i>		
claiming to be legal representative, see <i>Legal representative.</i>		

	Act.	Sec.
PERSON (contd.)		
in possession, see <i>Notice</i> .		
PERSONAL APPEARANCE in court, persons exempt from, excused from attendance at registration-office ...	III	33
of director, &c., of corporation, power to require, ...	X	436
See <i>Exemption</i> .		
of public officer, see <i>Exemption</i> .		
PERSONAL ATTENDANCE of accused, power to dispense with, or to enforce, ...	IV	37
dispensing with, ...	"	126
of person accused of intention to break the peace, dispensing with, ...	"	218
PERSONAL BARS to relief of specific performance ...	I	24
PERSONAL INTEREST , bar to injunction where applicant has no, ...	I	56 (k)
PERSONAL OBEDIENCE , place of suing for relief obtainable by, ...	X	16
PERSONAL QUALITY , see <i>Learning</i> .		
PERSONAL RIGHT , see <i>Property</i> .		
PERSONAL SERVICE , non-enforceable contracts to render or engage, ...	I	21, <i>ill. (b)</i>
See <i>Rights</i> .		
PERSONATION , see <i>False</i> .		
PERSON INJURED , see <i>Compensation</i> .		
PERSONS to present documents for registration ...	III	32
present in court may be required to give evidence or produce document ...	X	165
for whose examination commission may issue ...	"	386
authorized to act for government in judicial proceeding ...	"	417
of unsound mind, provisions applied to, ...	"	463
claiming through principals or landlords, interpleader-suits in case of, ...	"	474
interested in trust for public charity may institute suit relating thereto ...	"	539
authorized by high court to serve process ...	"	636
employed by attorneys, process which may be served by, ...	"	636
exempted from arrest ...	"	642
required to give evidence or produce documents, rules applied to, ...	"	650
may be invested with certain powers ...	XVII	9
exercising powers deemed a court ...	"	11
invested with powers under section 9, control of courts of, ...	"	30
See <i>Civil court, Court of wards</i> .		
claiming under parties to suit, see <i>Effect of declaration</i> .		
of unsound mind, see <i>Minors</i> .		
PERVERSION of property to other than rightful use, suit for, ...	XV	sch. II, No. 32
PETITION , effect of omission to examine complainant by, ...	IV	31
of objector to classification ...	VIII	10
court-fee not chargeable on, in pauper-suit ...	X	410
application for leave to appeal to Queen to be by, ...	"	598
application for enforcement of Queen's order to be by, ...	"	610
writers, power to make rules as to, ...	XVII	26
of appeal, see <i>Copy, Fee</i> .		
PHOTOGRAPHY , see <i>Writing</i> .		
PHYSICAL POSSESSION of property, limitation-time to run from purchaser taking, ...	XV	sch. II, No. 10

	ACT.	SEC.
PICTURE, enforcement of specific delivery of, to owner ...	I	11, <i>ill.</i> (c)
specific performance of agreement to sell, ...	"	12, <i>ill.</i>
enforcement of contract to paint, ...	"	12, <i>ill.</i>
non-enforceable contract to paint, ...	"	21, <i>ill.</i> (b)
PIERS included in <i>Embankment</i> ...	XIII	2
PIGS included in <i>Cattle</i> ...	XIII	7, <i>exp.</i>
PIRACY of copyright of work not libellous or obscene, suit for injunction to restrain, ...	I	54, <i>ill.</i> (v)
<i>See Cracibles, Destruction.</i>		
PLACE of registration ...	III	28—31
defined ...	IV	6
of inquiry and trial ...	"	18—24
or building to be searched may be specified ...	"	159
suspected to contain stolen property, &c., search of, ...	"	160
of suing ...	X	15—25
of imprisonment of person arrested in execution ...	"	336
of custody to be stated in application of insolvent ...	"	345 (a)
of abode of plaintiff to be stated in notice of suit against government or public officer ...	"	424
of residence of respondent, day for hearing appeal to be fixed with reference to, ...	"	552
suit on bill of exchange payable at particular, ...	XV	sch. II, No. 71
of sale of salt ...	XVIII	9 (a)
<i>See Presentation, Time.</i>		
of abode, see <i>Name.</i>		
of offence, see <i>Particulars.</i>		
PLACING party seeking assistance of court in case of appeal to Queen under conditions ...	X	608 (d)
PLAIN PAPER, copies of plaint to be on, ...	X	58
PLAINT, return of, when proceedings stayed ...	X	20
amendment of, where defendant added ...	"	33
when some causes of action excluded ...	"	47
suit to be commenced by presenting, ...	"	48
written statements or answers to interrogatories, issues framed on allegations in, ...	"	147 (b)
in suit, application of pauper to be deemed, ...	"	410
by or for minor, filed without next friend ...	"	442
in interpleader-suit ...	"	471
in summary suit on negotiable instrument ...	"	532
suit deemed to be instituted on presentation of, ...	XV	4, <i>exp.</i>
<i>See Allegations, Fees.</i>		
PLAINTIFF, power to make defendant a, ...	X	32
or defendant, power to order personal appearance of, ...	"	66
effect of failure of, to pay fee for serving summons ...	"	97
only appearing, procedure in case of, ...	"	100
when barred from bringing fresh suit ...	"	103
requiring security for costs from, ...	"	380
particulars as to, to be stated in notice of suit against government or public officer ...	"	424
cannot be guardian for suit ...	"	457

	ACT.	SEC.
PLAINTIFF (<i>contd.</i>)		
in interpleader-suit, duty of, as to thing claimed ...	X	472
when entitled to decree in summary suit on negotiable instrument	"	532
defined	XV	3
See <i>Acceptance, Adding, Amount, Application, Avoidance, Award of costs, Balance, Blame, Costs, Death, Deceased, Default, Discharge, Dismissal, Interest, Legal representative, New, Right to begin, Security, Set-off, Striking-out, Substitution, Voidable.</i>		
PLAINTIFF'S mistake of fact, see <i>Money received.</i>		
use, see <i>Money.</i>		
PLAINTIFFS , joining of,	X	26
may authorize any of their number to act	"	35
procedure on non-appearance of some of several, ...	"	105
in case of death of one of several, if cause of action survives	"	362, 363
reversal of whole decree on appeal by one or more of several,	"	544
PLAINTS in suits by secretary of state	X	418
against secretary of state	"	424
forms of,	"	644 & sch. IV, Pt. I
upon instruments for payment of money only	"	sch. IV, Nos. 28-55
in suits for compensation for breach of contract	"	sch. IV, Nos. 56-70
for compensation upon wrongs	"	sch. IV, Nos. 71-93
for specific property	"	sch. IV, Nos. 94-98
for special relief	"	sch. IV, Nos. 99-113
See <i>Rejecting, Verification.</i>		
PLANS , see <i>Maps.</i>		
PLANT , see <i>Mines.</i>		
PLEA , appeal in case of conviction on accused's own,	V	167
See <i>Prisoners.</i>		
"PLEADER" defined	X	2
summons for appearance by,	"	64 (b)
service of interrogatories on,	"	122
of decree-holder, service on, of notice of application of insolvent	"	347, 350
filing minor's plaint without next friend, to pay costs	"	442
obtaining order affecting minor, to pay costs	"	444
of minor omitting to apply for appointment of new next friend	"	449
appointment of, to sue and defend for military man ...	"	466
application by, for order of reference to arbitration ...	"	506
of appellant, hearing of,	"	551
of respondent, confirmation of decision of lower court without notice to,	"	551
notice to, of day of hearing appeal	"	553
appearance of respondent by,	"	557
of appellant, notice to, of objection by respondent to decree appealed against	"	561

	ACT.	SEC.
PLEADER, (contd.)		
concise statement of claim for damages for injury by neglect of,	X	sch. IV, No. 114
<i>See Answer, Appearance, Appointment, Charge, Fees, Filing, Leave, Lien, Money received, Notice, Revocation, Service, Vakfl.</i>		
PLEADERS, appearance of parties by,	X	96
of parties in case of reference to high court, hearing of, ..	"	619
exemption of, from arrest	"	642
power to regulate the addressing of courts in English by, mukhtárs and revenue agents Act, 1865, sections 45, 46, referred to,	XVII	27 (b)
power to fix fees of, as between parties	"	42
	"	45
<i>See Advocates, Examination, Hearing, Notice, Parties, Recognized agents.</i>		
PLEADING and acting in civil courts	XVII	42
PLEASURE of Queen, see Saving.		
PLEDGE, concise statement of claim in case of, (negligence in keeping or wrongful detention of goods)	X	sch. IV, No. 114
PLEDGE, see Furniture.		
POINT of law, see Difference of opinion.		
POINTS for determination to be contained in judgment	X	203
on which additional evidence is to be taken to be specified ...	"	570
for determination to be stated in judgment	"	574 (a)
POLICE to assist in execution of warrant	IV	64
disposal of property in custody of, or seized by,	"	244
<i>See Assistance.</i>		
POLICE-OFFICER, see Duty, Execution.		
POLICIES of insurance, see Return of premium.		
POLICY of insurance, sum assured by, which is payable after proof of death or loss	XV	sch. II, No 86
voidable at election of insurers, suit for premia paid under, ..	"	sch. II, No. 87
<i>See Fire-insurance, Life-policy, Loss, Marine, Ship, Valued.</i>		
POLITICAL PENSIONS not liable to attachment	X	266 (g)
POLLUTING WATER under plaintiff's land, plaint in suit for,	X	sch. IV, No. 78
<i>See Wrongfully polluting.</i>		
POLLUTION, see Smoke.		
PONIES included in Cattle	XIII	7, exp.
PORTION of immoveable property, decree for recovery of,	X	207
of decree, right to begin where appeal is from,	"	555, exp.
<i>See Book.</i>		
PORTIONS, see Raising.		
of subject-matter, see Distinguishment.		
PORTS, jurisdiction of presidency-magistrates in,	IV	8
from which emigration lawful	V	3
POSITION, see Restoration.		
of parties, see Restoration.		
POSSESSION wrongfully transferred from claimant, restoration of thing by holder to owner in case of,	I	11 (d)

	ACT.	SEC.
POSSESSION, (contd.)		
land sold for higher price after original purchaser has taken,	I	27, <i>ill. (b)</i>
of subject-matter by purchaser or lessee, which court finds wrongful	"	35 (c)
of property, suit by person in, to obtain declaration of right to hold against claimant	"	42, <i>ill. (g)</i>
of immoveable property, exception of suit for,	X	477
of land the subject of suit, putting party in immediate, or custody of property under attachment, restriction of court's power as to removal from,	"	501
by appellant residing out of British India, of property therein, independent of that to which appeal relates... ..	"	503
of immoveable property, exception of suit for,	XV	549
acquisition of ownership by,	"	17
		26, 27
See <i>Adverse possession, Delivery, Dispute, Documents, Ejection, Hereditary office, Immediate possession, Immoveable property, Inventory, Mortgagee, Moveable property, Physical possession, Property, Seizure, Wrong-doer.</i>		
by purchaser, see <i>Purchaser</i> .		
of counterfeit coin, see <i>Errors</i> .		
of defendant, see <i>Warrant of attachment</i> .		
of immoveable property, see <i>Devisee, Hindu, Mortgagee, Muhammadan, Purchaser, Remainderman, Reversioner.</i>		
of land, see <i>Bailiff, Purchaser</i> .		
of mortgagee, see <i>Mortgaged land, Mortgagee</i> .		
of moveable property, see <i>Notice</i> .		
of property, see <i>Absolute owner, Bombay mamlatdars, Code of criminal procedure.</i>		
out of, see <i>Purchaser</i> .		
POST, forwarding warrant by,	IV	64
sending summons by,	X	85, 88—90
sending letter substituted for summons by,	"	92
service of summons on corporation through,	"	436 (a)
POSTAGE of notices, &c., payment of,	X	95
POSTAL DEPARTMENT, see <i>Letters</i> .		
POST-OFFICE, see <i>Offences</i> .		
POSTPONEMENT of hearing when summons not served in time	X	100 (c)
for appearance of party in person	"	120
of one class of issues when both kinds arise	"	146
for further argument or evidence	"	154
of sale of attached property pending investigation of claim thereto	"	278
of sale to enable judgment-debtor to raise amount of decree	"	305
See <i>Opium Act</i> .		
POSTPONING right to sue, see <i>Writing</i> .		
POWER to call for record in non-appealable case	X	622
of high court to authorize persons to address it in behalf of others	"	635
of high court to frame forms and to make rules as to books, &c.	"	639

	Act.	Sec.
POWER (contd.)		
conferred on high court by statute, use of forms sub- ject to,	X	644
<i>See Documents.</i>		
to make rules, see <i>Interference, Rules.</i>		
POWER-OF-ATTORNEY authorizing agent to present for registration ...	III	32, 33
POWERS and duties of inspector-general of registration, arrange- ment for exercise and discharge of,	III	4
of registering officers	"	51-70
exercisable under commission	IV	158
of collector, exercise of, by assistant collector and others ...	VIII	21
of court in executing transmitted decrees	X	228
of collector as to sale of land in execution... ..	"	321
of commissioners	"	398
of court as to interlocutory orders	"	498-502
of receiver of property in suit	"	503 (d)
of arbitrators and umpire	"	512
and duties incident to provisions as to summary suits on negotiable instruments	"	538
of advocate-general as to suits relating to charities, by whom exercisable	"	539
of government-advocate as to suits relating to charities, by whom exercisable	"	539
of appellate court in appeals	"	582
of court pending appeal to Queen	"	608
of high court in dealing with case referred	"	621
of manager to lease and raise money	XIV	22-24
of local government under Act	"	31, 32
of new manager	"	32
of manager as to witnesses	"	35
conferred under repealed Acts, continued	XVII	2
which may be conferred by government on any person ...	"	9
conferred on persons and benches, where and in what cases to be exercised	"	12
of ministerial officers of chief court	"	23, 27 (a)
<i>See Appointment, Constitution, Controlling, Investment.</i>		
of subordinate courts, see <i>Jurisdiction and powers.</i>		
POWERS-OF-ATTORNEY from parties out of jurisdiction, persons hold- ing, may be agents	X	37 (a)
agency by mukhtárs holding special,	"	37 (b)
PRACTICE of court as to applications for and grants of writs of <i>mandamus</i>	I	51
power to make rules as to,	IV	9 (a)
<i>See Unfair.</i>		
PRAYER , see <i>Alternatives.</i>		
PRECAUTIONS against removal of attachable property	X	271
PRECEDENCE of judges of chief court	XVII	6
decision according to opinion of judge having,	"	20 (a)
PREDECESSOR , pronouncing judgment of judge's,	X	199
in title, see <i>Reversioner.</i>		
PRE-EMPTION , decree in suit to enforce right of,	X	214
exception of suits to enforce right of,	XV	7, 17
suit to enforce right of, whether founded on law, usage or contract	"	sch. II, No. 10
PREFERENCE to creditors by insolvent	X	351 (c)
of creditors in distribution	"	356 (d)

	ACT.	SEC.
PREJUDICE to accused in his defence	IV	101, 102, 156, 177
PRELIMINARY INQUIRIES, procedure in,	IV	81
PRELIMINARY INQUIRY into nature and amount of debts	XIV	4—7
PRELIMINARY ORDER in administration-suit, form of,	X	sch. IV, No. 130
creditor's suit, form of,	"	sch. IV, No. 130
suit by legatees, form of,	"	sch. IV, No. 130
by next-of-kin, form of,	"	sch. IV, No. 130
PRELIMINARY POINT, see <i>Remand</i> .		
PREMIA, see <i>Recovery of premia</i> .		
PREMIUM, see <i>Lease in perpetuity, Return</i> .		
PREMIUMS, see <i>Insurance</i> .		
PREPARATION, examination and certifying of transcript of record, high court's power to regulate,	X	612 (f)
of indices to transcripts of records, and of lists of papers not included in records, high court's power to regulate,	"	612 (h)
PRESENCE of magistrate, offences committed in,	IV	15
cognizance of offence committed in,	"	25 (d)
power of magistrate to direct arrest in his,	"	62
of accused, examination to be in,	"	83
sentence to be pronounced in,	"	126
of witnesses, search to be made in,	"	165
of accused person, his advocate, &c., additional evidence to be taken in,	"	176
of magistrate, infliction of whipping in,	"	188
of officer in charge of jail, whipping to be inflicted in,	"	188
of judge, witnesses to be examined in,	X	181, 182
See <i>Presidency-magistrate</i> .		
PRESENT, see <i>Persons</i> .		
PRESENTATION of documents for registration	III	32—35
of wills and authorities to adopt,	"	40, 41
day, hour and place of, to be endorsed	"	52
of pauper's application	X	404
of memorandum of appeal from original decree	"	541
of bill of exchange, limitation-time to run from,	XV	sch. II, Nos. 70, 71
See <i>British india, Time</i> .		
PRESERVATION, detention or inspection of property in suit	X	499 (a)
See <i>Realization</i> .		
PRESIDENCY HIGH COURT, application for review of judgment by,	XV	sch. II, No. 162
application for review of judgment court by other than,	"	sch. II, No. 173
PRESIDENCY HIGH COURTS, appeal from decree or order of, in origi- nal jurisdiction	XV	sch. II, No. 151, and see No. 156.
PRESIDENCY MAGISTRATE, offences when cognizable by,	IV	25
sending case to, for disposal	"	44
disposal by, of cases where he is the pub- lic servant concerned	"	44
trial by, of contempt committed in pre- sence of colleague	"	206

	ACT.	SEC.
PRESIDENCY MAGISTRATE (contd.)		
<i>See Duty, Execution, Presence.</i>		
PRESIDENCY MAGISTRATES, all magistrates of police to be, ...	IV	10
trial of cases by, ...	"	114-133
<i>See Adjournment, Admission, Appointment, Consent, Constitution, Dictation, Duty, Establishment, Evidence, Females, Fine, High court, Imprisonment, Jurisdiction, Justices of the peace, Sitting.</i>		
PRESIDENCY MAGISTRATE'S ACT, 1877 ...	IV	
PRESIDENCY-TOWN, registration by registrar at, ...	III	30 (b)
commission to examine witness in another, ...	IV	158
procedure in case of military lunatic sent to, ...	XI	3
<i>See Small cause court.</i>		
PRESIDENCY-TOWNS, serving summons outside, ...	IV	50
service within, of mufassal court-process ..	X	86
court to which commission may issue for residents in, ...	"	386
<i>See High courts, Small cause courts.</i>		
PRESUMPTION as to sufficiency of relief by money-compensation for breach of contracts in case of immoveable and moveable property ...	I	12, exp. 33
as to intention of parties to contract to be rectified ...	"	33
PREVENTION of attendance of appellant by sufficient cause ...	X	558
respondent by sufficient cause ...	"	560
of appearance of applicant for review, effect of proof of, ...	"	629
"PREVENTIVE BELIEF" defined ...	I	6
provisions relating to, ...	"	52-57
PREVIOUS acquittals or convictions ...	IV	113
applications for execution, statement as to, ...	X	235 (f)
PRICE of goods sold by factor, form of plaint in suit for, ...	X	sch. IV, No. 3
of materials taken for emergent work ...	XIII	
of food or drink sold by keeper of hotel, tavern or lodging-house, suit for, ...	XV	sch. II, No. 8
of lodging, suit for, ...	"	sch. II, No. 9
of goods sold and delivered on credit not fixed, suit for, ...	"	sch. II, No. 52
fixed, suit for, ...	"	sch. II, No. 53
to be paid for by bill of exchange, suit for, ...	"	sch. II, No. 54
of trees or growing crops sold on credit not fixed ...	"	sch. II, No. 55
of work done where no time fixed for payment, suit for, ...	"	sch. II, No. 56
of salt, sum to be fixed as part of, ...	XVIII	8
to be paid in each local area for salt sold ...	"	10
<i>See Fixed price, Reasonable price, Reserved.</i>		
of goods, see <i>Surety</i> .		
of goods sold, see <i>Several demands</i> .		
of work, see <i>Wages</i> .		
PRINCE, see <i>Sovereign prince</i> .		
PRINCIPAL of party to contract, when decree for specific performance may be granted to, ...	I	23 (b)
of agent empowered to present for registration ...	III	33
recovery of penalty from, on forfeiture of recognizance... in Straits Settlements, contract with emigrant to be in favour of, ...	IV	223
... ..	V	14 (b)

	ACT.	SEC.
PRINCIPAL (<i>contd.</i>)		
and surety, concise statement of claim against, ...	X	sch. IV, No. 114
of debt, effect of part-payment of, ...	XV	20
suit of, against agent, for property received and not accounted for ...	"	sch. II, No. 89
neglect or misconduct ...	"	sch. II, No. 90
<i>See Last payment.</i>		
PRINCIPAL CIVIL COURT of original jurisdiction in district ...	XVII	31
PRINCIPAL DEBTOR , see <i>Surety</i> .		
PRINCIPAL MONEY secured by judgment, &c., effect of payment of part of, ...	XV	sch. II, No. 180
PRINCIPAL OFFICE of corporation, sending summons in letter directed to, ...	X	436 (b)
PRINCIPAL OFFICER , see <i>Director</i> .		
PRINCIPAL PLACE of business of corporation or company ...	X	17, exp. 2.
service of summons on manager at, ...	"	74
PRINCIPALS , see <i>Agents</i> .		
PRINT , see <i>Writing</i> .		
PRINTED included in <i>Written</i> ...	X	2
PRINTING in India of copy of record in appeal to Queen ...	X	602
<i>See Further expense.</i>		
PRIORITY in respect of property in custody of court, determination of question of, between decree-holder and others ...	X	272
PRISONER in jail, power to order bringing-up of, for examination ...	IV	139
PRISONER'S plea to be recorded ...	IV	114
PRISONER'S TESTIMONY ACT , 1869 ...	IV	139
PRIVATE ALIENATION of property after attachment, to be void ...	X	276
PRIVATE PARTIES , proceeding of suit against public officer as one between, ...	X	427
PRIVATE RESIDENCE , registration or acceptance for deposit at, ...	III	31
PRIVATE SALE , see <i>Purchaser</i> .		
PRIVATE WAY , see <i>Way</i> .		
PRIVILEGE , see <i>Exclusive</i> .		
of exemption, see <i>Exemption</i> .		
PRIVY COUNCIL , see <i>Saving</i> .		
PRIZE COURTS , saving of appeals from orders and decrees of, ...	X	616
PROBATE , forms of claims to, by executor, legatee, next-of-kin, &c. ...	X	sch. IV, No. 115
PROBATED , see <i>Act XIII of 1875, Grants, Revocation</i> .		
PROCEDURE of high court on application for enforcement of public duties ...	I	46
on admitting to registration ...	III	58-63
on arrest within jurisdiction for offence committed without ...	IV	55
on execution of warrant outside issuer's jurisdiction ...	"	65
of magistrate receiving commission to examine witness ...	"	158
in certain cases under Bombay laws ...	X	7
on application for execution of decree ...	"	245
of collector and his subordinates in executing decrees ...	"	320
in suits on negotiable instruments ...	"	537
in appeal from decrees ...	"	548-554
on hearing appeal ...	"	555-570
in appeals from orders ...	"	590
on application for admission of pauper-appeal ...	"	592
to enforce orders of Queen ...	"	610

	ACT.	SEC.
PROCEDURE (<i>contd.</i>)		
in case of certain offences under penal code ...	X	643
in miscellaneous proceedings	"	647
power to make subsidiary rules of,	"	652
<i>See Error, Hearing, Invalidation, Régulation, Summary.</i>		
PROCEEDING , court-fee not chargeable on, in pauper-suit ...	X	410
with suit on failure of arbitration	"	510, 514
with case notwithstanding reference to high court ...	"	618
in court without jurisdiction, time occupied in, to be excluded	XV	14
other than suit, suit to alter or set-aside decision or order of civil court in,	"	sch. II, No. 13
<i>See Ground.</i>		
to set-aside sale, see <i>Prosecution.</i>		
PROCEEDINGS , subsequent, not barred by dismissal	IV	32
grant of copies of,	"	170
for enforcement of decree within three years	X	230
on order of reference to arbitration under agreement of parties	"	524
on agreement of parties	"	527-531
with reference to service of summons to defendant to appear and answer, rules as to, applied ..	"	553
points on which additional evidence is to be taken to be recorded on,	"	570
in appellate court or court whose decree is appealed against, reference to, before judgment	"	571
in high court, power to frame forms for,	"	639
subsequent to sanction of liquidation-scheme	XIV	20-28
<i>See Bar, Call, Commissioner, Court, Criminal matter, Decree, Error, Instructions, Irregularity, Original, Revision, Revival, Stay, Staying.</i>		
PROCEEDS of attached property sold, payment of, to party-entitled ...	X	284
of execution-sales, division of, among decree-holders	"	295
of property sold in case of disobedience of injunction	"	493
PROCESS of high court, who may serve,	X	636
against successor to property under management, bar to issue of,... ..	XIV	27
<i>See Acknowledgment, Agent, Appearance, Arrest, Avoidance, Civil process, Court-fee, Defect, Endorsement, Expense, Fees, Foot of process, Government pleader, Jurisdiction, Mufassal courts, Notices, Orders, Secret process, Service, Summons.</i>		
for enforcing judgment, see <i>Execution of process.</i>		
PROCESSES in cases of arbitration, issue of,	X	513
<i>See Bar, Operation, Revival.</i>		
PROCLAMATION for person absconding or concealing himself ...	IV	67
in case of witness absconding	X	163

	ACT.	SEC.
PROCLAMATION (<i>contd.</i>)		
of decree for delivery of immoveable property ...	X	264
of order as to attached immoveable property ...	"	274
of sales	"	287
of transfer to purchaser of immoveable property in occupancy of tenant	"	319
PROCURING CREDIT , see <i>Fraudulently</i> .		
PROCURING PROPERTY , see <i>Fraud</i> .		
PRODUCE of mortgaged land, receipt of, a payment	XV	20
of land, trial by settlement-officers of suits and appeals re- lating to,	XVII	49
documents, see <i>Persons, Refusal</i> .		
PRODUCTION of accused lunatic placed under care of relative ...	IV	204
of license on demand	VIII	15
and delivery of documents sued on	X	59
of shop-books and other books	"	62
of documents in possession, summons to order,	"	70
court's power to order,	"	130
of record of other suit, necessity of, to be shewn	"	137
of documents, power to compel,	"	148
of document, summons for,	"	164
by person present in court	"	165
of evidence by party having right to begin	"	179
of document relating to property liable to seizure, power to require,	"	267
of additional evidence in appellate court	"	568
of document required to enable appellate court to pro- nounce judgment	"	568 (b)
of matter or evidence not previously practicable by suitor	"	623
of documents, who may serve high court notice for,	"	636
of evidence of claim against insolvent, application for leave for,	XV	sch. II, No. 174
See <i>Compelling, Court</i> .		
SION included in <i>Addition</i>	III	3
PROFITS of immoveable property wrongfully received, suit for, ...	XV	sch. II, No. 109
of hereditary office, usual receipt of,	"	sch. II, No. 124, exp.
See <i>Amount, Rents, Share of profits, Vendor or lessor</i> .		
and rents, see <i>Receipts</i> .		
PROHIBITION , see <i>Emigration, Revocation</i> .		
PROHIBITORY ORDER , attachment by,	IV	68
in attachment of other than money-decrees	X	268
immoveable property	"	273
in case of property sold in execution, and in possession of person other than judgment- debtor	"	274
in case of debts and shares sold in execution	"	300
in case of moveable property to which defend- ant is entitled subject to lien or right of other person to immediate possession	"	301
in case of debts not secured by negotiable in- struments	"	sch. IV, Nos. 138, 162
	"	sch. IV, No. 139

	ACT.	SEC.
PROHIBITORY ORDER (<i>contd.</i>)		
in case of shares in public company ...	X	sch. IV, No. 140
of immoveable property	"	sch. IV, No. 141
of money or security in court or with government officer	"	sch. IV, No. 142
against payment of debts sold in execution, to other than purchaser	"	sch. IV, No. 147
transfer of shares sold in execution	"	sch. IV, No. 148
in case of immoveable property	"	sch. IV, No. 163
of money with other persons, or debts not secured by negotiable instruments	"	sch. IV, No. 164
of shares in public company	"	sch. IV, No. 165
PROXIMITY in plaint	X	53 (a)
PROMISE of marriage, concise statement of claim for damages for breach of,	X	sch. IV, No. 114
<i>See Assent, Breach of promise, Disclosure.</i>		
PROMISSORY-NOTE , specific enforcement of obligation of assignee of insolvent transferor of, to endorse, ...	I	12, <i>ill.</i>
defined	XV	3
made by Hindú bearing native date only, limitation of suit on,	"	25, <i>ill.</i> (a)
or bond payable by instalments, suit on,	"	sch. II, Nos. 74, 75
given to third person for future delivery to payee	"	sch. II, No. 75
<i>See Bill of exchange, Dishonoured, Negotiation, Set-off.</i>		
PROMISSORY-NOTES , joinder of parties liable on same,	X	29
liable to attachment	"	266
PROMOTERS of public company, contract made by, which is not enforceable	I	21 (f)
of mining company, non-enforceable contract of,	"	21, <i>ill.</i> to cl. (e)
decree for specific performance of contract entered into by, before incorporation	"	23 (h)
enforcement against company of ratified and warranted contract entered into by, before incorporation	"	27 (e)
PRONOUNCEMENT , in appeal, of judgment complained of, exclusion of day of, in reckoning limitation-period	XV	12
PRONOUNCING judgment, time for,	X	198
in appeal	"	571
PROOF of power-of-attorney	III	33
of service of summons outside jurisdiction	IV	51
of previous acquittal or conviction	"	154
conviction	"	230
of service of summons on defendant not appearing of documents according to law of evidence, before placing on record	X	100 (a)
... ..	"	141

	ACT.	SEC.
PROOF (contd.)		
of service of summons to witness	X	166
of facts by affidavit	"	194
court receiving decree for execution to file copies without,	"	225
of service of draft of conveyance or endorsement	"	261
of payment of debt and costs, stay of sale on,	"	291
of claims against insolvent	"	352
of minor plaintiff being of age	"	453, 454
of execution of military man's authority to sue and defend ...	"	465
of allegation of discovery of new matter or evidence required before grant of review	"	626 (b)
of cause for non-appearance at hearing of applicant for re- view	"	629
of debts of thakur	XIV	12—19
of death or loss of subject of assurance, limitation-time to run from,	XV	sch. II, No. 86
<i>See Burden, Costs, Expense.</i>		
"PROPER COURT" defined	XV	sch. II, No. 179, exp. 2
application to, for execution	"	sch. II, No. 179, 4
PROPERTY, specific relief by taking possession and giving delivery		
of,	I	5 (a)
recovering possession of,	"	8—11
right of trustee to sue for possession of,	"	10, exp. 1
moveable or immovable, contracts for sale or letting of, which cannot be specifically enforced	"	25
contract for sale of, entered into after settlement thereof out of natural love and affection	"	25, ill. (d)
franchise or personal right, application for order for enforcement of public duties to be made by person liable to injury as to,	"	45 (a)
injunction to restrain publication of statements concern- ing person, though shown not to be injurious to his, ...	"	55, ill. (e)
included in <i>Moveable property</i>	III	3
registered non-testamentary documents relating to, when to take effect against oral agreements	"	48
trial of persons previously convicted of offence against, ...	IV	128
connected with offence, power to order disposal of, ...	"	243, 244
defined	"	243, exp.
in dispute, decision by court as to, under agreement between parties	X	150
within jurisdiction of court passing decree sufficient to satisfy it, effect of absence of,	"	223 (b)
coming into possession, representative of deceased judg- ment-debtor liable to extent of,	"	234
of arrested debtor, placing of, in charge of receiver	"	336
statement as to, in application of insolvent	"	345 (b), (c), (d)
of discharged insolvent liable to attachment and sale ...	"	357
of deceased, holder of certificate of heirship obtaining, may be treated as legal representative	"	366, exp.
worth 100 rupees, person not entitled to, is a pauper	"	401, exp.
of defendant not giving security, attachment of,	"	483
order for production of,	"	484
of which collector may be appointed receiver	"	504
delivery of, according to finding of court on question referred by agreement	"	527 (b), 528

	ACT.	SEC.
PROPERTY (<i>contd.</i>)		
in British India, of appellant residing out of it ...	X	549
vested in trust for specific purpose, no limitation of suit for, ...	XV	10
appertaining to office of hereditary officer appointed or recognized by Bombay Act III of 1874 ...	XVI	1 (a)
<p>See <i>Absolute owner, Acknowledgment, Agent, Attachment, China vases, Compensation, Conversion, Conveyance, Custodian, Damage, Delivery, Disposal, Executor, Family-idol, Fraud, Fraudulent, Furniture, Heir-expectant, Market-value, Nature, Perversion, Picture, Pledge, Possession, Refusal of execution, Removal, Restitution, Right, Right to property, Sale, Saleable, Seizure, Sufficiency, Threat, Valuable, Value, Vesting, Wrongful sale.</i></p>		
<p>in suit, see <i>Realization. Receivers.</i></p>		
<p>obtained by fraud, see <i>Search.</i></p>		
<p>of charity, see <i>Authority.</i></p>		
<p>of intestate, see <i>Distributive share.</i></p>		
<p>under attachment, see <i>Possession, Removal, Right.</i></p>		
PROPERTY-MARK , charge against person accused of using false, ...	IV	94, <i>ill. (c)</i>
PROPORTIONS of costs payable by parties, statement as to, in decree in appeal ...	X	579
<p>See <i>Declaration.</i></p>		
<p>PROPRIETOR, see <i>Claimant, Rent, Suit.</i></p>		
PROPRIETORS , statement as to persons registered as, in application for attachment ...	X	238
PROSECUTION under altered charge requiring sanction ...	IV	104
officer conducting, may withdraw remaining charges ..	"	112
limitation of appeal by, ...	"	168
dismissal of suit for want of, ...	X	136
or defence of suits for sovereign prince or chief ...	"	432
of other civil proceeding on same cause of action, time occupied in, to be excluded ...	XV	14
of suit, what to be deemed to be, ...	"	14, <i>exp. 2</i>
of proceeding to set-aside execution-sale, time occupied in, to be excluded ...	"	16
<p>See <i>Balance, Compensation, Examination, Malicious, Permission, Termination, Want.</i></p>		
PROSECUTIONS for offences, commencement of, ...	III	83
against the state, &c. ...	IV	38—46
under Act, institution of, ...	V	46
under Act ...	VIII	15
PROTECTION of interest of minor ...	X	446
of property in suit by receiver... ..	"	503
<p>See <i>Interests.</i></p>		
PROTECTOR OF EMIGRANTS , copy of entries in register to be sent to,...	V	21
registration before, ...	"	22
duty of, as to emigrants on arrival at depôt ...	"	25
may order payment of expenses of sending back emigrant ...	"	27

	ACT.	SEC.
PROTECTORS OF EMIGRANTS	V	5
PROTEST, suit against government for recovery of money paid under, See <i>Dishonoured</i> .	XV	sch. II, No. 16
PROVISIONAL REMEDIES	X	477—505
PROVISIONS and water to be shipped for emigrants	V	33
applied to memorandum of objections by respondent to decree appealed against	X	561
applied to second appeals	"	587
as to statement of cases by registrar for opinion of judge	"	646
PUBLIC, access of, to court	IV	132
PUBLICATION of proclamation by reading in village, fixing to place of abode or in court-house	IV	67
of list of licenses... ..	VIII	9
of rules for conducting sales	X	287
of proclamation of sale	"	289
of notice by collector to decrees-holders	"	323
of special rules as to sale of interests in land in execu- tion	"	327
of application of insolvent	"	347
of notice of day fixed for hearing appeal... ..	"	553
of rules made by high court	"	612
of rules as to affidavits	"	647
procedure of subordinate courts	"	652
of order of management, effect of,	XIV	9
of libel, limitation-time to run from,	XV	sch. II, No. 24
of insolvent's schedule, limitation-time to run from,	"	sch. II, No. 174
of rules and forms	XVII	47
of notification of settlement in progress, effect of,	"	49
See <i>Immoral life, Letters, Papers, Patient, State- ments</i> .		
PUBLIC AUCTION, sale of attached property by,	X	286, 287
collector's power to sell property by,	"	321 (a)
PUBLIC CHARITIES, suits relating to,	X	539
PUBLIC COMPANY, contract made by, which is not enforceable	I	21 (f)
See <i>Shares</i> .		
PUBLIC DUTIES, enforcement of,	I	45—51
of department of supreme or local government, or sovereign acts of foreign government, bar to in- junction interfering with,	"	56 (d)
PUBLIC FUNCTIONARIES, registration of documents executed by,	III	88
PUBLIC HIGHWAY, see <i>Way</i> .		
PUBLIC HOUSE, see <i>Sale of land</i> .		
PUBLIC JUSTICE, prosecution for offence against,	IV	40
"PUBLIC OFFICER" defined	X	2
security not to be required from,	"	547
concise forms of claims by and against,	"	sch. IV, No. 115
See <i>Government-officer, Moiety, Service</i> .		
PUBLIC OFFICERS, suits by or against government or,	X	416—429
See <i>Indemnity</i> .		

	ACT,	SEC.
PUBLIC PROSECUTOR, appeal by, from order of acquittal, dismissal or discharge	IV	168
<i>See Notice.</i>		
PUBLIC PURPOSE, <i>see Acquisition, Compensation, Government.</i>		
PUBLIC SALE, <i>see Authority.</i>		
"PUBLIC SERVANT" defined	IV	39
concerned, power of magistrate to dispose of cases where he is the,	"	44
<i>See Assault, Complaint, Disobedience, Forged document.</i>		
PUBLIC SERVANTS, registering officers deemed to be,	III	84
prosecution of,	IV	39
what officers deemed to be,	V	50
who deemed to be,	XIII	8
managers and their agents to be,	XIV	33
<i>See Contempts.</i>		
PUBLIC SERVICE, <i>see Detriment</i>		
PUBLIC WORKS, <i>see Act IX of 1860.</i>		
PUBLISHER, <i>see Literary work.</i>		
PUBLISHING sale, <i>see Irregularity, Share, Stay.</i>		
PULLING DOWN fences, <i>see Trespass.</i>		
PUNISHMENT, limit to,	IV	11, exp.
proof of previous conviction for purpose of affecting,	"	94
in case of conviction of several offences	"	107, II, III, <i>ills. (i)-(o)</i>
accused refusing to answer not liable to,	"	148
of disobedience or obstruction in case of transmitted decree	X	228
of witnesses before commissioners	"	399
of pauper for frivolous suit	"	412
<i>See Disobeying.</i>		
PURCHASE, prohibition of receiving attached immoveable property by,	X	274
by decree-holder of property sold in execution	"	294
of immoveable property, plaint in suit for not completing,	"	sch. IV, No. 58
limitation-time to run from date of,	XV	sch. II, Nos. 133, 134
of salt, cost of,	XVIII	8
<i>See Annuity, China vases, Furniture, House, Picture, Railway shares.</i>		
for valuable consideration, <i>see Depository, Mortgagee, Pawnee, Trustee.</i>		
of land, <i>see Agreement.</i>		
of land or lease, <i>see Sale of land.</i>		
PURCHASE-MONEY, land demised on condition of forfeiture of half of, in case of sale within limited period		22, <i>ill. (e)</i>
not sufficient to discharge incumbrances from which trustees contracting to sell estate agree to exonerate it		22, <i>ill. (f)</i>

	ACT.	SEC.
PURCHASE-MONEY (contd.)		
of property as to which right of pre-emption is sought to be enforced	X	214
re-payment of, on sale being set-aside	"	315
of lands conveyed, plaint in suit for,	"	sch. IV, No. 14
of immoveable property contracted to be sold, but not conveyed	"	sch. IV, No. 15
<i>See Decree, Default, Lien, Receipt, Time.</i>		
PURCHASER of land, with notice of another having already contracted to buy it, a trustee	I	3, <i>ill. (g)</i>
with notice of another being in occupation thereof, how a trustee	"	3, <i>ill. (h)</i>
particulars to be stated which should be known to,	X	287
at execution-sale, time to be excluded in reckoning limitation-period for suit for possession by,	XV	16
taking possession, limitation-time to run from,	"	sch. II, No. 10
suit by person affected by order in case of obstruction to possession by,	"	sch. II, No. 11
at private sale, suit by, for possession of immoveable property of which vendor was out of possession at date of sale	"	sch. II, No. 136
at execution-sale, suit by, for possession of immoveable property of which judgment-debtor was so out of possession	"	sch. II, No. 137
for possession of purchased land of which judgment-debtor was in possession at date of sale	"	sch. II, No. 138
complaint of dispossession in delivery of possession to,	"	sch. II, No. 167
application by, to set-aside sale on ground that alleged owner had no saleable interest	"	sch. II, No. 172
<i>See Certificate, Decree, Defaulting purchaser, Delivery, Deposit, Dispossession, Field, Forfeiture, Fraudulent, Order for delivery, Possession, Prohibitory order, Rights.</i>		
QUALIFICATIONS of parties, contract not enforceable which is dependent on,	I	21 (b)
QUALITY, see Defective, Learning.		
QUANTITY of salt to be removed to be stated in permit	XVIII	7
sold in one transaction	"	9 (b)
QUASI-JUDICIAL, see Non-judicial.		
QUEEN in council, appeals to,	X	594-616
appeal from order refusing certificate required for appeal to,	XV	sch. II, No. 153
application for admission of appeal to,	"	sch. II, No. 177

	ACT.	SEC.
QUEEN, (<i>contd.</i>) application for enforcement of order of,	XV	sch. II, No. 180
<p><i>See Accompaniments, Accounts, Admission, Allowing, Appeal, Appeals, Bar, British india, Certificate, Certified, Claim, Closed, Copies, Copy, Cost, Costs, Court, Courts, Decree, Deposit, Directions, Dismissal, Enforcement, Estimation, Exclusion, Expense, Final appellate jurisdiction, Final decree, Fit case, Formal, Further, Grounds, High court, High courts, Impounding, Judges, Judgments, Order, Orders, Pleasure, Question, Rules, Seal, Security, Subjects.</i></p>		
QUESTION of law or fact, judgment when parties not at issue on, ...	X	152
procedure when parties at issue on, ...	"	154
and answer, evidence in form of,	"	182
arising as to costs of arbitration, power to make order as to, ...	"	519
of fact, omission by lower court to determine, ...	"	566
of law to be involved in decree, to allow appeal to Queen respecting property to be involved in decree, to allow appeal to Queen	"	596
of law or usage having force of law, reference to high court in case of doubt as to,	"	617
or custom having force of law, construction of document or admissibility of evidence, reference of, to full bench	XVII	21
<p><i>See Issue.</i></p>		
of fact or law, see <i>Decision.</i>		
of law or usage, see <i>Doubt.</i>		
QUESTIONS to, and answers of, accused, to be recorded in full ...	IV	84
as to religious rites or ceremonies	X	11, exp.
of fact or law, statement of, in form of issue, and agreement respecting,	"	150
and answers, taking down of,	"	186
objected to and allowed by court, rule as to,	"	187
to be decided by court executing decree	"	244
attendance on part of government, of person able to answer,	"	421
relating to execution of decrees, appeal from orders as to,	"	588 (j)
QUIET ENJOYMENT, see <i>Sale of land.</i>		
RACE, see <i>Subsistence-allowance.</i>		
RAILROAD, see <i>Injuries.</i>		
RAILWAY, non-enforceable contract to let right of use of part of, ...	I	21, <i>ill. (g)</i>
<p><i>See Act XIII of 1855, Carriage of goods, Carrier, Negligence, Shares.</i></p>		
RAILWAY COMMUNICATION between locality of court and witness's residence	X	176
RAILWAY COMPANY, specific enforcement of contract by, ...	I	12, <i>ill.</i>
non-enforceable contract of, for purchase of land for cotton-mill	"	21, <i>ill. (f)</i>
enforceable contract by, to execute works for convenience of vendor of land	"	22, III, <i>ill.</i>
serving summons on servant of,	IV	49
<p><i>See Moiety, Traveller.</i></p>		
RAILWAYS, see <i>Offences.</i>		
RAILWAY-SHARES, specific enforcement of contract to sell, ...		12, <i>ill.</i>

	ACT.	SEC.
RAILWAY-STATION, see <i>Negligence.</i>		
RAILWAY-WORKMEN, see <i>Disputes.</i>		
RAISING amount of judgment-debts otherwise than by sale ...	X	322
portions, concise statement of claim for, ...	"	sch. IV, No. 114
money by mortgage or sale of property ...	XIV	24
amount of decree, see <i>Postponement.</i>		
RAMS included in <i>Cattle</i> ...	XIII	7, exp.
RANGŌŌN, service in, of mufassal court-process ...	X	86
issue of commission for resident in, ...	"	386
<i>See Small cause court.</i>		
RANK included in <i>Addition</i> ...	III	3
substitution of letter for summons in case of person of, ...	X	91
of judges of chief court ...	XVII	6
<i>See Exemption, Subsistence-allowance.</i>		
RANKING of debts and liabilities ...	XIV	16
RATAN, see <i>Whipping.</i>		
RATE of customs-duty on imported salt ...	XVIII	5
of excise-duty on manufactured salt ...	"	6, 7
of exchange, see <i>British currency, Estimation.</i>		
RATES of payment for labour and materials ...	XIII	5
RATIFICATION, see <i>Promoters.</i>		
RATNÁGIBI, saving of jurisdiction of civil courts in, ...	XVI	1 & sch.
READING over record of evidence ...	X	182, 192
of affidavit at hearing, power to order, ...	"	194
<i>See Depositions.</i>		
RE-ADMISSION of appeal dismissed for default ...	X	558
of suit in court below, on remand by appellate court ...	"	562
of appeal dismissed for want of prosecution, application for, ...	XV	sch. II, No. 168
<i>See Refusal.</i>		
REALIZATION, preservation, custody or management of property in suit, or under attachment, appointment of receiver for, ...	X	503
RE-ARREST of judgment-debtor discharged from jail ...	X	341
REASON for rejection of plaint ...	X	55
for returning plaint to be endorsed... ..	"	57
<i>See Recovery of reason.</i>		
REASONABLE CAUSE for remand ...	IV	86, exp.
REASONABLE GROUNDS, see <i>Belief.</i>		
REASONABLE PRICE, see <i>Goods sold, Necessaries, Services.</i>		
REASONABLE RENT, see <i>Use and occupation.</i>		
REASONS for refusal to register, record of, ...	III	51
for conviction when to be recorded ...	IV	126
for refusal to register to be recorded ...	V	18
for not dismissing suit, though neither party appears ...	X	98
for receiving, at subsequent stage, documents not produced at first hearing ...	"	139
for adjournment, to be recorded ...	"	156
of inability to make memorandum, to be recorded by judge ...	"	190
for decision to be contained in judgment ...	"	203
for decision on each separate issue... ..	"	204
for directing that costs shall not follow event ...	"	220
for executing decree out of jurisdiction of court passing it... ..	"	223 (d)
for requiring proof of jurisdiction of court passing decree... ..	"	225

	ACT.	SEC.
REASONS (<i>contd.</i>)		
for non-execution of warrant	X	251
for adjournment of sale, to be recorded	„	291, 321 (c)
for delay in execution, or non-execution, of warrant of arrest	„	343
for rejection of memorandum of appeal	„	543
for admitting additional evidence, to be recorded	„	568
for decision to be stated in judgment	„	574 (c)
for decision of dissenting judge	„	576
for grant of review, to be recorded	„	626
RE-ATTACHMENT of property taken before judgment, not necessary in case of decree for plaintiff	X	490
RE-CALL and examination of witnesses when charge altered	IV	103
of summons to show cause for not executing recognizance to keep the peace	„	215, exp. 2
of witness, power of court as to,	X	193
<i>See Summoning.</i>		
RECEIPT to be given for documents presented	III	52
for summons	IV	48, 49
of person summoned, proof of service by,	„	51 (c)
for recorded document on its return	X	144
for purchase-money of property sold in execution	„	297
of copy of judgment of high court on question referred, certain measures barred pending,	„	618
of manager, a discharge	XIV	25
of profits, limitation-time to run from,	XV	sch. II, No. 109
<i>See Consideration, Money.</i>		
of documents, see <i>Admission.</i>		
of produce, see <i>Produce.</i>		
of profits, see <i>Profits.</i>		
RECEIPTS for rents and profits of property under management, incompetency to grant,	XIV	9 (c)
<i>See Accounts, Security.</i>		
RECEIVEE , grant of specific relief by appointment of,	I	5 (e)
of stolen property, security from, for good behaviour	IV	213, 214
placing property in charge of, by arrested debtor	X	336
<i>See Appointment, Assignee, Bond, Duty, Order, Public functionaries, Remuneration, Security, Vesting.</i>		
RECEIVERS , appointment of,	I	44
and managers chargeable	VIII	16
power of, to retain fee paid	„	17
appointment of,	X	503—505
<i>See Accounts, Application, Attachment, Collector, Courts, Custody, Disposal, Improvement, Instruments, Liabilities, Nomination, Owner, Powers, Protection, Remuneration, Responsibility, Security, Suits.</i>		
RECEIVING stolen goods, place of trial for,	IV	20, <i>ill.</i> (b)
property and concealing it, separate trial for,	„	107, II, <i>ill.</i> (k)

	ACT.	SEC.
RECEIVING (<i>contd.</i>)		
emigrants on board without license, penalty for, ...	V	42
appeals, see <i>Saving</i> .		
RECEPTION into asylum, see <i>Legalization</i> .		
RECIPROCAL DEMANDS, suit for balance due on account where there are,	XV	sch. II, No. 85
RECKLESS contraction of debt by insolvent	X	351 (c)
RECOGNIZANCE of person released on bail to be forwarded to magis-		
trate	IV	58, 65
discharge on personal,	"	70
of accused person admitted to bail, and of his sure-		
ties	"	72
exercise of powers as to, in case of default	"	79
by offender to obviate detention	"	185
for keeping the peace	"	208, 209
from person under sentence of imprisonment	"	224
suit upon,	XV	sch. II, No. 122
See <i>Breach, Principal, Surety</i> .		
RECOGNIZANCES of complainants and witnesses	IV	93
of complainants	"	140
RECOGNIZED, see <i>Foreign state, Judicial notice, Sovereign prince</i> .		
RECOGNIZED AGENTS and pleaders	X	36-41
of government	"	47
exemption of, from arrest	"	642
RECOMMENDATIONS for promoting efficiency of judicial and minis-		
terial officers	XVII	27 (f)
RECONSIDERATION, see <i>Remitting</i> .		
RECORD of inquiry to be forwarded to high court	IV	89
of evidence	"	115
of case, power of high court to call for,	"	172
substance of oral examination to be part of,	X	119
of suit, power of court to send for,	"	137
unproved documents not to be placed on,	"	141
memorandum of evidence to form part of,	"	190
of settlement or survey, boundaries or numbers by which		
immoveable property is identified in,	"	207
of agreement, compromise or satisfaction	"	375
returned commission and depositions to form part of,	"	389
depositions and report under commission for local investiga-		
tion to form part of,	"	393
of reasons for rejecting memorandum of appeal	"	543
finding and evidence on issues referred to lower court for		
trial to be put on, in appellate court	"	567
of suit or appeal in which judge before whom it comes is		
interested, to be sent to chief court	XVII	46
See <i>Copy, Estimate, Mistake, Sufficient</i> .		
RECORDER OF RANGOON, court of, a high court	II	1 (c)
insolvent jurisdiction or procedure of, not		
affected	X	6 (d)
power of, to make and alter rules as to		
sales	"	287
provisions as to suits on negotiable instru-		
ments applied to court of,	"	538 (b)
a high court in matters relating to appeals		
to Queen	"	614
restriction as to power of, to make rules	"	614
RECORDING of evidence	IV	82, 84
of admissions and denials of allegations in plaint	X	117

	ACT.	SEC.
RECORDING (<i>contd.</i>)		
of reasons for admitting additional evidence ...	X	568
for grant of review ...	"	626
of judgments and orders by chartered high courts ...	"	633
according to court's own rules ...	XVII	29
issues, see <i>Framing.</i>		
RECORDS , see <i>Custody, Deposit.</i>		
of court, see <i>Requisitions.</i>		
RECOVER rents, see <i>Establish title.</i>		
RECOVERY of specific immoveable property ...	I	8
moveable property ...	"	10
of compensation awarded for groundless complaint ...	IV	242
of expenses payable by emigration-agent ...	V	31
of fees and penalties ...	VIII	14
of immoveable property, suits for, where instituted ...	X	16 (a)
joining claims with suit for, ...	"	44, rule (a)
of property irregularly sold in execution, right to sue for, ...	"	298
of court-fees when pauper succeeds in suit ...	"	411
fails ...	"	412
of cost of noting bill or promissory note for non-acceptance or non-payment ...	"	536
of costs incurred in British India in connection with appeals to Queen, high court's power to regulate, ...	"	612 (i)
of military lunatic ...	XI	7
of rents and profits, powers as to, ...	XIV	10
of mortgaged property, provision as to suit for, ...	XV	2
of reason by insane infant entitled to sue ...	"	7, <i>ill</i> (e)
of wife, suit for, ...	"	sch. II, No. 34
of property comprised in award, suit for, ...	"	sch. II, No. 46
order, suit for, ...	"	sch. II, No. 47
of premia paid under policy voidable at election of insurers ...	"	sch. II, No. 87
of possession, limitation-time to run from, ...	"	sch. II, No. 109
of moveable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought for valuable consideration ...	"	sch. II, No. 133
of possession of immoveable property conveyed or bequeathed in trust, or mortgaged, and afterwards bought for valuable consideration ...	"	sch. II, No. 134
of possession of mortgaged immoveable property, suit for, ...	"	sch. II, No. 149
See <i>Portion, Principal, Surety.</i>		
of money, see <i>Protest.</i>		
of moveable property, see <i>Depositary, Pawnee.</i>		
of possession, see <i>Ejectment, Specific relief act, Tenant.</i>		
RECRUITERS omitting to take engaged labourer before magistrate or protector, penalty for, ...	V	39
RECRUITERS of labourers ...	V	10—13
RECRUITING without license, penalty for, ...	V	39
RECTIFICATION of instruments ...	I	31—34
of deed, concise statement of claim for, ...	X	sch. IV, No. 114
RECTIFIED CONTRACT , specific enforcement of, ...	I	34
RECURRING RIGHT , see <i>Establishment.</i>		
REDEEMED land-revenue ...	XVII	49, exp.
See <i>Revenue.</i>		

	Act.	Sec.
REDEMPTION by vendor of mortgaged property sold as unincumbered of recruit's engagement for employment	I	18 (c)
plaint in suit for,	V	14 (c)
of mortgaged immoveable property, suit for,	X	sch. IV, No. 110
See <i>Mortgage</i> .	XV	sch. II, No. 148
RE-ENTRY on mortgaged property, limitation-time to run from,	XV	sch. II, No. 105
RE-EXAMINATION, see <i>Summoning</i> .		
REFER, see <i>Agreement</i> .		
REFERENCE to government by defendant public officer, time to be allowed for,	X	423
to arbitration	"	506—526
to two or more arbitrators, provision for difference of opinion in case of, "	"	509
by appellate court, of issues framed by it for trial by lower court	"	566
to proceedings before pronouncing judgment	"	571
of appeal to other judges of court, where bench of two have heard appeal and differ in opinion	"	575
to, and revision by, high court	"	617—622
from small cause court, review of judgment on,	"	623 (c)
to full bench in case of difference of opinion	XVII	20 (b)
of question of law or usage	"	21
to arbitration, see <i>Order of reference</i> .		
REFERENCES to certain Acts, how read	III	2
in existing Acts to magistrates of police, how read	IV	10
to high court by presidency-magistrate	"	240
in previous Acts to Act VIII of 1859, Act XXIII of 1861 or the code of civil procedure	X	3
to Act IX of 1871, how read	XV	2
REFRESH memory, exception of document used to,	X	63
REFRESHMENT-ROOM, contract for accommodation in, for sale of goods, not enforceable	I	21, <i>ill.</i> (c)
REFUND of assets wrongly paid, right to sue for,	X	295
of balance of deposit in case of appeal to Queen of legacy, see <i>Compelling refund</i> .	"	607
REFUSAL of injunction	I	56
to register, when authorized	III	35
to endorse document admitted to registration... ..	"	58
to register... ..	"	71—77
by registrar to register or to order registration of complainant or witness to attend or execute recognizance	IV	76
of witness to answer, penalty for,	IV	93
of wife to live with husband	"	141
to register in case of fraud or misrepresentation of emigration agent to countersign registry, effect of,	"	234
of executor to sue debtor, to be shewn in suit of legatee against debtor	V	18
to accept service of summons, procedure on,	"	27
to admit genuineness of documents	X	50, <i>ill.</i>
to give evidence or produce document, consequence of,	"	80
of execution against both person and property of judgment-debtor	"	128
to execute decree on failure to certify satisfaction	"	177
to vacate property ordered to be delivered	"	230
of assignee or receiver to continue suit and to give security for costs	"	258
to allow suit as pauper	"	318
	"	370
	"	409

	ACT.	SEC.
REFUSAL (contd.)		
to allow suit as pauper bars fresh application...	X	413
of temporary injunction, power of court as to,	"	492, 493
to accept arbitration, by person nominated by parties	"	507
to give evidence before arbitrators, punishment of,	"	513
to re-consider award remitted by court	"	521
of application to set-aside award	"	522
to admit evidence which should have been received	"	568 (a)
to give evidence or produce document, appeal from order on,	"	588 (i)
to re-admit or re-hear appeal, appeal from order as to,	"	588 (r)
of certificate to applicant for leave to appeal to Queen, effect of,	"	601
to receive document relating to claim	XIV	13
of incumbrancer to deliver up property in possession	"	21
to pay, deliver, perform or permit to enjoy, immaterial	XV	19, exp. 1
to employ as clerk the object of slanderous words not actionable in themselves, limitation of suit for,	"	24, <i>ill. (b)</i>
to complete acquisition of land, limitation-time to run from,	"	sch. II, No. 18
to accept bill, limitation-time to run from,	"	sch. II, No. 78
of enjoyment, limitation-time to run from,	"	sch. II, No. 131
of certificate required for appeal to Queen, appeal to high court from order of,	"	sch. II, No. 153.
<i>See Answer, Certificates, Compensation, Demand and refusal, Irrelevant, Neglect, Punishment, Reasons, Report.</i>		
of account, see <i>Demand</i> .		
of performance, see <i>Notice of refusal</i> .		
to act, see <i>Death</i> .		
to carry, see <i>Carrier</i> .		
to deliver goods, see <i>Warehouseman</i> .		
to vacate, see <i>Removal</i> .		
REFUSE, see <i>Discretion</i> .		
REGIMENTAL COMMITTEE, see <i>Committee</i> .		
REGISTER of civil suits, particulars to be entered in,	X	58
of suit, entry in, on admission of application for execution	"	245
of appeals	"	548
of civil suits, entry in, of judgment of appellate court	"	581
form of,	"	sch. IV, No. 116
of appeals from decrees, form of,	"	sch. IV, No. 174
appellate decrees, form of,	"	sch. IV, No. 177
<i>See Extract.</i>		
REGISTER-BOOK, No. 5, entry in, on receipt of will for deposit	III	43
No. 3, copying into, of deposited will	"	45, 46
REGISTER-BOOKS to be kept in offices	III	51
"REGISTERED" defined	XV	3
<i>See Certified copy, Instrument, Knowledge, Land, Lease.</i>		
REGISTERED COMPANY, see <i>Call</i> .		
REGISTERED OFFICE of corporation, service of summons by delivery at,	X	436 (a)
REGISTERED WRITING, see <i>Contract</i> .		

	ACT.	SEC.
REGISTERING as a suit, of application to file agreement to refer to arbitration ...	X	523
award ...	"	525
of filed agreement to submit case to court ...	"	529
REGISTERING FEE for notices, &c., payment of, ...	X	95
REGISTERING OFFICER may call for issue of summons to person whose testimony is required for registering document ...	III	36
to go to persons exempt from appearance ...	"	38
<i>See Entry, Examination, Inquiry.</i>		
REGISTERING OFFICERS, duties and powers of, ...	III	51-70
REGISTERS, see <i>Keeping.</i>		
REGISTRABLE documents ...	III	17-22
REGISTRAR of military cantonment beyond British India declared a district ...	III	9
registration by, ...	"	30
execution before, and authentication by, of power-of-attorney ...	"	33 (a)
power of, to direct registration of document presented after limited time ...	"	34
transmission to, of application for direction to register ...	"	34 (c)
refusing to register, procedure prescribed for, ...	"	35
procedure of, on receiving will for deposit ...	"	43
special duties of, ...	"	66, 67
transmission of copy of high court judgment on reference, under signature of, ...	X	619
of high court, acts which may be done by ...	"	637
of chief court, appointment of, ...	XVII	22
dismissal of, ...	"	24
may do non-judicial acts ...	"	29
<i>See Amalgamated, Attestation, Office, Refusal, Voluntary execution.</i>		
of high court, see <i>Public functionaries.</i>		
REGISTRARS, appointment of, ...	III	6
of small cause courts, statement of cases by, ...	X	646
<i>See Controlling, Superintendence.</i>		
REGISTRATION of instrument which is void or voidable ...	I	39
of documents, Act for, ...	III	
establishment ..	"	4-16
of wills and authorities to adopt ...	"	41
before protector ...	V	22
<i>See Effects, Fees, Incorrect, Procedure.</i>		
REGISTRATION-FEE, fine not exceeding ten times the amount of, ...	III	34
REGISTRATION-OFFICE, see <i>Attendance, Closed.</i>		
REGISTRATION-OFFICES, books to be kept in all, ...	III	51
REGISTRY of particulars relating to emigrant ...	V	18
of memorandum of appeal ...	X	548, 550
of granted application for review ...		630
of instrument of sale, limitation-time to run from, ...		sch. II, No. 10
<i>See Dependents.</i>		

	Act.	Sec.
REGULATION XX of 1810 repealed in part	X	3 & sch. I
XIV of 1816 (Madras), section 27 repealed	X	3 & sch. I
VII of 1822, suit to contest award under,	XV	sch. II, No. 45
IX of 1825, suit to contest award under,	XV	sch. II, No. 45
XXIX of 1827 (Bombay), procedure in cases defined in,	X	7 & sch. III
III of 1828 (Bengal), section 4, clause fifth, rules and restrictions referred to in,	X	615
VII of 1830 (Bombay), procedure in cases defined in,	X	7 & sch. III
XIII of 1830 (Bombay), see <i>Jágrdárs</i> ,		
I of 1831 (Bombay), procedure in cases defined in,	X	7 & sch. III
VI of 1831 (Madras), provisions not applying to,	XV	1 (b)
XVI of 1831 (Bombay), procedure in cases defined in,	X	7 & sch. III
IX of 1833, suit to contest award under,	XV	sch. II, No. 45
of procedure, power to make rules for,	XIV	31 (b)
See <i>Forfeiture</i> .		
REGULATIONS, see <i>Military regulations</i> .		
RE-HEARING of unfinished case taken up by second magistrate	IV	156
of appeal decided <i>ex parte</i> in absence of respondent	X	560
of case on application for review	"	630
of appeal heard <i>ex parte</i> in absence of respondent, application for,	XV	sch. II, No. 169
See <i>Refusal</i> .		
REJECTED documents, endorsement on,	X	142
REJECTING or returning plaint, appeal from order as to,	X	588 (c)
application to set-aside dismissal of suit, appeal from order as to,	"	588 (f)
for dismissal of suit on ground of plaintiff's insolvency, appeal from order as to,	"	588 (e)
appeals, see <i>Saving</i> .		
REJECTION of appeal, power of high court as to,	IV	172, 174 (d)
of plaint	X	53, 54
of written statement	"	116
of irrelevant or inadmissible documents	"	140
of application for execution	"	245
to alter schedule	"	353
of pauper's application	"	405, 407
of memorandum of appeal not in form	"	543
of appeal on failure of appellant to furnish security	"	549
of application for leave to appeal as pauper... ..	"	592
review	"	626, 628, 629
benefit of Act	XIV	5
review, limitation-time to run from,	XV	sch. II, No. 159
RELATIVE or friend, delivery of accused lunatic to care of,	IV	204
RELEASE on bail being given	IV	58
of accused on execution of recognizance	"	73
on bail, of appellant, power of high court to order,	"	175
of persons imprisoned for failure to furnish security	"	225
on bail, pending reference to high court	"	210
of attached property of witness out of the way	X	169, 170
of property from attachment	"	280
of arrested debtor who applies to be declared insolvent	"	336
of person arrested in execution, on payment of debt and costs under money-decree	"	336, 337
of judgment-debtor from jail	"	341

	ACT.	SEC.
RELEASE (<i>contd.</i>)		
of right, accrual of right to enforce judgment, &c., by person capable of,	XV	sch. II, No. 180
<i>See Bail, Disallowance, Exclusion.</i>		
RELEASED land-revenue	XVII	49, exp.
RELIEF for breach of contract by money-compensation, presumption as to sufficiency of,	I	12, exp.
contract not enforceable where compensation in money is adequate,	"	21 (a)
being certainly obtainable by other proceeding, bar to injunction in case of,	"	56 (i)
sought, rejection of plaint for under-valuation of,	X	54 (a)
for actionable wrong claimable from firm, service of summons on partners in suit for,	"	74
respecting immoveable property, service on agent in suit for, granted to be stated in decree	"	77
statement as to, in application for execution	"	206
due to appellant to be stated in judgment when decree reversed or varied in appeal	"	235 (g)
granted to be stated in decree in appeal	"	574 (d)
	"	579
<i>See Grant, Personal obedience.</i>		
on ground of fraud, <i>see Fraud.</i>		
of mistake, <i>see Mistake.</i>		
RELIGIOUS , <i>see Questions.</i>		
RELINQUISHMENT of claim to performance of that part of contract which other party is unable to perform	I	15
to compensation for unperformed part of contract	"	15
to bring suit within jurisdiction	X	43
to be stated in plaint	"	50 (f)
of management	XIV	19
REMAINDER , <i>see Bequest, Life-tenancy.</i>		
REMAINDERMAN , decree to, of specific performance of contract by tenant for life	I	23 (d)
suit by, for possession of immoveable property	XV	sch. II, No. 140
<i>See Death, Hindú, Muhammadan, Tenant for life.</i>		
REMAND of accused	IV	86
of case by appellate court	X	562
<i>See Error.</i>		
REMANDING case, appeal from order as to,	X	588 (w)
REMARKS , <i>see Demeanour.</i>		
REMARriage of Hindú or Muhammadan female, suit to have alienation by her of land declared void until,	XV	sch. II, No. 125
REMEDIES , right to sue for all of several,	X	43
effect of omission of some,	"	43
<i>See Dishonoured, Mortgagee, Provisional.</i>		
REMEDY already chosen by person with whom contract is broken ...	I	24 (c)

	Act.	Sec.
REMISSION of difference between fines and fees	III	70
of fees, magistrate's power as to,	IV	57
of part of penalty	"	79
of unexecuted sentence of whipping	"	191
of punishment for contempt	"	207
of fee for license	VIII	13
of court-fee on fresh institution of suit in another court	X	21
REMITTING award to arbitrators for reconsideration	X	520, 523
REMOVAL of object of search, precaution to prevent clandestine, ...	IV	164
of name from list of licensees	VIII	11
of person refusing to vacate property delivery of which is decreed	X	263
ordered to be delivered to purchaser	"	319
of next friend of minor	"	446
of guardian for suit	"	453, 459
of property, to avoid or delay plaintiff	"	477 (c), 478, 483, 484
of attachment before judgment	"	488
from possession or custody of person, of property in suit...	"	503
of property under attachment from possession or custody, restriction of court's power as to,	"	503
to England of military lunatic	XI	3
of materials for emergent work	XIII	3 (b)
of mortgagee or conditional vendee in possession of pro- perty under management	XIV	21
of manager	"	32
of another's soil, or things growing on his land	XV	3
of manufactured salt from place of storage	XVIII	7
of ministerial officers by district judges	XIX	
<i>See Fraudulent, Precautions, Stay of proceedings, Suspension, Threat.</i>		
REMOVING gate, <i>see Trespass.</i>		
REMUNERATION of registering officers	III	14
of receiver	X	356
of witnesses before commissioners	"	399
of receiver by fee or commission	"	503 (d)
<i>See Law.</i>		
RENEWAL of license	VIII	7
RENT due, effect of omission to sue for whole of,	X	43, <i>ill.</i>
joinder with certain suits, of claims to arrears of,	"	44, rule (a)
provision for payment of, in decree made in suit for property yielding,	"	211
materials of buildings not exempt from attachment for,	"	266, 2nd prov., (a)
due to proprietor of tenure in suit, effect of non-payment of, reserved in lease, plaint in suit for,	"	501 sch. IV, No. 20
concise statement of claim for arrears of,	"	sch. IV, No. 114
paid, concise statement of claim for return of,	"	sch. IV, No. 114
of land, trial by settlement-officers of suits and appeals relat- ing to,	XVII	43
<i>See Account, Arrears of rent, Current arrears, Fixed rent, Prohibitory order, Reasonable rent, Superior holder, Sureties.</i>		

	ACT.	SEC.
RENT-FREE land, see <i>Resumption.</i>		
RENTS and profits of property in custody of receiver	X	503 (d)
See <i>Discharge, Receipts, Recover, Recovery, Residue, Vendor or lessor.</i>		
RE-OPENING of court closed when time for application expires ...	X	599
when suit may be instituted on, ...	XV	5
REPAIR, effect of defective completion by lessee of unfinished house which landlord covenants to keep in,	I	24, <i>ill.</i> to cl. (b)
See <i>Landlord and tenant.</i>		
REPAIRING house, see <i>Work.</i>		
REPAIRS, see <i>Breach of covenant, Costs.</i>		
REPAYMENT, see <i>Purchase-money.</i>		
	I	2
	III	2
	IV	2
	X	3
REPEAL of enactments	XI	2
	XIV	2
	XV	2
	XVII	2
	XVIII	2
REPLY by party beginning, and on the whole case	X	180
of party entitled to begin in appeal	"	555
REPORT to local government, of appointments	III	13
to high court in case of doubt as to magistrate having jurisdiction	IV	55
to high court, where accused cannot understand proceedings	"	131
of chemical examiner, use of, as evidence	"	153
to government when accused found lunatic	"	196
lunatic found to have committed act charged	"	200
as to state of mind of accused lunatic	"	201
of commission of inquiry as to state of mind of accused lunatic	"	203
after inspection of vessels with return-emigrants	V	6
of refusal to countersign, or of cancelment of, license	"	13
of arrival of emigrant at depôt	"	24
by collector to court, of sale of property, &c.	X	325
on investigation under commission	"	392, 393
of commissioner for examination of accounts	"	395
of commissioners for partition	"	396
of non-satisfaction of decree against government or public officer in time allowed	"	429
in case of native military insane	XI	4
of proceedings under order of inquiry as to debts, &c.	XIV	7
to chief court, in case in which judge before whom it comes is interested	XVII	46
REPRESENTATION of beneficiaries in suits concerning trust-property	X	437
REPRESENTATIVE in interest, when decree for specific performance may be granted to,	I	23 (b)
suit by, for rectification of instrument	"	31
defined	III	3
or assign, presentation by, for registration	"	32
of government of India, execution before, and authentication by, of power-of-attorney	"	33 (c)
of Queen, execution before, and authentication by, of power-of-attorney	"	33 (c)

	ACT.	SEC.
REPRESENTATIVE, (contd.)		
statement in plaint where plaintiff sues as, ...	X	50
capacity of suitor to be shewu ...	"	58
of deceased joint decree-holder ...	"	231
of judgment-debtor dying before execution of decree, application against, ...	"	234
notice to show cause against execution of decree in case of, ...	"	248
execution of decree for money payable out of deceased's property against, ...	"	252
survival of cause of action to, and against, on death of all parties during suit ...	"	361, <i>ill. (b)</i>
of deceased one of several plaintiffs to whom, jointly with surviving plaintiffs, cause of action survives ...	"	363
in interest of idiot dying under disability, limita- tion in case of, ...	XV	7, <i>ill. (f)</i>
suit against, under Act XII of 1855 ...	"	sch. II, No. 33
<i>See Abatement, Addition, Administration, Ad- mission, Application, Bequest, Bringing in, Death, Denial, Incompetency, Intes- tate, Legal representative, Liability, Notice, Partner, Refusal, Sale, Signature, Surplus.</i>		
REPRESENTATIVES, grant of copies of entries in books to, ...	III	57
of parties, decision by court executing decree, of questions between, ...	X	244 (c)
suits by, under Act XII of 1855 ...	XV	sch. II, No. 20
XIII of 1855 ...	"	sch. II, No. 21
application to take effect against, ...	"	sch. II, No. 179, exp. 1
of judgment-debtor, application against, ...	"	sch. II, No. 179, exp. 1
application to take effect in favour of, ...	"	sch. II, No. 179, exp. 1
of decree-holder, application by, ...	"	sch. II, No. 179, exp. 1
<i>See Accident, Appearance, Necessity, Right.</i>		
REPUDIATION of suit by co-plaintiff, late minor ...	X	454
REQUEST, see Goods made. of defendant, see <i>Goods delivered, Money paid, Neces- saries.</i>		
REQUIRING security for costs, provisions as to, ...	X	380—382
REQUISITIONS of government for certified copies of, or extracts from, records of court ...	XVII	28
RE-REGISTRATION of documents executed by several persons ...	III	23
RE-SALE in default of payment for property other than instruments or shares ...	X	297
of property in default of deposit ...	"	306
in default of payment of purchase-money ...	"	308, 309
of property, collector's power as to, ...	"	321 (d)
<i>See Auction, Defaulting purchaser.</i>		

	ACT.	SEC.
RESCISSION of contracts	I	35—38
or modification of declaration of transfer to collector of		
execution of decrees	X	320
of contract on ground of mistake, plaint in suit for, ...	„	sch. IV, No. 99
of contract, suit for,	XV	sch. II, No. 114
<i>See Attorney, Mistake.</i>		
RESCUE from lawful custody and grievous hurt, separate charges for,	IV	107, I, <i>ill.</i> (a)
RESERVED price on property to be sold, power to fix,	X	321 (b)
RESERVING consideration of question of costs	X	218
RESETTLEMENT of issues by appellate court	X	565
RESIDENCE, place of, included in <i>Addition</i>	III	3
of principal empowering agent to present for registra-		
tion	„	33
of accused outside jurisdiction of issuer of summons ...	IV	50
of defendant	X	16, 17, 57 (c)
with reference to place of suing, of person dwelling at		
one place and temporarily lodging at another	„	17, exp. 1
of pleader, effect of leaving process at,	„	40
excluding from obligation to appear in person	„	67
of defendant to be considered in fixing day for appear-		
ance	„	69
out of British India, sending summons to defendant at		
his place of,	„	89
in relation to obligation to attend in person	„	176
of judgment-debtor as affecting execution of decree ...	„	223 (a)
out of British India, defined	„	382
within jurisdiction, examination by commission in case of,		
beyond jurisdiction, examination by commission in case of,		
outside district in which court situate	„	383, 385
		386 (a)
		648
<i>See British india, Place, Presidency-towns, Rangoon.</i>		
RESIDENCES, see <i>Names</i> .		
RESIDENTS in closed place to allow and aid search	IV	162
RESIDUARY LEGATEE, see <i>Letters</i> .		
RESIDUE of income of property under management, disposal of, ...	XIV	11
of rents and profits of property under management, pay-		
ment of, to owner	„	19 (c)
bequeathed, see <i>Share of residue</i> .		
RESISTANCE to execution	X	328—335
or obstruction of removal of incumbrancer	XIV	21
" of appeal grounded on want of jurisdiction, a prosecu-		
tion of suit	XV	14, exp. 2
of claim to easement	„	27
to delivery, limitation-time to run from date of,	„	sch. II, No. 167
<i>See Illegal obstruction.</i>		
RESISTING execution, see <i>Order for committal</i> .		
<i>Res judicata</i>	X	13
RESPONDENT to have opportunity of contesting case on ground of		
objection to decree not stated in memorandum	X	542
call for security from appellant before appearance, or		
on application, of	„	549
confirmation of decision of lower court without notice		
to,	„	551
notice to, of day of hearing appeal	„	553
hearing of appeal <i>ex parte</i> on non-appearance of,	„	556

	ACT.	SEC.
RESPONDENT, (contd.)		
effect of appearance of, without notice	X	557
joining as, of party to original suit who is interested in result of appeal	"	559
not appealing against any part of decree, may on hearing of appeal take objection thereto	"	561
issue of execution of decree appealed against to Queen, on application of,	"	609
stay of execution of decree appealed against to Queen, on failure by, to give further security	"	609
when barred from applying for review	"	623
<i>See Absence, Costs of respondent, Description, Names, Notice, Place of residence, Security, Time to appear.</i>		
RESPONSIBILITY of attaching officer for property seized ..	X	269
of receiver for loss by default or negligence	"	563 (h)
RESTITUTION or discharge of judgment-debtor's property or person seized	X	239, 240
of conjugal rights, execution of decree for,	"	260
suit for,	XV	sch. II, No. 35
<i>See Conjugal rights.</i>		
<i>of property, see Security.</i>		
RESTORATION of party against whom rescission of contract is ad- judged, to prior position	I	36
of forfeited property	IV	69
of suit dismissed for default	X	99
referred to arbitration, setting-aside award made after,	"	521 (c)
of parties in appeal to Queen, to former position	"	609
of rejected application for review	"	629
of moveable property threatened with destruction, and for injunction, plaint in suit for,	"	sch. IV, No. 103
of property under management, to owner	XIV	19 (b)
of owner to possession of property	"	26
to sanity, limitation-time to run from,	XV	sch. II, No. 94
of rejected application for review, application for,	"	sch. II, No. 159
RESTORING possession of immoveable property taken from owner by criminal force	IV	233
RESTRAINING right to sue, see <i>Writing</i> .		
RESTRAINT , see <i>Waste</i> .		
RESTRICTIONS , see <i>Rules and restrictions</i> .		
RESUMPTION of enquiry or trial of accused found lunatic	IV	197
or assessment of rent-free land, suit for,	XV	sch. II, No. 130
RETAKING in execution, liability of discharged judgment-debtor to, RETIREMENT of next friend	X	241
RETRIAL in case of magistrate leaving jurisdiction before completing case	X	447
power of high court to order,	IV	156
RETURN of document registered to presenter	"	174 (c)
of commission	III	61
of fee paid for license	IV	158
of plaint for amendment	VIII	11
presentation to proper court	X	53
		57

	ACT.	SEC.
RETURN (contd.)		
of served summons or process to issuing court ...	X	80, 85, 86, 87, 88, 90
of written statement to party presenting	"	116
of documents not proved or admitted	"	141
of rejected documents...	"	142
of documents placed on record	"	144
of application for execution, for amendment	"	245
of warrant for execution of decree	"	251
of arrest in execution	"	343
of commission, direction as to,	"	386
with evidence taken thereunder	"	389, 391
of evidence taken under commission for investigation	"	393
of commission for partition	"	396
of process sent for service on military man	"	468
of memorandum of appeal, for amendment	"	543
by lower court, of finding and evidence on issues referred to it by appellate court for trial	"	566
for amendment, of case referred to high court...	"	621
of goods (household furniture) or their value, or damages for detention, concise statement of claim for,	"	sch. IV, No. 114
of money or fees overcharged, concise statement of claim for,	"	sch. IV, No. 114
of premium on policies of insurance, concise statement of claim for,	"	sch. IV, No. 114
<i>See Fees, Sending back.</i>		
of money, see <i>Consideration, Rent, Stakeholder, Surety.</i>		
of summons, see <i>Accompaniment.</i>		
to distress-warrant, see <i>Detention.</i>		
RETURN-EMIGRANTS , see <i>Inspection.</i>		
RETURNING , see <i>Rejecting.</i>		
RETURNS , see <i>Municipalities.</i>		
REVENUE , statement as to interest in, or liability for, in application for attachment	X	238
assessed on estate to be stated in proclamation of sale	"	287 (b)
assigned or redeemed, appointment of collector to be receiver of land of which,	"	504
paid by one sharer in joint estate for all, suit for contribution in case of,	XV	sch. II, No. 99
of land, trial by settlement-officers of suits and appeals relating to,	XVII	49
<i>See Arrears of revenue, Estate, Government revenue, Land.</i>		
REVENUE-AUTHORITIES , suit to set-aside attachment, &c., by, recover money paid in satisfaction of claim of,	XV	sch. II, No. 15
REVENUE COMMISSIONER , northern division, Bombay	XIV	sch. II, No. 16 3
REVENUE JURISDICTION , see <i>Bombay.</i>		
REVENUE-OFFICER , suit to set-aside sale under decree of,	XV	sch. II, No. 12 (b)
REVENUE-OFFICERS , see <i>Instruments.</i>		
REVERSAL of decree, withdrawal of attachment on, in appeal	X	275
on preliminary point on which court of first instance has disposed of suit	"	544
	"	562

	ACT.	SEC.
REVERSAL (contd.)		
of decree in appeal, relief due to appellant to be stated in case of,	X	574 (d)
appealed against, by judgment in appeal	"	577
or modification of orders fining ministerial officers	XVII	36
<i>See Alteration, Error, Irregularity, Judge sitting alone.</i>		
REVERSIONER in possession, decree to, for specific performance of contract		
in remainder, decree to, for specific performance of contract	I	23 (e)
of servient tenement, exclusion in favour of, of time in reckoning period of enjoyment of easement	"	23 (f)
(other than landlord), suit by, for possession of immovable property	XV	27
	"	sch. II, No. 140
<i>See Alienation, Death, Hindú, Muhammadan.</i>		
REVIEW, bar of,		
correction of judgment on,	I	9
of judgment	X	202
bar of application for, in certain cases	"	623—630
when application for, may be made after limitation-period of judgment, time to be excluded in reckoning limitation-period prescribed for,	"	629
application for restoration of rejected application for,	XV	5
	"	12
	"	sch. II, No. 159
of judgment by presidency high court in original jurisdiction, application for,	"	sch. II, No. 162
of judgment by other than presidency high court, application for,	"	sch. II, No. 173
of judgment, limitation of application for execution where there has been,	"	sch. II, No. 179, 3
<i>See Grant of review.</i>		
REVISION of unexecuted sentence of whipping		
and authentication of translations, high court's power to regulate,	IV	191
by, and reference to, high court	X	612 (g)
of liquidation-scheme	"	617—622
commissioner's power of,	XIV	18 (a)
	"	30
<i>See Highest court.</i>		
REVIVAL of prosecution not barred by discharge		
of proceedings, processes, executions and attachments	IV	87, exp. 2
of debts and liabilities	XIV	19 (d)
of barred right to sue obviated	"	19 (d)
of judgment, decree or order, effect of,	XV	2
	"	sch. II, No. 180
<i>See Latest.</i>		
REVOCABLE, contract not enforceable which in its nature is,		
REVOCAION of prohibition of emigration	I	21 (d)
of appointment of pleader	V	38
of acceptance of security in case of appeal to Queen	X	39
	"	604

	ACT.	SEC.
REVOCAION (<i>contd.</i>)		
of probate, form of claim to, by executor, legatee, next-of-kin, &c.	X	sch. IV, No. 115, 2
of letters of administration, form of claim to, ...	"	sch. IV, No. 115, 3
See <i>Auctioneer, Questions.</i>		
RIDEB , see <i>Entry.</i>		
RIGHT to relief under agreement not a contract	I	4 (a)
other than specific performance, had under contract of representative, assign or agent to appear, inquiry as to, ...	"	4 (b)
of accused to be defended	III	34 (c)
of suit for recovery of property delivered by order of magistrate	IV	130
to property, or to an office, suit contesting, is a civil suit ...	"	244
to discovery or inspection, depending on issue or question in dispute, determination of,	X	11, exp.
in dispute, decision by court as to, under agreement between parties	"	135
to begin, rules as to,	"	150
or interest, contingent or possible, not liable to attachment ...	"	179, exp.
to future maintenance not liable to attachment... ..	"	266 (k)
to attached property, saving of suits to establish, of mortgagee or incumbrancer, against proceeds of property sold free from mortgage or charge	"	266 (l)
to sue, bar of fresh application by pauper in respect of same,	"	283
of party to suit, as to removal of person in possession of property under attachment	"	295
to recover, section not confined to cases in which negotiable instrument, together with mere lapse of time, is sufficient to establish <i>prima facie</i> ,	"	413
to begin, hearing in appeal of party having,	"	503
explanation as to,	"	532, exp.
decision of suit on merits, omission by lower court of proceeding essential to,	"	555
of incumbrancer to receive payment under liquidation-scheme to sue, barred by Act IX of 1871, not revived	"	555, exp.
to appropriate another's soil, included in <i>Easement</i>	XIV	566
thing growing on another's land, included in <i>Easement</i>	XV	21
to sue accruing during minority	"	2
" insanity	"	3
" idiocy	"	3
	"	7, ills.
	"	7, ills.
	"	7, ills.
See <i>Acknowledgment, Determination, Documents, Mortgagee's right, Nature, Pre-emption, Recurring right, Special, Status.</i>		
and justice, see <i>Public duties.</i>		
of other person, see <i>Prohibitory order.</i>		
of pasture, see <i>Pasture.</i>		
to enforce, see <i>Accrual.</i>		
to fish, see <i>Fishery.</i>		
to maintenance, see <i>Maintenance.</i>		
to make application, see <i>Accrual.</i>		
to money, see <i>Acknowledgment.</i>		
to possession, see <i>Dispute.</i>		

	ACT.	SEC.
RIGHT (contd.)		
to present possession, see <i>Establishment</i> .		
to property, see <i>Extinguishment</i> .		
to recover, see <i>Accrual</i> .		
to redeem, see <i>Accrual</i> .		
to resume or assess, see <i>Accrual</i> .		
to share, see <i>Joint family-property</i> .		
to sue, see <i>Accrual, Acknowledgment, Allegations, Death, Fraud, Fraudulent concealment, Postponing, Restraining</i> .		
to use property, see <i>Perversion</i> .		
to use water, see <i>Obstructing</i> .		
RIGHT OF WAY not mentioned in contract for sale of land, and which does not exist	I	22, <i>ill. (j)</i>
across land, right of owner to sue for declaration in case of claim to,	"	42, <i>ill. (a)</i>
claimed by inhabitants of village, and declared in suit against some of them not to exist, suit to restrain others from claiming,	"	54, <i>ill. (p)</i>
suits for obstruction to enjoyment of, as easement	XV	26, <i>ills.</i>
suit for declaration of title to,	"	27, <i>ill.</i>
<i>See Field.</i>		
RIGHTS of parties, grant of specific relief by declaring,	I	5 (<i>d</i>)
of purchaser against vendor with imperfect title	"	18
of lessee against lessor with imperfect title	"	18
to ways included in <i>Immoveable property</i>	III	3
of secured and unsecured creditors	X	213
to sue for damages, and of personal service, not liable to attachment	"	266 (<i>e</i>), (<i>f</i>)
to be ascertained, of parties interested in property to be partitioned	"	396
of head or subjects of foreign state, suits for,	"	431
of parties being capable of decision in pending suit, bar of interpleader in case of,	"	470
previously existing, of persons not parties to suit, not affected by attachment before judgment	"	489
of parties, determination of,	"	562
<i>See Compromise, Instrument.</i>		
of adopted son, see <i>Interference</i> .		
RINGING , see <i>Bells</i> .		
RIOT or affray, assistance in prevention of,	IV	247
RIOTING , grievous hurt and assaulting public servant, separate trial for,	IV	107, I, <i>ill. (f)</i>
assault and other breach of peace, power to require security in case of conviction of,	"	208
rites , see <i>Questions</i> .		
RIVAL-HOUSE , see <i>Service</i> .		
RIVER , see <i>Carrying-away</i> .		
ROAD , specific enforcement of railway company's contract to construct,	I	12, <i>ill.</i>
<i>See Using.</i>		
ROADS , see <i>Communications</i> .		
ROBBER , house-breaker and thief, security from, for good behaviour	IV	213, 214
ROBBERY and hurt, separate trial for,	IV	107, III, <i>ill. (n)</i>

	ACT.	SEC.
ROBBERY, trial for, of person acquitted on charge of murder ...	IV	113, <i>ill. (b)</i>
after conviction on same facts, of theft from person	,	113, <i>ill. (f)</i>
<i>See Dacoity, Trial.</i>		
ROOTING-OUT, <i>see Cutting.</i>		
ROPE, appropriation of, in emergency	XIII	3 (b)
ROYAL CHARTER, <i>see Chartered court, Chartered high court, Court not chartered.</i>		
RULE of high court fixing scale of costs in summary suits ...	X	532
or order of high court, service of process by persons authorised by,	"	636
power of high court to declare by, what are non-judicial and quasi-judicial acts	"	637
of chief court, extending section to other original jurisdiction	XVII	17 (b)
of decision when judges differ	"	20
<i>See General rule.</i>		
RULES to be framed by high courts	I	51
power to frame, excepted	III	4
of inspector-general to make,	IV	69
of chief magistrate to make,	IV	9
of local government to make,	VIII	23 (b)
as to expenses of witnesses to be regarded	X	160
as to appearance and attendance applied to strangers to suit ...	"	171
as to witnesses applied to parties to suit	"	178
for maintenance and custody of attached live-stock and moveables	"	269
for conducting sales of property, high court to make,	"	287
for transmission of decrees from court to collector	"	320
as to issue of commissions to be observed when made	"	392
for giving effect to provisions as to summary suits on negotiable instruments	"	538
as to service on defendant of summons to appear and answer, applied	"	553
as to references to other judges of court of which two have heard appeal and have differed	"	575
for execution of decrees in suits, applied to appellate decrees... ..	"	583
applied to pauper-appeals	"	592
made by Queen in council, regarding appeals from courts in British India, to govern appeals	"	595
as to execution of original decrees, applied	"	610
as to enforcement of decrees, applied to Queen's orders	"	611
matters as to which high court may make,	"	612
restriction of power of Recorder of Rangoon to make,	"	614
and restrictions applied to appeals to Queen from high court, Bengal	"	615
as to form of making appeals, applied	"	625
chartered high court to take evidence and record judgments and orders according to its own,	"	633
as to advocates, vakils and attorneys, bar to interference with high court's power to make,	"	635
as to keeping of books, entries and accounts, high court's power to make,	"	639
as to admission of affidavits, power to make,	"	647
applicable to all judicial process for arrest, sale of property or payment of money	"	649
as to labourers liable to be impressed	XIII	4
as to compensation for damage	"	6

	Act.	Sec.
RULES (contd.)		
under Act XV of 1871, continued	XIV	2
by Governor of Bombay for dealing with applications ...	"	5
as to notification of sanction of liquidation-scheme ...	"	20
power of local government to make,	"	30
of limitation in force in British Burma before 1st May, 1863, applied	XV	sch. II, No. 148
prescribed by repealed Acts, continued	XVII	2
by chief court for delegation of its powers	"	19
as to petition-writers, power of chief court to make, ...	"	26
punishment for breach of,	"	26
as to general matters, power of chief court to make, ...	"	27
taking evidence and recording judgments according to court's own,	"	29
by local government, appointment of ministerial officers to be subject to,	"	35
when to have force of law	"	47
<i>See Appointments, British burma, Chief controlling revenue-authority, Insolvent, Law, Legalization, Regulation III (Bengal) of 1828, Special rules, Subsidiary.</i>		
of judicial committee of privy council, <i>see Saving.</i>		
RURAL POLICE and district post, allotments for maintenance of, ...	VII	1
SAFE CUSTODY of books, papers and documents	III	69
of prisoner called from jail for examination	IV	139
of lunatic found to have committed act charged ...	"	200
<i>See Fees.</i>		
SALARIES, see Remuneration.		
SALARY as clerk, concise statement of claim for arrears of, ...	X	sch. IV, No. 114
<i>See Moiety.</i>		
SALE by vendor with imperfect title, rights of purchaser under, ...	I	18
of trust-property by trustee, injunction to restrain imprudent, ...	"	54, <i>ill. (f)</i>
of attached property when owner does not appear	IV	68
of absconding witness	X	170
of immovable property outside jurisdiction of court passing decree, effect of order for,	"	223 (c)
of property under attachment	"	259, 260, 263
of attached property subject to decay or expensive to keep ...	"	269
power to order,	"	284
and delivery of property in execution of decrees	"	286—343
of part of property, power to raise amount of judgment-debts by, by collector when amount of judgment-debts not raised by lease or management	"	322 (c)
of property attached before judgment, decree-holder not barred from applying for,	"	324
in case of disobedience of injunction	"	489
barred pending reference to high court	"	493
or foreclosure, plaint in suit for,	"	618
	"	sch. IV, No. 109
of goods, concise statement of claim for damages for—		
breach of contract to accept and pay for goods	"	sch. IV, No. 114
non-delivery of goods	"	sch. IV, No. 114

	ACT.	SEC.
SALE (contd.)		
of goods, concise statement of claim for damages for—		
short delivery of goods	X	sch. IV, No. 114
defective quality ...	„	sch. IV, No. 114
breach of warranty ...	„	sch. IV, No. 114
of land, concise statement of claim for damages for breach of contract—		
to sell or purchase land ...	„	sch. IV, No. 114
to let or take house ...	„	sch. IV, No. 114
to sell or purchase lease, with goodwill, fixtures and stock-in-trade of public house ...	„	sch. IV, No. 114
concise statement of claim for damages for breach of covenant for title, or quiet enjoyment, in conveyance of lands ...	„	sch. IV, No. 114
form of decree for, in suit by mortgagor or other person entitled to lien	„	sch. IV, No. 128
for arrears of revenue or rent, limitation-time to run from its becoming final and conclusive	XV	sch. II, No. 121
suit by mortgagee for,	„	sch. II, No. 147
of salt, cost of,	XVIII	8
See <i>Annuity, Attachment, China vases, Completion, Conveyance, Decree, Estate, Family-utensils, Field, Furniture, House, Levy, Perishable articles, Picture, Possession, Private alienation, Railway-shares, Raising money, Sell, Vendor, Wrongful sale.</i>		
of horse, see <i>Fraud.</i>		
of immoveable property, see <i>Order for sale.</i>		
of land, see <i>Certificate, Order confirming.</i>		
of property, see <i>Judicial process, Warrant of sale.</i>		
SALEABLE-INTEREST, application to set-aside sale on ground that alleged owner had no,	XV	sch. II, No. 172
SALEABLE PROPERTY liable to attachment	X	266
SALEABLE TENURE sold for arrears of rent, suit to avoid incumbrances or under-tenures in,	XV	sch. II, No. 121
See <i>Patni taluq.</i>		
SALE-PROCEEDS, see <i>Balance.</i>		
SALES, suit for setting-aside certain,	XV	sch. II, No. 12
See <i>Confirming, Setting-aside.</i>		

	ACT.	SEC.
SALT imported by sea, duty on,	XVIII	4
imported by land, duty on,	"	5
SALT ACT, 1877	XVIII	
SAMPLES, power to authorize taking of,	X	499 (c)
SANADS and inám title-deeds, exemption of,	III	90 (d)
SANCTION to receive complaint or to try without complaint	IV	29
to prosecution	"	39-43
of governor general to rules as to labourers	XIII	4
declaration as to who are thákurs	XIV	3
to liquidation-scheme... ..	"	18 (b)
of local government, appointment of registrar subject to,	XVII	22
dismissal of registrar and deputy		
registrar subject to,	"	24
to rules and forms	"	47
to transfer of chief court's power of superintendence to		
single judge	"	48
<i>See Governor general, Local government, Prosecution.</i>		
SAND or gravel, injunction to restrain lessees of land from violating		
contract by digging out,	I	54, ill. (a)
<i>See Depositing.</i>		
<i>SANITY, see Restoration.</i>		
SATISFACTION for breach of contract, effect of recovery of,	I	24 (c)
in cross-decrees, entry of,	X	246
entry of, in case of cross-claims under same decree	"	247
of decree by payment out of court	"	258
order for withdrawal of attachment on,	"	275
entry of, in case of purchase by decree-holder	"	294
by temporary alienation or management of		
land or share	"	326
in full, of decrees against discharged insolvent	"	357
of plaintiff by defendant to be recorded	"	375
of decree against government or public officer	"	429
<i>See Diligence, Order, Seizure.</i>		
in full, see <i>Acceptance, Costs.</i>		
in part only, see <i>Acceptance.</i>		
of decree, see <i>Compelling.</i>		
of mortgage, see <i>Mortgages, Surplus-collections.</i>		
SAVING of Acts affecting Oudh, Panjáb, Central Provinces and Burma	X	4
of certain Bombay laws	"	7
of suits to establish right to attached property	"	283
of Queen's pleasure in receiving or rejecting appeals	"	616
of rules for conduct of business before judicial committee of		
privy council as to appeals	"	616
of criminal, admiralty or vice-admiralty jurisdiction	"	616
of appeals from orders and decrees of prize-courts	"	616
of jurisdiction of courts in Broach and Kaira	XIV	37
of titles acquired, of barred rights to sue, and of Contract		
Act, section 25	XV	2
SCALE of expenses of witnesses	X	160
SCHEDULE of creditors and debts of insolvent	X	352
of property to be annexed to pauper's application	"	403
A, No. 49, of Indian Tariff Act, 1875, amended	XVIII	4
<i>See Alteration, Publication.</i>		

	ACT.	SEC.
SCHEDULED CREDITOR, application by, for alteration of schedule or striking out name therefrom	XV	sch. II, No. 174
SCHEDULED DISTRICTS excluded from operation of Act	I	1
excepted from operation	X	1
SCHEME of management of property of charity	X	539 (e)
of liquidation	XIV	12—19
SCHOLARSHIPS, allotments for establishment of,	VII	1
SCHOOL-DISCIPLINE, see <i>Whipping</i> .		
SCHOOL-HOUSES, allotments for construction and repair of,	VII	1
SCHOOLING, concise statement of claim for, and for board and lodging	X	sch. IV, No. 114
SCHOOLS, allotments for maintenance and inspection of,	VII	1
SEA, see <i>Perils</i> .		
SEAL of warrant for execution of decree	X	251
of court, transmission of copy of record in appeal to Queen under,		603 (c)
SEALED COVER, will may be deposited in,	III	42
SEALING of copies of entries in books, given to applicants	III	57
of summons	X	64
SEALS of registering officers	III	15
for commission of several forgeries, separate trial for possession of each	IV	107, I, <i>ill.</i> (b)
See <i>False seals, Forms</i> .		
SEAMAN'S wages, suit for,	XV	sch. II, No. 101
SEAMEN, see <i>Native seamen</i> .		
SEARCH for entries in books only by registering officer	III	57
for stolen property, forged documents, counterfeit stamps, false seals and coins, &c.	IV	160
and detention of emigrant-vessels	V	47
See <i>Presence</i> .		
SEARCHES, see <i>Fees</i> .		
SEARCH-WARRANT for document or thing to be produced	IV	145
SEARCH-WARRANTS, provisions relating to,	IV	159—166
See <i>Custody, Discovery, Entry, Letter, Seizure</i> .		
SEAWORTHINESS, see <i>Ship</i> .		
SECOND APPEAL, enlargement of provision as to,	XVII	39
SECOND APPEALS to high court	X	584
SECOND DECISION, limit to remand for,	X	564
SECOND INDORSER, see <i>Subsequent indorsee</i> .		
SECRETARY of company, prohibitory order on,	X	301
See <i>Director</i> .		
SECRETARY OF STATE, bar to order binding on,	I	45 (f)
suits by or against government to be by or against,	X	416
security not to be required from,	"	547
suit by or on behalf of,	XV	sch. II, No. 149
See <i>British currency, License</i> .		
SECRETARY TO GOVERNMENT, notice to be delivered to, or left at office of, before suit against secretary of state	X	424
See <i>Certificate, License</i> .		

	Act.	Sec.
SECRET PROCESS, suit by manufacturer for injunction to restrain dis- closure of, by his assistant to rival-manufacturer	I	54, <i>ill. (z)</i>
SECTION of law offended against to be stated	IV	94
SECTIONS of code not applying to high court	X	638
SECURED, see <i>Principal money</i> .		
SECURITIES for money liable to attachment	X	266
<i>See Deposit.</i>		
SECURITY to keep the peace, no appeal from order requiring, ...	IV	180, <i>ill. (b)</i>
for good behaviour, no appeal from order requiring, ...	"	180, <i>ill. (c)</i>
for care of accused lunatic	"	204
for keeping peace and for good behaviour	"	208—232
for future appearance of apprehended witness... ..	X	174
for payment of decrees by instalments	"	210
from judgment-debtor applying for stay of execution	"	240
by judgment-debtor to appear when called	"	336
to be given by receiver	"	355
for costs, refusal of assignee or receiver to give,	"	370
for costs, by next friend, before retirement	"	447
by next friend or guardian receiving money, &c., for minor	"	461
for appearance of defendant to answer decree	"	477, 479, 483, 484
discretion of court as to requiring, in case of injunction granted	"	493
by party put in possession of land or tenure in suit	"	501
for carrying out order for deposit in court, or delivery to owner, of money or thing the subject of suit	"	502
to account for receipts, receiver to give,	"	503 (e)
by defendant, for sum mentioned in summons... ..	"	532
by defendant allowed to appear and defend summary suit	"	533
by plaintiff, for costs in summary suit on negotiable instru- ment	"	535
for performance of decree under appeal, by applicant for stay of execution	"	545 (c)
for restitution of property or payment of value, and for performance of decree, by applicant for execution	"	546
in case of order for sale of immoveable property in execu- tion of money-decree under appeal	"	546
from appellant, for costs	"	549
from applicant, for leave to appeal to Queen	"	602 (a)
from respondent, to appeal to Queen	"	608 (b)
from appellant, for performance of decree pending appeal to Queen	"	608 (c)
from subordinate officers, power to make rules as to,	XIV	31 (a)
<i>See Amount, Attachment before judgment, Certificates, Failure, Further, Jewels, Negotiation, Order for committal, Order to call, Requiring, Revocation, Testing.</i>		
being given, see <i>Authority</i> .		
for payment, see <i>Money-bond</i> .		
in court or with government officer, see <i>Prohibitory order</i> .		
SEDUCTION, see <i>Loss of service</i> .		
SEIZED, see <i>Restitution</i> .		
SEIZURE by order of magistrate, attachment by,	IV	68
of things under search-warrant	"	160
in satisfaction of decree, power to summon and examine persons respecting property liable to,	X	267
attachment of moveable property by actual,	"	269, 270

	Act.	Sec.
SEIZURE (contd.)		
of property in house or building	X	271
<i>See Wrongful seizure.</i>		
SELECTION , see <i>Option.</i>		
SELL , see <i>Authority.</i>		
SENDING decree to another court for execution	X	223
, to appellate court additional evidence taken	"	569
SENDING BACK of emigrant to place of registration	V	27
SENIORITY of appointment, rank and precedence of judges according to,	XVII	6
SENTENCE , effect on, of inquiry or trial in wrong place	IV	24
on conviction	"	126
appeal only as to extent or legality of,	"	167
by magistrate not having jurisdiction, cancelment of,	"	179
in lieu of unexecuted sentence of whipping	"	191
in case of contempt, to be recorded	"	205
on person not complying with summons, &c....	X	174
or decree or order, time requisite to obtain copy of, to be excluded in reckoning limitation-period	XV	12
of death passed by sessions judge, appeal from,	"	sch. II, No. 150
or order, limitation-time to run from date of,	"	sch. II, Nos. 154, 155
of death passed by sessions judge, appeal to high court in cases other than from,	"	sch. II, No. 155
<i>See Commencement, Escaped convict, Recognizance, Warrant.</i>		
of court, see <i>Judge sitting alone.</i>		
SENTENCES which presidency magistrates may pass	IV	11
passed on same occasion to be deemed one	"	115
under section 13 to be deemed one	"	167
SEPARATE APPEAL , right of respondent to proceed as if he had preferred,	X	561
SEPARATE CHARGE , see <i>Previous.</i>		
SEPARATE CHARGES for distinct offences (... ..	IV	105
SEPARATELY , see <i>Jointly.</i>		
SEPARATE REPORTS of commissioners for partition in case of disagreement	X	396
SEPARATE SUIT for mesne profits	X	244
" questions not to be decided by,	"	244
SEPARATION by mutual consent, effect of, in case of claim to maintenance	IV	234
of causes of action joined, power of court to order,	X	45
of matter not referred to arbitration, from rest of award	"	518 (a)
<i>See Estate.</i>		
SERVANT not a member of family, to accept service	X	78, exp.
<i>See Crown, Family, Household-servant, Loss of service, Village-servant.</i>		
of railway company, see <i>Moiety.</i>		
SERVANTS , see <i>Act XIII of 1855, Menial servants, Negligence.</i>		
SERVE , see <i>Contract.</i>		

	ACT.	SEC.
SERVICE as clerk, grant of injunction against contractor for, restraining him from serving rival-house	I	57, <i>id</i> (d.)
of summons to person whose testimony is required for registering document	III	37
of summons, provisions relating to,	IV	48—52
of notice of hearing of appeal	"	173
of notices, power to regulate,	VIII	23 (b)
of process on recognized agents, effect of,	X	38
on pleader	"	40
of summons, provisions relating to,	"	72—92
of letter substituted for summons	"	92
of process	"	93, 94
of interrogatories	"	122
of summons on witness	"	166
on judgment-debtor, of draft of conveyance or endorsement to be executed	"	261
on decree-holder, of copy of application of insolvent	"	347
of summons on public officer	"	422
on corporation or company	"	436
of process on agent of military man or his pleader	"	467
military man being defendant	"	468
of notice of day of hearing appeal	"	553
effect of failure of appellant to deposit cost of,	"	557
of notices, high court's power to regulate,	"	612 (a)
of process of high court	"	636
in other jurisdiction, form of order for transmission of summons for,	"	sch. IV, No. 120
of summons, limitation-time to run from,	XV	sch. II, No. 159
<i>See Fees, Time.</i>		
SERVICES to be performed by recruit to be stated	V	14 (d)
at fixed price, plaint in suit for,	X	sch. IV, No. 16
at reasonable price, plaint in suit for,	"	sch. IV, No. 17
and materials at fixed price, plaint in suit for... ..	"	sch. IV, No. 18
at reasonable price, plaint in suit for,	"	sch. IV, No. 19
SERVIENT TENEMENT, <i>see Reversioner.</i>		
SERVING OFFICER not present, proof of service of summons when,	IV	51
<i>See Certificate, Examination.</i>		
SESSIONS JUDGE, <i>see Sentence of death.</i>		
SET-OFF to be stated in plaint	X	50 (f)
procedure in case of claim to,	"	111
being allowed, decree in case of,	"	216
of costs against sum admitted or decreed	"	221
in case of purchase by decree-holder	"	294
<i>See Claim.</i>		
SETTING-ASIDE trial for omission to examine petitioner	IV	31
by high court, of conviction on evidence not wholly recorded by convicting magistrate	"	156
or overruling decision of magistrate, high court to consider statement of grounds before,	"	182
<i>ex parte</i> decrees	X	108, 109

	ACT.	SEC.
SETTING-ASIDE (contd.)		
decree, withdrawal of attachment on,	X	275
sale on ground of irregularity, &c.	"	311—314
order confirming or cancelling sale, bar to,	"	312
abatement or dismissal	"	371
decree or execution in summary suit on negotiable instrument	"	534
sales, appeal from orders as to,	"	588 (m)
lease had for insufficient consideration	XIV	22
award, time to be excluded in reckoning limitation-period for application for,	XV	12
certain sales, suits for,	"	sch. II, No. 12
execution-sale on ground of irregularity in publishing or conducting it, application for,	"	sch. II, No. 166
<i>See Alteration, Cancellation, Government, Government officer, Rejecting, Variation.</i>		
alienation, see <i>Hindu</i> .		
award, see <i>Grounds</i> .		
decree, see <i>Fraud</i> .		
dismissal, see <i>Default</i> .		
execution-sale, see <i>Attempt, Purchaser</i> .		
instrument, see <i>Cancellation</i> .		
judgment, see <i>Ex parte</i> .		
sale, see <i>Ward</i> .		
"SETTLEMENT" defined	I	3
on marriage, decree for specific performance to person beneficially entitled under,	"	23 (c)
of subject-matter of contract, of which party thereto had prior notice	"	24 (d)
of subject-matter of contract, effect of,	"	25 (c)
exemption of documents relating to,	III	90 (a)
of issues	X	146—151
in progress, power to declare,	XVII	49
<i>See Covenant, Estate, Issues, Marriage-settlement, Record, Tenant for life.</i>		
of issues, see <i>Summons</i> .		
SETTLEMENT-OFFICERS , power to confer civil court powers on,	XVII	49
SETTLEMENTS , see <i>Directions</i> .		
SEVERAL DEMANDS , concise statement of,	X	sch. IV, No. 114
SEVERALLY in favour of several persons, decree or order passed,	XV	sch. II, No. 179, exp. 1
against several persons, decree or order passed	"	sch. II, No. 179, exp. 1
SEVERAL PERSONS , execution of decree passed against, and transferred to one of them	X	232
<i>See Severally.</i>		
SHARE or interest of judgment-debtor in immoveable property to be attached, statement of,	X	237
in specific moveable, execution of decree for,	"	259
of undivided estate, co-sharer's right in bidding for,	"	310
of land, stay of public sale of, on representation of collector	"	326

	ACT.	SEC.
SHARE (contd.)		
of residue bequeathed by testator, suit for,	XV	sch. II, No. 123
<i>See Distributive share, Estate, Excess, Joint family-property, Private alienation.</i>		
of profits, <i>see Dissolved partnership.</i>		
SHAREHOLDERS of company, contract for sale of concern without prescribed consent of, not enforceable	I	21, <i>ill. (e)</i>
right of, to sue for injunction	"	54, <i>ills. (c), (d)</i>
SHARES in joint estate, <i>see Contribution.</i>		
SHARES in public company, compensation for breach of contract for allotment of,	I	19, <i>ill. 4</i>
of registered proprietors, statement as to, in application for attachment	X	238
in railway, banking or other company, liable to attachment... ..	"	266
in capital of company or corporation, attachment of,	"	268
in public company or corporation, execution-sales of,	"	296
in public company, delivery of, to purchaser at execution-sale	"	301
<i>See Calls, Fraud, Instrument, Transfer.</i>		
in public company, <i>see Prohibitory order.</i>		
to be allotted, <i>see Deposit.</i>		
SHEEP included in <i>Cattle</i>	XIII	7, exp.
SHEETS connected together included in <i>Book</i>	III	3
SHERIFF , <i>see Public functionaries.</i>		
SHIP insured under fraudulent representation of sea-worthiness, cancellation of policy on,	I	39, <i>ill. (a)</i>
<i>See Agreement, Charter-party, Work.</i>		
SHIP-OWNER against freightor for not loading, plaint in suit of,	X	sch. IV, No. 70
SHOP-BOOK , filing of copy of entry in,	X	141
<i>See Production.</i>		
SHORT DELIVERY , <i>see Sale of goods.</i>		
SHORTENED period of limitation, provision as to suits for which Act fixes,	XV	2
SHOW CAUSE against demand of security, order to bring up defendant to,	X	478, 484
against grant of certificate to applicant for leave to appeal to Queen... ..	"	600
against execution of decree, limitation of application for execution in case of notice to,	XV	sch. II, No. 179, 5
<i>See Failure, Notice.</i>		
SHRUBS , <i>see Cutting.</i>		
SICKNESS , <i>see Attendance.</i>		
SLIDING , specific enforcement of railway company's contract to construct,	I	12, <i>ill.</i>
SIGHT , payable at, <i>see Bill of exchange.</i>		
after, <i>see Bill of exchange.</i>		
"SIGNATURE" defined	III	3
of presenter to be endorsed	"	52
of copies of entries in books, given to applicants	"	57
of summons	IV	47
of record of evidence	"	115
presumption of genuineness of,	"	153

	Act.	Sec.
SIGNATURE (contd.)		
and attestation of verification of plaint	X	52
of summons	"	64
of warrant for execution of decree	"	251
of authority by military man to sue and defend	"	465
by commanding officer, of warrant for arrest in cantonment	"	469
and filing of award	"	516
of amendment of memorandum of appeal	"	543
of translation of judgment	"	573
of judgment in appeal	"	574
of decree in appeal by judge	"	579
of copy of judgment of high court on reference	"	619
of undated writing, oral evidence as to,	XV	19
<i>See Acknowledgment, Attestation, Certificate, Difference, Dissenting, Endorsement, Signing.</i>		
"SIGNED" defined	III X XV	3 2 19, exp. 2
SIGNING of record of evidence	X	182, 192
of judgment	"	202
of decree	"	205
SIMPLE money-decree, form of,	X	sch. IV, No. 127
SINDH, see <i>Branch inspector-general.</i>		
SINGER who contracts to sing for certain period at a theatre and not elsewhere, grant of injunction against, to restrain performance at other place	I	57, <i>ill. (c)</i>
SINGLE BOND, where day specified for payment, suit on,	XV	sch. II, No. 66
no day specified for payment, suit on,	"	sch. II, No. 67
SINGLE JUDGE, bar to appeal to Queen from certain judgments of,	X	597
appeal from decree or order of,	XVII	17 (c)
may refer question to full bench	"	21
transfer to, of chief court's power of superintendence... ..	"	48
<i>See Judge, sitting alone.</i>		
SITE of town or village, see <i>Government land.</i>		
SITTING of presidency-magistrates	IV	8, 9 (b)
SITUATION of property determining place of registration	III	28, 30 (b)
of immoveable property sale of which is directed by court passing decree	X	223 (c)
of property outside court's district	"	648
SKILL, see <i>Learning.</i>		
SLANDER, bar of pauper-suits for,	X	402
the words being actionable in themselves, plaint in suit for,	"	sch. IV, No. 91
the words not being actionable in themselves, plaint in suit for,	"	sch. IV, No. 92
suit for compensation for,	XV	sch. II, No. 25
<i>See Defamation, Slanderous words.</i>		
SLANDEROUS WORDS not actionable in themselves, limitation of suit for injury resulting from,	XV	24, <i>ill. (b)</i>
SLAVE, see <i>Kidnapped.</i>		
SLUICE, see <i>Obstructing.</i>		
SLUICES included in <i>Embankment</i>	XIII	2
SMALL CAUSE COURT, character of court trying suit withdrawn from; in presidency-town or Rangoon, service by, of mufassal process	X	25
		86

	ACT.	SEC.
SMALL CAUSE COURT, (contd.)		
execution of decrees in cases cognizable by, ...	X	223
in presidency-town or Rangoon, execution of decrees by, ...	"	223
Rangoon, power of Recorder to make and alter rules for, as to sales ...	"	287
in presidency-town or Rangoon, issue of commission to, ...	"	386
no appeal to Queen from decree in certain suits of the nature of those cognizable by, ...	"	597
review of judgment on reference from, ...	"	623 (c)
character of court trying suit withdrawn from, ...	XVII	33
exception of orders of, from power of reversal given to deputy commissioners ...	"	36
power of, to fine ministerial officers ...	"	36
further appeal in suit of the nature of those cognizable by, ...	"	39
See <i>District defined.</i>		
SMALL CAUSE COURTS, parts of code extending to, ...	X	5 & sch. II
at presidency-towns, application of code to, ...	"	8
in all suits in, summons to be for final disposal ...	"	68
not to attach immovable property ...	"	168
frame of judgments of, ...	"	203
not competent to order execution-sale of immovable property ...	"	304
in presidency-towns, provisions as to summary suits on negotiable instruments applied to, ...	"	538 (c)
no second appeal in certain suits cognizable by, in Panjáb, superintendence and control of, ...	XVII	586
control of, ...	"	25
provisions as to ministerial officers of, ...	"	30
	"	35, 36
See <i>Mufassal, Registrars.</i>		
SMALL SUITS in military bázars at cantonments in Bombay, officer appointed to try, not affected by code...	X	6 (b)
SMOKE, suit for injunction to restrain interference with comfort, by polluting air with, ...	I	54, ill. (t)
SOIL, see Appropriation.		
SOLD in execution, see Complaint, Notice, Prohibitory order.		
SOLDIER, see European, Native officer.		
SOLDIERS in actual service who cannot get leave may authorize any person to sue or defend for them ...	X	465
SOLE or sole-surviving plaintiff, procedure on death of, ...	X	365
defendant, procedure on death of, ...	"	368
SOLE HEIR to thákur, application by, for benefit of Act ...	XIV	4
SOLEMN DECLARATION, proof of service of summons by, ...	IV	51 (a)
SOLVENCY, see Learning.		
SON, see Minor son.		
SOUTH CANÁRA, sum to cover cost of importation, &c., of salt in, ...	XVIII	10
SOVEREIGN ACTS, see Public duties.		
SOVEREIGN PRINCE or chief, person appointed to prosecute or defend suit for, to be recognized agent ...	X	432
SPECIAL or temporary right sufficient to support suit ...	I	10, exp. 2
or local law, saving of powers under, ...	IV	3
laying down special procedure for recovery of fine not providing different procedure, application of provisions to appeals under, ...	"	185
of limitation not affected ...	X	590
	XV	6

	ACT.	SEC.
SPECIAL CASE, statement of, by arbitrators or umpire	X	517
SPECIAL CAUSE for inquiry into pauperism	X	593
shewn by party interested, measures open to court, in case of appeal to Queen, on,	"	608
SPECIAL DAMAGE resulting, limitation-time to run from, ...	XV	sch. II, No. 25
<i>See Assault, Specific injury, Tenant.</i>		
SPECIAL INDORSEMENT, see <i>Subsequent indorsee.</i>		
SPECIAL LAW, see <i>Special procedure.</i>		
SPECIAL LAWS, see <i>Offences.</i>		
SPECIAL ORDER of chief court as to appeal to benches	XVII	17 (c)
SPECIAL PROCEDURE laid down by special or local law for recovery of fine	IV	185
SPECIAL PROCEEDINGS	X	506—539
SPECIAL BELIEF, plaintiffs in suits for,	X	sch. IV, Nos. 99—113
SPECIAL RULES of evidence	IV	152—158
for local area, as to sales of land in execution of money- decrees	X	327
relating to chartered high courts	"	631—639
SPECIFIC DELIVERY of property held by person not as owner ...	I	11
SPECIFIC ENFORCEMENT of rectified contract	I	34
SPECIFIC INJURY, see <i>Compensation.</i>		
SPECIFIC LEGATEES, see <i>Administration.</i>		
SPECIFIC MOVEABLE PROPERTY lost, or acquired by theft, &c., suit for,	XV	sch. II, No. 48
suit for other,	"	sch. II, No. 49
SPECIFIC PERFORMANCE of contracts	I	12—30
of part of contract, where portion not per- formable is small	"	14
of part of contract, where portion not per- formable is large	"	15
of independent part of contract	"	16
rights of purchaser on dismissal of vendor's suit for, on ground of imperfect title ..	"	18 (d)
case in which court may exercise discretion to decree,	"	22, III
who may obtain decree for,	"	23
against whom not enforceable	"	28
of contract in respects other than those for which compensation is provided for in case of mistake	"	28 (c)
of contract, execution of decree for, ...	X	260
plaint in suit for,	"	sch. IV, Nos. 111, 112
concise statement of claim for,	"	sch. IV, No. 114
of contract, suit for,	XV	sch. II, No. 113
<i>See Decree, Discretion, Jurisdiction, Right to relief.</i>		
SPECIFIC BELIEF, modes of granting,	I	5.
SPECIFIC BELIEF ACT	I	
section 9, investigation of claim to pro- perty sold in execution as in suit under,	X	331, 332
suit under, to recover possession ...	XV	sch. II, No. 3
SPECIFIED CONTINGENCY, see <i>Breach of promise.</i>		
SPECIFIED DATE, see <i>Decree, Enforcement, Payment.</i>		

	Act.	Sec.
SPECIFIED TIME, see <i>Breach of promise.</i>		
SPIRITUAL ADVISER, see <i>Legal adviser.</i>		
STABLES, see <i>Nuisance.</i>		
STAFF EMPLOYMENT, authority to sue and defend by military man in,	X	465
STAKE-HOLDER, procedure where defendant in interpleader-suit is suing,	X	476
concise statement of claim for return of money by, ...	„	sch. IV, No. 114
money won from, ...	„	sch. IV, No. 114
<i>See Bar, Interpleader.</i>		
STAMP, rejection of plaint for insufficiency of,	X	54 (b)
STAMP-PAPER for duplicate of draft of conveyance or endorsement ...	X	261
STAMPS, see <i>Government stamps.</i>		
STANDING-COUNSEL, see <i>Advocate-general.</i>		
STANDING-TIMBER not included in <i>Immovable Property</i> ...	III	3
included in <i>Moveable property.</i>	„	3
STATE, prosecutions for offences against the,	IV	38
<i>See Lapsed state.</i>		
STATEMENT by offender punished for contempt, to be recorded ...	IV	205
of case by party having right to begin	X	179
other party	„	180
of facts and documents in case submitted to court by agreement	„	527
for reference to high court	„	617
of defendant, form of,	„	sch. IV, No. 122
<i>See Setting-aside, Verified.</i>		
of cases, see <i>Registrars.</i>		
STATEMENTS concerning person, which would be punishable under Indian penal code, injunction to restrain threatened publication of,	I	55, <i>ill. (e)</i>
in plaint in interpleader-suit	X	471
in agreement to submit case to court, parties to be bound by,	„	530
of work done to be submitted by chief court to government	XVII	28
<i>See Belief, Destruction.</i>		
STATION, see <i>Military station.</i>		
STATISTICS, see <i>Forms.</i>		
STATUS or right, discretion of court as to declaration of, ...	I	42
STATUTE 24 & 25 Vic., cap. 104, high court established under, ...	II	1 (a)
bar to appeal to Queen from certain judgments of judges of high court established under, ...	X	597
provisions applying only to high courts established under, ...	„	631
application of code to high courts established under,	„	632
use of forms subject to power conferred on high court by,	„	644
29 Char. II, cap. 7, repeal of,	„	3 & sch. I.
<i>See Forfeiture.</i>		
company registered under, see <i>Call.</i>		

	ACT.	SEC.
STAY of proceedings if prosecution under altered charge require sanction	IV	104
of execution of sentence of whipping, on medical certificate of unfitness to undergo punishment	"	189
of proceedings against accused appearing insane	"	194
on application of non-resident defendant	X	20
of execution of money-decree to be attached	"	273
of other decree sought to be attached	"	273
of sale on payment of debt and costs, or tender of proof of payment	"	291
of public sale of land on representation of collector	"	326
of suit in case of dispute as to who is legal representative	"	367
of proceedings on death or removal of next friend until appointment of new	"	448
in interpleader-suit by defendant against stakeholder	"	476
of execution in suit on negotiable instrument	"	534
of proceedings in summary suit on negotiable instrument	"	535
in appeal to Queen	"	606
of execution of decree pending appeal to Queen	"	608 (c)
appealed against to Queen, on failure of respondent to give further security	"	609
of proceedings in case of reference to high court	"	618
in respect of debts and liabilities	XIV	9
time to be excluded in reckoning limitation-period in case of,	XV	14
of sale, see <i>Authority</i> .		
STAYING execution of decrees, provisions relating to,	X	239—243
pending investigation of claim to property sold in execution	"	331, 332
and executing decrees under appeal	"	545—547
proceedings in suit, appeal from order as to,	"	588 (a)
STEALING animal, place of trial for,	IV	22
See <i>Killing</i> .		
STEP in aid of execution	XV	sch. II, No. 179, 4
STIPENDS of military and civil pensioners not liable to attachment	X	266 (g)
STIPULATION on one part adding to contract, effect of,	I	26, <i>ill.</i> (c)
STOCK held in trust and wrongfully disposed of, specific performance of obligation to restore,	I	12, <i>ill.</i> (a)
STOCK-IN-TRADE, contract for sale of third person's interest in,	I	22, <i>ill.</i> (b)
See <i>Sale of land</i> .		
"		
STOLEN PROPERTY in custody of police, disposal of,	IV	244
See <i>Receiving, Search</i> .		
STONES, see <i>Carrying-away</i> .		
STOPPAGE of proceedings in case found beyond jurisdiction	IV	127
STORAGE of salt, cost of,	XVIII	8
STRAITS SETTLEMENTS, see <i>Emigration</i> .		
STRANGERS to suit, power of court to suramon and examine,	X	171
See <i>Rights</i> .		
STRESS of weather, see <i>Landing</i> .		
STRIKING with cane, separate trial for,	IV	107, II, <i>ill.</i> (e)
STRIKING-OUT plaintiff or defendant, appeal from order as to,	X	588 (b)
issues, see <i>Amendment</i> .		
name, see <i>Scheduled creditor</i> .		

	ACT.	SEC.
STRIP OF LAND, see <i>Wharf</i> .		
"SUB-DISTRICT" defined	III	3
SUB-DISTRICTS, see <i>Districts</i> .		
SUBJECT-MATTER, contract not enforceable in case of prior ceasing of existence of material part of its,	I	21 (A)
of suit, payment of costs out of,	X	222
of decree for wife, to which husband is by law entitled	"	369
of pauper-suit	"	401, exp.
court-fees a first charge on,	"	411
of suit of foreign state	"	433 (c)
not exceeding 50 rupees, limit to imprisonment in case of,	"	491
as to which case is submitted to court by agreement, statement of value of,	"	528
of trust for public charity, jurisdiction according to situation of,	"	539
of value not exceeding 500 rupees, no second appeal in certain suits where,	"	586
of suit in court of first instance, and of matter in dispute in appeal, of what value to be, to allow appeal to Queen	"	596
of appeal to Queen, power of court to give directions regarding,	"	608 (d), 609
payable or deliverable to each of several persons in distinguished portions	XV	sch. II, No. 179, exp. 1
transfer of suit to court competent to try or dispose of it in respect of its,	XVII	16
of original suit, amount or value of, being below 500 rupees, further appeal may be received	"	39
<i>See Agreement, Interest, Pecuniary limits, Possession, Settlement, Vendor or lessor.</i>		
SUBJECT-MATTERS, see <i>Value</i> .		
SUBJECTS of Queen in native states, Act applies to,	XI	1
<i>See Rights.</i>		
SUBMISSION of nomination of receiver by subordinate judge	X	505
to obstruction to enjoyment of easement	XV	26, exp.
of award, limitation-time to run from,	"	sch. II, No. 159
<i>See Discharge, Statements.</i>		
of registers, &c., see <i>Keeping</i> .		
SUBORDINATE, see <i>Court</i> .		
SUBORDINATE CIVIL COURTS in Panjáb, jurisdiction and powers of,	XVII	30-36
SUBORDINATE COURT may be directed to take additional evidence admitted	X	509
list of exempted persons to be kept in,	"	641
SUBORDINATE COURTS, language of,	X	645
civil appeals from,	XVII	14
superintendence and control of,	"	25
provisions as to ministerial officers of,	"	35, 36
<i>See Certificates.</i>		
SUBORDINATE JUDGES' COURTS, suspension and removal of ministerial officers of, by district judges	XIX	
transfer of ministerial officers of,		3
SUBORDINATE OFFICERS, see <i>Security</i> .		

	ACT.	SEC.
SUBORDINATES, see <i>Procedure</i> .		
SUBORDINATION of sub-registrars	III	68
of courts, power to alter,	XVII	50
SUB-REGISTRAR, appointment of,	III	6
of, to do duties of registrar	"	11
lodgment with, of application for direction to register document presented after due time	"	24
presentation for registration at office of,	"	28, 29
registration by registrar instead of,	"	30 (a)
execution before, and authentication by, of power-of-attorney	"	33 (a)
lodgment with, of application for direction to register delayed document	"	34 (c)
special duties of,	"	64, 65
to obey order for registration of document refused by him	"	72
<i>See Amalgamated, Attestation, Subordination, Voluntary execution.</i>		
SUBSCRIPTION and verification of plaint	X	51
omission of,	"	53 (c)
of written statements	"	115
of application of insolvent	"	346
of pauper's application	"	403
of plaint in suit against corporation	"	435
SUBSEQUENT INDORSEE against maker, plaint in suit of, ...	X	sch. IV, No. 31
first indorser (special indorsement)	"	sch. IV, No. 33
immediate indorser	"	sch. IV, No. 34
intermediate indorser	"	sch. IV, No. 35
maker and first and second indorser	"	sch. IV, No. 36
acceptor, plaint in suit of,	"	sch. IV, No. 40
first indorser (special indorsement)	"	sch. IV, No. 43
immediate indorser	"	sch. IV, No. 44
intermediate indorser	"	sch. IV, No. 45
SUBSIDENCE of surface of field from digging sub-soil, limitation of suit for resulting injury to reckon from time of,	XV	24, <i>ill. (a)</i>
SUBSIDIARY rules, power of high court to make,	X	652
works included in <i>Embankment</i>	XIII	2
SUBSISTENCE, security from person having no ostensible means of,	IV	212.
of defendants imprisoned on failure to give security	X	482
SUBSISTENCE-ALLOWANCE of judgment-debtors	X	333-341
SUB-SOIL, see <i>Field</i> .		
SUBSTITUTED service of summons	X	82
SUBSTITUTION or addition of plaintiff by court	X	27
of new plaintiff or defendant	XV	22
<i>See Wharf.</i>		
SUCCESSION to immoveable property, saving of jurisdiction as to, ...	XIV	37
<i>See Expectancy.</i>		
SUCCESSIVE breaches, limitation-time when to run in case of,	XV	sch. II, No. 115
SUCCESSOR of magistrate imposing fine may issue distress-warrant	IV	185
to judge dying or removed, dealing by, with evidence taken by latter	X	191
to property under management, on death of owner	XIV	27
to deceased infant entitled to sue, limitation in case of,	XV	7, <i>ill. (d)</i>
SUFFICIENCY of property to discharge debts, inquiry as to,	XIV	5.

	Act.	Sec.
SUFFICIENT, final determination of case by appellate court when evidence on record is,	X	565
SUFFICIENT TIME for appearance to be allowed	X	69
SUIT for recovery of immovable property by person dispossessed thereof	I	9
in respect of subject which it has been agreed to refer to arbitration, bar of,	"	21
for rescission of contract, who may bring,	"	35
for recovery of wife, declaration made in, not binding on person claiming same person as his wife	"	43, <i>III</i> .
for decree directing registration refused	III	77
claim or demand, registering officer not liable to,	"	86
by one of several parties in same interest	X	30
alteration of plaint so as to change character of, not allowed	"	53
when to proceed against some of several defendants	"	153
of judgment-debtor against decree-holder, stay of execution pending decision of,	"	243
against purchaser buying <i>benāmi</i> , bar of,	"	317
between decree-holder and <i>bond fide</i> claimant of property sold in execution	"	331
between decree-holder and person dispossessed	"	332
by person not in possession, claiming property sold in execution as proprietor, mortgagee, lessee or otherwise	"	335
in ordinary manner by person not allowed to sue as pauper	"	413
defined	XV	3
<i>See Balance, Frame, Proceeding with suit, Right.</i>		
for compensation, see <i>Dismissal</i> .		
for specific performance, see <i>Alternative</i> .		
SUITS against emigration-agent for breach of contract	V	32
instituted before commencement of Act	X	3
by or against government or public officers	"	416—429
by aliens and by and against foreign and native rulers	"	430—434
by and against corporations and companies	"	435, 436
trustees, executors and administrators	"	437—439
minors and persons of unsound mind	"	440—464
military men	"	465—469
powers of receiver as to bringing or defending,	"	503
relating to public charities	"	539
application to decrees in appeal, of rules relating to execution of decrees in,	"	583
for which period of limitation is shortened	XV	2
withdrawal of, by chief court	XVII	16
<i>See Dismissal, Limitation, Particular cases, Paupers, Saving.</i>		
SUM mentioned in summons, payment of, into court	X	532
to be fixed to cover cost of importation, purchase, &c., of salt	XVIII	8
assured, see <i>Payment, Policy of insurance</i> .		
SUMMARY procedure on negotiable instruments	X	532—538
suit under law as to,	XV	sch. II, No. 5
SUMMARY SUIT, see <i>Summons</i> .		
SUMMON, see <i>Seizure</i> .		
SUMMONING, examination, recall and re-examination, power of magistrate as to,	IV	85
witnesses for defence	"	91, 92
of witnesses	"	134
and attendance of witnesses	X	159—178
persons to obtain information as to property for sale	"	287

	ACT.	SEC.
SUMMONING (contd.)		
person charged with obstruction to execution	X	328
of witnesses before commissioners	"	399
and parties for arbitrators or umpire	"	513
witnesses, power of manager as to,	XIV	35
SUMMONS to person whose testimony is required for registering document	III	36
or warrant when to issue	IV	33-35
and warrant, provisions relating to,	"	47-69
witnesses in cases triable upon,	"	142
on information of likelihood of breach of peace	"	215, 216
to defendants added	X	32, 33
issue and service of,	"	64-95
effect of defendant appearing without,	"	97
non-payment of fee for service of,	"	97
or process to compel attendance or production	"	148
particulars to be specified in,	"	163
to representative of deceased plaintiff	"	368
to defendant to appear, on his surety's application for discharge	"	480
in suit on negotiable instrument	"	532
to defendant to appear and answer, rules as to service of, applied	"	553
for disposal of suit, form of,	"	sch. IV, No. 117
for settlement of issues, form of,	"	sch. IV, No. 118
to appear, form of,	"	sch. IV, No. 119
to attend to give evidence, form of,	"	sch. IV, Nos. 125, 126
in summary suit on negotiable instrument	"	sch. IV, No. 172
<i>See Accompaniment, Arrest, Defect, Failure, Order for transmission.</i>		
SUMMONSES, provisions relating to all,	IV	52
to defendants under section 64, issued by high court,		
service of,	X	636
to witnesses, issued by high court, who may serve,	"	636
<i>See Law.</i>		
SUNDAY, effect of time for payment of purchase-money falling on,	X	307
SUNRISE, see Arrest, House.		
SUNSET, see Arrest, House.		
SUPERINTENDENCE of construction of works under contracts specifically enforced	I	12, ill. to cl. (c)
of registration-offices	III	68, 69
of high court, power to make rules as to procedure of courts subject to,	X	652
or control, withdrawal by chief court of suits from courts under its,	XVII	16
and control of subordinate courts	"	25
or control, withdrawal by chief court of civil appeals from courts under,	"	41
of courts, power to alter,	"	50
<i>See Presence of judge.</i>		
SUPERIOR HOLDEE, manager to pay rent due to,	XIV	11

	ACT.	SEC.
SUPERIOR OFFICER, see Head.		
SUPERSCRIPTION on cover containing will for deposit ...	III	42, 43
SUPERSESSION of arbitration ...	X	510, 514
setting-aside award made after, ...	"	521 (c)
appeal from orders as to, ...	"	588 (e)
SUPERVISION of courts, power to regulate, ...	XVII	27 (e)
SUPPLEMENTARY WITNESSES , summoning and examination of, ...	IV	91
SUPPORT of decree by respondent ...	X	561
review of which is applied for, hearing in, ...	"	626 (a)
of land, house or mine, concise statement of claim for damages for wrongfully taking away, ...	"	sch. IV, No. 114
SURAT , saving of jurisdiction of civil courts in, ...	XVI	1 & sch.
SURETIES for person released on bail, number of, to be stated ...	IV	58
procedure to compel payment of penalty by, ...	"	78
to recognizance by offender to avoid imprisonment ...	"	185
in addition to personal recognizance for keeping the peace for payment of rent, plaint in suit against, ...	X	209
		sch. IV, No. 55
<i>See Discharge, Recognizance.</i>		
SURETY , recovery of penalty from, on forfeiture of recognizance ...	IV	229
for performance of decree, execution against, ...	X	253
for defendant what to bind himself to ...	"	479
for defendant's appearance, discharge of, ...	"	480
concise statement of claim for money paid as, ...	"	sch. IV, No. 114
for price of goods sold, concise statement of claim against, ...	"	sch. IV, No. 114
for arrears of rent, concise statement of claim against, ...	"	sch. IV, No. 114
for money lent, concise statement of claim against, ...	"	sch. IV, No. 114
for money received (as traveller, &c.), concise statement of claim against, ...	"	sch. IV, No. 114
suit of, against principal debtor ...	XV	sch. II, No. 81
co-surety ...	"	sch. II, No. 82
<i>See Contribution, Set-off.</i>		
SURFACE, see Field.		
SURGEON-GENERAL may order admission of military lunatic into asylum ...	XI	3
SURPLUS , delivery of, to insolvent or his representative ...	X	356
SURPLUS-COLLECTIONS received by mortgagee, suit for, by mortgagor, after satisfaction of mortgage ...	XV	sch. II, No. 105
SURPLUS-PROCEEDS, see Mortgage.		
SURPRISE by which contract is entered into under misapprehension of its effect as between parties... ..	I	26 (b)
<i>See Assent.</i>		
SURVEY, see Government, Record.		
SURVEYOR, see Work done.		
SURVEYS , exemption of documents relating to, ...	III	90 (b)
SURVIVAL of cause of action ...	X	361 & <i>ills.</i> , 362, 365, 368
SUBVIVOR, see Joint tenant.		

	ACT.	SEC.
SURVIVORS among joint decree-holders	X	231
among plaintiffs or defendants	"	362
and representative of deceased one of several plaintiffs, survival of cause of action to,	"	363
SURVIVORSHIP, see <i>Expectancy</i> .		
SUSPENSION, removal and dismissal of registering officers ...	III	13
of trial by magistrate	IV	102
of remaining charges when conviction had on one of execution of order pending appeal, power of high ' court to direct,	"	112
of manager	XIV	32
of running of limitation-time	XV	9
of ministerial officers of chief court	XVII	24
of subordinate courts	"	35
of permission to appear, plead or act	"	44
of ministerial officers by district judges	XIX	
SUSTAINABLE, see <i>Defence</i> .		
TABLES of fees prepared, confirmation of,	III	2
" TAHSÍLDÁR " defined	XVII	3
with special powers, court of,	"	4 (7)
ordinary powers, court of,	"	4 (8)
<i>ex officio</i> powers of,	"	7
conferring powers on,	"	8
with special powers, pecuniary limits of jurisdiction of, ordinary powers, pecuniary limits of jurisdiction of,	"	32
appeal from decree or order of,	"	37 (a)
TAKING of person to be arrested, public to assist in,	IV	247
on board, after clearance, emigrants not entered in list	V	45
additional evidence admitted	X	569
evidence according to court's own rules	XVII	633
<i>See Wrongful taking.</i>		29
evidence, see <i>Mode</i> .		
of house, see <i>Sale of land</i> .		
TALUQDÁR included in <i>Thákur</i>	XIV	3
TALUQDÁRf SETTLEMENT-OFFICER to be manager	XIV	8
provisions relating to,	"	40
TALUQDÁRES, see <i>Ahmaddábád</i> .		
TANKS, see <i>Markets</i> .		
TANNA, saving of jurisdiction of civil courts in,	XVI	I & sch.
TAVERN, see <i>Keeper</i> .		
TAXATION of costs	X	634
TAXES and penalties recovered under Act, payment of,	VIII	20
TEACHERS, allotments for training of,	VII	1
TELEGRAM, see <i>Letter</i> .		
TELEGRAPH OFFICER, see <i>Letter</i> .		
TELEGRAPHS, see <i>Offences</i> .		
TEMPORARY alienation or management of land or share to satisfy decree	X	326
<i>See Special.</i>		
" TEMPORARY INJUNCTIONS " defined	I	53
provisions relating to,	X	492-497
forms of,	"	sch. IV, No. 166
TENANCY, see <i>Determination</i> .		
TENANT, execution of decrees for delivery of immoveable property in occupation of,	X	264

	ACT.	SEC.
TENANT (<i>contd.</i>)		
of property ordered to be delivered, notice to, of transfer to purchaser	X	319
plaint in suit of, against landlord (special damage)	"	sch. IV, No. 67
plaint in suit by,	"	sch. IV, No. 95
limitation in case of right to sue for recovery of possession from, accruing during idioey	XV	7, <i>ill.</i> (f)
<i>See Landlord, Tenant-for-life.</i>		
TENANTABLE REPAIR , see <i>House</i> .		
TENANT-FOR-LIFE , contract for sale of interest of, by assignee	I	2, <i>ill.</i> (a)
enforcement against remainderman, of contract by, for sale of estate to purchaser who has notice of settlement	"	27, <i>ill.</i> (c)
<i>See Remainderman.</i>		
TENANTS , institution by, of interpleader-suits against their landlords	X	474
TENANTS-AT-WILL , see <i>Lease</i> .		
TENDER of pardon to accomplice	IV	150
to witness of his expenses	X	161
TENEMENT , see <i>Servient tenement</i> .		
TENURE liable to sale, the subject of suit, putting party in immediate possession of,	X	501
of land or water, as to which easement is enjoyed by virtue of interest for life or term of years	XV	27
<i>See Intermediate tenure, Saleable tenure.</i>		
TERMINABLE , see <i>Voidable</i> .		
TERMINATION of management	XIV	19 (a), 26
of prosecution, limitation-time to run from,	XV	sch. II, No. 23
of suit, limitation-time to run from,	"	sch. II, No. 84
of agency, limitation-time to run from,	"	sch. II, Nos. 88, 90
TERMS of recruit's engagement to be stated	V	14
TESTAMENTARY jurisdiction of high court, service of process issued in exercise of,	X	636
TESTATOR may present will for registration	III	40
registration of will presented by,	"	41
<i>See Bequest, Deposit, Necessaries, Set-off.</i>		
TESTATOR'S property, see <i>Executor</i> .		
TESTING of security, high court's power to regulate,	X	612 (d)
" THAKUR " defined,	XIV	3
or his heir, application by, for benefit of Act	"	4
powers of manager in addition to those of,	"	10
restored to possession, mortgage, &c., made by,	"	28
THAKURS exempted from provisions of Act	XIV	38
THEATRE , see <i>Singer</i> .		
" THE COURT " to issue notice to show cause against execution	X	248, exp.
THEFT , charge against person accused of,	IV	94, <i>ill.</i> (c), 96, <i>ill.</i> (a)
and causing grievous hurt, separate charges and trials for,	"	105, <i>ill.</i>
as servant, bar to retrial for, after acquittal	"	113, <i>ill.</i> (a)
<i>See Specific moveable property, Stealing, Trial.</i>		

	ACT.	SEC.
THEFT (<i>contd.</i>)		
from person, see <i>Robbery</i> .		
THIEF , see <i>Robber</i> .		
THING capable of delivery, the subject of suit, deposit of, in court ...	X	502
THINGS growing on another's land, right to remove or appropriate,	XV	3
<i>See Earth.</i>		
THIRD PARTIES , saving of rights of, under instruments to be rectified ...	I	31
THIRD PARTY , see <i>Goods delivered, Money paid, Order for payment</i> .		
THIRD PERSON , suit on promissory note given to, for delivery to payee ...	XV	sch. II, No. 76
THREAT of removal or disposal of property with intent to defraud creditors, temporary injunction in case of, ...	X	492 (b)
<i>See Disclosure.</i>		
<i>of destruction, see Restoration.</i>		
THREATENING several persons with injury with intent to cause alarm, separate trial for, ...	IV	107, I, <i>ill.</i> (g)
THUG , place of trial for offence of being a, ...	IV	22
TIMBER growing on property of undivided Hindú family, suit for injunction to restrain cutting of, ...	I	54, <i>ill.</i> (n)
appropriation of, in emergency ...	XIII	3 (b)
<i>See Felling timber, Standing timber.</i>		
TIME for presenting documents for registration ...	III	23—27
from which registered document operates ...	"	47
required for service of summons to be considered in fixing day for appearance ...	X	69
to be allowed to defendant to appear ...	"	69
for appearance fixed in case of substituted service ...	"	84
non-resident defendant ...	"	85
effect of summons not being served in sufficient, ...	"	100 (c)
for filing affidavit in answer to interrogatories ...	"	126
and place for inspection of document called for, notice as to, ...	"	132
for appeal, return of documents on lapse of, ...	"	144
grant of, to parties ...	"	156
place and purpose of attendance to be specified in summons ...	"	163
for serving summons on witness ...	"	167
and place of sale to be stated ...	"	287
of sale of moveable and immoveable property in execution ...	"	290
for payment of purchase-money in full ...	"	307
to adduce evidence in case of application to be declared insolvent, grant of, to creditors ...	"	350
to be allowed for appearance and answer of secretary of state ...	"	420
for satisfaction of decree against government or public officer ...	"	429
for delivery of award of arbitrator, fixing of, ...	"	508
of umpire to be fixed ...	"	509
allowed by court for appointment of umpire ...	"	511
to show cause against filing of agreement to refer to arbitration ...	"	523
of award ...	"	525
for amendment of memorandum of appeal ...	"	543
to appellant to furnish security ...	"	549

	ACT.	SEC.
TIME (contd.)		
required for serving notice of appeal, day for hearing to be fixed with reference to,...	X	552
to appear and answer, to be allowed to respondent	"	552
fixed for deposit, by appellant, of cost of serving notice	"	557
allowed for objections of parties to finding of lower court on issues referred by appellate court	"	567
limited for application for leave to appeal to Queen	"	599
allowed to find security and make deposit by applicant for leave to appeal to Queen	"	602
for furnishing further security and making further payment in case of appeal to Queen	"	605
to be excluded in calculating periods of limitation	{ XIV	19
for payment not fixed, suit for price of work where,	XV	12-16
	"	sch. II, No. 56
<p>See <i>British india, Closed, Day, Days, Endorsement, Expiry, Extension, Fixed, Future, Specified.</i></p>		
<p>for payment, see <i>Agreement.</i> , delivery, &c., see <i>Averment.</i> granted, see <i>Failure.</i> of offence, see <i>Particulars.</i></p>		
TITLE to property set up in course of suit for recovery thereof by person dispossessed	I	9
recovered by person dispossessed thereof, right of other person to sue to establish,	"	9
rights of purchaser or lessee under sale or lease contracted for with imperfect,	"	18
contracts for sale or letting of property made without,	"	25 (a), (b)
to legal character or right as to property, suit to obtain declaration of,	"	42
included in <i>Addition</i>	III	3
refusal by party to produce document relating to his own,	X	131
of suit to be endorsed on admitted documents	"	141
to property in custody of court, determination of question of, between decree-holder and others	"	272
created by judgment-debtor after attachment, delivery of immoveable property in possession of person claiming under, of suit or application in which late minor elects to proceed	"	318
acquired under Act IX of 1871, saving of,	XV	451
on which right to sue is founded, effect of fraud in preventing knowledge of,	"	2
to property accepted after time fixed for completion of sale	"	18
		sch. II, No. 111
<p>See <i>Adjudication, Declaration, Documents, Establish, Person claiming, Sale of land, Wrong-doer.</i></p>		
to easement, see <i>Declaration.</i>		
TITLE-DEEDS , right of life-tenant to recover, from remainderman	I	10, <i>dl.</i> (a)
TOOLS of artisans not liable to attachment	X	266 (b)
TOWN , see <i>Government land.</i>		

	ACT.	SEC.
TRADE included in <i>Addition</i>	III	3
OR business for parties out of jurisdiction, persons carrying on, may be recognized agents	X	37 (c)
<i>See Bond.</i>		
TRADE-MARK, suit for injunction to restrain improper use of, ...	I	54, <i>ill. (w)</i>
is property	"	54, exp.
concise statement of claim for damages for wrongfully using or imitatng,	X	sch. IV, No. 114
<i>See Destruction.</i>		
TRADE-MARKS, form of injunction as to,	X	sch. IV, No. 166
TRADES, liability to tax, of persons carrying on several,	VIII	13
and dealings, requiring to be licensed	"	sched.
<i>See Licensing.</i>		
TRADESMAN, see <i>Partner.</i>		
TRADING by foreign state within jurisdiction of court	X	433 (b)
TRANSACTION affecting immoveable property, unregistered document not receivable as evidence of,	III	49
TRANSACTIONS, see <i>Financial.</i>		
TRANSCRIBING record, see <i>Estimate, Expense, Further.</i>		
TRANSCRIPT of record, see <i>Indices, Preparation.</i>		
TRANSFER to itself of cases before presidency-magistrates, direction by high court for,	IV	181
of name from class fixed by collector	VIII	10
from one to another, of courts in which suit may be instituted	X	22, 23
of suits	"	25
attachment of share by prohibiting,	"	268
or charge of decrees sought to be attached, notice prohibiting,	"	273
or charge of attached immoveable property	"	274
of share sold in execution, prohibitory order as to,	"	301
of negotiable instruments or shares by court... ..	"	302
to collector, of execution of decrees	"	320
of business of court	"	623
of cases pending before settlement-officer whose powers are cancelled	XVII	49
of ministerial officers of courts other than high court	XIX	3
<i>See Debentures, Fraudulent.</i>		
by revenue-authorities, see <i>Government.</i>		
of property, see <i>Attorney.</i>		
of shares, see <i>Prohibitory order.</i>		
of suits, see <i>Withdrawal.</i>		
TRANSFERABLE interest, statement in application for attachment, as to persons possessing,	X	238
TRANSFeree for value paid in good faith without notice of original contract	I	27 (b)
of decree or order included in <i>Decree-holder</i>	X	2
execution on application of,	"	232
to hold subject to equities enforceable against original holder	"	233

	ACT.	SEC.
TRANSFEREE (contd.)		
of judgment-debtor after institution of suit ...	X	332
with notice, see <i>Fraudulent purchaser.</i>		
TRANSFEROR of assigned decree, notice to, of application for execution ...	X	232
TRANSFERRED DECREES , execution of, ...	X	232
TRANSLATING , see <i>Expense, Further.</i>		
TRANSLATION and copy of document in language not understood by registering officer ...	III	19
of document in language unknown to registering officer ...	"	62
of plaint at requisition of defendant ...	X	49
of judgment ...	"	201
of judgment not in language of court ...	"	573
<i>See False, Incorrect.</i>		
TRANSLATIONS , see <i>Fees, Revision.</i>		
TRANSMISSION of decrees from court to collector ...	X	320
of papers, relating to decree appealed against, to appellate court ...	"	550
to Queen of copy of record in appeal ...	"	603 (c)
of Queen's order on application for its enforcement ...	"	610
of judgment of high court on question referred ...	"	619
of record in certain cases, to chief court ...	XVII	46
of summons, see <i>Order.</i>		
TRANSMITTED DECREE , sending and execution of, ...	X	223-229
TRANSMITTED DECREES , staying execution of, ...	"	239
TRANSMITTING , see <i>Expense, Further.</i>		
TRANSPORT of salt, cost of, ...	XVIII	8
TRANSPORTATION , see <i>Commencement.</i>		
TRAVELLER injured in one place, by negligence of railway having principal office in another, place of suing by, ...	X	18, <i>ill. (c)</i>
concise statement of claim of, for damages—		
for breach of contract to employ ...	"	sch. IV, No. 114
for wrongful dismissal ...	"	sch. IV, No. 114
for arrears of wages ...	"	sch. IV, No. 114
<i>See Surety.</i>		
TRAVELLING , see <i>Expenses.</i>		
TREATMENT of emigrants, protector to enquire as to, ...	V	6, 25
TREES , fruit upon, and juice in, included in <i>Movable property</i> ...	III	3
power to appropriate, in emergency ...	XIII	3 (b)
<i>See Cutting, House and garden, Nuisance, Price.</i>		
cut down by lessee, see <i>Lessor.</i>		
TRESPASS and damage, suit by purchaser of houses belonging to insolvent, from official assignee, to restrain, ...	I	54, <i>ill. (o)</i>
on land, plaint for, ...	X	sch. IV, No. 71
in entering dwelling-house, plaint for, ...	"	sch. IV, No. 72
on moveables, plaint for, ...	"	sch. IV, No. 73
on land, concise statement of claim for damages—		
for wrongfully entering for drawing water from well ...	"	sch. IV, No. 114
	"	sch. IV, No. 114

	Act.	Sec.
TEESPASS (contd.)		
on land, concise statement of claim for damages—		
for carrying away gravel ...	X	sch. IV, No. 114
carrying away stones from river ...	"	sch. IV, No. 114
crossing field ...	"	sch. IV, No. 114
cutting grass ...	"	sch. IV, No. 114
depositing sand	"	sch. IV, No. 114
felling timber	"	sch. IV, No. 114
pulling down fence ...	"	sch. IV, No. 114
removing gate	"	sch. IV, No. 114
using road or path ...	"	sch. IV, No. 114
on embankments, penalties for, ...	XIII	7
upon immoveable property, suit for, ...	XV	sch. II, No. 39
<i>See Set-off.</i>		
TEESPASER, see Defect.		
TRIAL of offences ...	III	83
proceeding with, immediately after alteration of charge ...	IV	101
separate, of distinct offences ...	"	105
of two persons, both accused of robbery, and one only of murder ...	"	111, <i>ill. (b)</i>
accused of same theft, and one of them of two others ...	"	111, <i>ill. (c)</i>
of cases by presidency-magistrates ...	"	114—133
of issues when same suit involves issues both of fact and of law submitted to court by agreement between parties ...	X	146
on re-admission of suit in lower court under order of remand ...	"	562
omitted by lower court ...	"	566
of suits and appeals relating to land, or the rent, revenue or produce of land, investing settlement-officers with powers for, ...	XVII	49
<i>See Irregularity, Place, Withdrawal.</i>		
TRIALS of persons once acquitted or convicted ...	IV	113
"TRUST" defined ...	I	3
enforcement of act agreed to be done in execution of, ...	"	12 (a)
contract not enforceable which is in breach of, ...	"	21 (e)
property held in, for judgment-debtor, liable to attachment	X	266
possession of attached property in, ...	"	280, 281
effect of false statement by insolvent as to property held in, ...	"	359 (a)
<i>See Administration, Bequeathed, Breach, Conveyed, Forged document, Property vested in trust, Stock.</i>		
"TRUSTER" defined ...	{ I	3
right of, to sue for possession of property ...	{ XV	3
	"	10, exp. 1

	ACT.	SEC.
TRUSTEE, (contd.)		
obligation to surrender thing held by person as, ...	I	11 (a)
contract of, as to lease of land in excess of his powers, not enforceable ...	"	21, <i>ill.</i> (e)
of property a "person interested to deny" adverse title ...	"	42, exp.
for plaintiff, grant of injunction to restrain, ...	"	54 (a)
guardian, curator, committee or agent, power of, to retain fee charged and paid ...	VIII	17
suits against corporations authorized to sue in name of officer or, ...	X	435, 436
deposit in court of money or deliverable thing the subject of suit, held as, ...	"	502
suit for recovery of moveable property bought from, for valuable consideration ...	XV	sch. II, No. 133
immovable property bought from, for valuable consideration ..	"	sch. II, No. 134
<i>See Deceased trustee, Sale.</i>		
TRUSTEES, contract made by, which is not enforceable ...	I	21 (e)
contract of, to sell trust-property for inadequate sum, not enforceable ...	"	21, <i>ill.</i> (e)
non-enforceable contract by, in concert with beneficiary, for sale of trust-estate ...	"	22, <i>ill.</i> (f)
contract by, for sale of land without particular assent required by terms of bequest ...	"	25, <i>ill.</i> (h)
executors and administrators, suits by and against, ...	X	437—443
to charity, suit for decree appointing new, ...	"	539 (a)
under will or marriage-settlement, concise forms of claims of, ...	"	sch. IV, No. 115
<i>See Effect of declaration, Express trustees, Vesting.</i>		
TRUST-ESTATE, see Trustees.		
TRUST-PROPERTY, see Sale, Trustees.		
TRUSTS, plaint in suit for execution of, ...	X	sch. IV, No. 108
<i>See Covenant, Execution.</i>		
TUITION, see Schooling.		
TWELVE YEARS, grant of repeated application for execution of decree after, ...	X	230
UMPIRE, appointment of, ...	X	509 (a), (c)
arbitration by, in place of arbitrators ...	"	515
<i>See British india, Court, Death, New, Time.</i>		
UNAPPEALABLE cases, taking evidence in, ...	X	189
UNAUTHORIZED persons not to address court ...	X	635
UNCERTAINTY, suit to declare covenant void for, ...	I	42, <i>ill.</i> (e)
UNCLAIMED DOCUMENTS, see Destruction.		
UNCONDITIONAL enforcement of decree appealed against to Queen ...	X	608
UNDATED, see Acknowledgment, Signature.		
UNDERLEASE, specific enforcement of contract for, notwithstanding offer of compensation for breach ...	I	20, <i>ill.</i>
UNDERSTANDING proceedings, procedure where accused incapable of, ...	IV	131
UNDERTAKING to cultivate or occupy, included in Lease ...	III	3
UNDER-TENURES in entire estate sold for arrears of government revenue, or in patni taluq or other tenure, suit to avoid, ...	XV	sch. II, No. 121

	ACT.	SEC.
UNDERVALUATION, see <i>Relief</i> .		
UNDETERMINED, see <i>Matter</i> .		
UNDIVIDED, see <i>Member, Timber</i> .		
family, see <i>Manager of joint estate</i> .		
UNFAIR PRACTICE, see <i>Assent</i> .		
UNFINISHED HOUSE, see <i>Repair</i> .		
UNFITNESS to emigrate, effect of,	V	27
UNHUSBAND-LIKE treatment of land held under contract for lease, effect of, on right to specific performance ..	I	24, <i>ill. (b)</i>
UNINCUMBERED, rights of purchaser in case of mortgaged property being sold as,	I	18 (c)
UNJUST, effect of decree against which pauper applies for leave to appeal being,	X	592
UNLAWFUL for causes not apparent on its face, rescission of contract which is,	I	35 (b)
contracts with natives to emigrate, penalty for, ...	V	39
limitation-time to run from possession becoming, ...	XV	sch. II, No. 49
UNREASONABLE delay, expense or inconvenience in procuring attendance of witness	IV	157
or improper suit, application for dismissal of, by plaintiff, late minor	X	455
<i>See Delay.</i>		
UNREGISTERED document, effect against, of registered document registration of which is optional ...	III	50
explanation of, in relation to certain documents ...	"	50, exp.
UNSCHEDULED CREDITOR, application by, for leave to prove claim against insolvent	XV	sch. II, No. 174
UN SOUND MIND, application for benefit of Act by thakur who is of, ...	XIV	4
<i>See Accused, Insane, Lunatic, Minors.</i>		
USAGE, see <i>Question</i> .		
having force of law, second appeal on ground of decision being contrary to,	X	584 (a)
<i>See Contrary, Issue.</i>		
USE of forms in fourth schedule	X	644
and occupation at fixed rent, plaint in suit for,	"	sch. IV, No. 21
at reasonable rent, plaint in suit for,	"	sch. IV, No. 22
" of house, concise statement of claim for,	"	sch. IV, No. 114
suit for money received by another for one's,	XV	sch. II, No. 62
of property, see <i>Perversion</i> .		
of water, see <i>Easements, Obstructing</i> .		
of well, see <i>Watercourse</i> .		
USER, effect of failure to prove exercise of right to easement for certain time by actual,	XV	26, <i>ill. (b)</i>
USING, see <i>Wrongfully using</i> .		
road or path, see <i>Trespass</i> .		
VACANCY in office of registrar, arrangement in case of,	III	10
of sub-registrar, arrangement in case of,	"	12
VACATE; see <i>Refusal</i>		
VACATING, see <i>Removal</i> .		

	ACT.	SEC.
VAKÍL included in <i>Pleader</i> <i>See Attorney or vakíl, Papers.</i>	X	2
VAKÍLS, <i>see Interference, Rules.</i>		
VALID, award not made within time allowed, not, <i>See Adoption.</i>	X	521
VALIDATION of endorsements, receipts, &c., made or given by court of acts of taluqdárl settlement-offices <i>See Concurrence.</i>	X XIV	303 41
VALIDITY of mortgage, charge, lease or alienation by restored thákur <i>See Custom.</i>	XIV	28
VALUABLE CONSIDERATION, <i>see Person claiming, Purchase, Settlement.</i>		
VALUABLE PROPERTY comprised in estate, unknown to parties to contract for sale thereof	I	22, <i>ill. (g)</i>
VALUATION, <i>see Annuities, Business, Mines.</i>		
VALUE, contract for purchase of property not enforceable for neglect to ascertain,	I	21, <i>ill. (e)</i>
of aggregate subject-matters in causes of action joined, jurisdiction to depend on,	X	45
of property attached, to correspond with amount of money-decree	"	245
to be stated in pauper's application	"	403
to be attached to be specified	"	483
security for placing of, at disposal of court	"	484
<i>See Payment, Subject-matter, Transferee.</i>		
of goods, <i>see Return of goods.</i>		
of subject-matter, <i>see Pecuniary limits.</i>		
of trees, <i>see Lessor.</i>		
VALUED POLICY, <i>see Cargo, Freight.</i>		
VAPOURS, <i>see Noxious vapours.</i>		
VARIATION, for whom contracts not enforceable except with,	I	26
contracted for subsequent to execution of contract	"	26 (e)
discharge or setting-aside order for injunction	X	496
of decree in appeal, relief due to appellant to be stated in case of,	"	574 (d)
appealed against by judgment in appeal	"	577
<i>See Error.</i>		
VEHICLES, <i>see Hire.</i>		
VENDEE, <i>see Conditional vendee.</i>		
VENDOR, contracts which cannot be specifically enforced in favour of, or lessor, court may order payment to, of rents and profits of subject-matter in wrongful possession	I	25
of immovable property, suit by, to enforce lien for unpaid purchase-money	"	35 (e)
	XV	sch. II, No. 11

	ACT.	SEC.
VENDOR (<i>contd.</i>)		
first entitled to possession, limitation to run from time when,	XV	sch. II, No. 186
<i>See Field, Rights, Set-off.</i>		
ent of possession, see <i>Purchaser at private sale.</i>		
VERBAL ERRORS, see <i>Correction.</i>		
VERIFICATION of application on refusal to register	III	73
for execution of decree	X	235
of description of property to be attached	"	237
<i>See Contents, Signature, Subscription.</i>		
of plaints, see <i>Law.</i>		
VERIFIED STATEMENT by applicant for benefit of Act	XIV	6
"VESSEL" defined	V	2
<i>See Marine.</i>		
VESSELS in-service of Queen or admiralty exempted from Act	V	48
<i>See Inspection.</i>		
VESTING of insolvent's property in receiver	X	354
property of charity in trustees, suit for decree for,	"	539 (d)
VESTING ORDER in case of moveable property not expressly provided for	X	303
VEXATIOUS, see <i>Conduct, Frivolous.</i>		
VICE-ADMIRALTY JURISDICTION, saving of,	X	616
VICE-CONSUL, see <i>Consul.</i>		
VILLAGE, see <i>Government land, Publication, Right of way.</i>		
VILLAGE-MUNSIPS in Madras not affected by code	X	6 (c)
VILLAGE-OFFICER, jurisdiction as to claims against government relating to property appertaining to office of,	XVI	1 (a)
VILLAGE-PANCHAYATS in Madras not affected by code	X	6 (c)
VILLAGE-RECORDS, see <i>Exemption.</i>		
VILLAGE-SERVANT, jurisdiction as to claims against government relating to property appertaining to office of,	XVI	1 (a)
VIOLATION of essential term of contract, effect of,	I	24 (b)
VISITORS of asylums may visit accused lunatic	IV	201
of asylum, duty of, as to military lunatic	XI	7
VITIATE, see <i>Irregularity.</i>		
VOID or voidable, right to sue to have instrument declared, or useless documents not returnable	I	39
refusal of arbitrators to re-consider award renders it,	X	144
	"	521
<i>See Agreements.</i>		
VOIDABILITY of compromise by next friend or guardian	X	462
VOIDABLE or terminable, rescission of contract which on the part of plaintiff is,	I	35 (a)
VOIATION of parties, contract not enforceable which is dependent on,	I	21 (b)
VOLUNTARY execution of power-of-attorney to be ascertained	III	33
surrender of defendant whose surety applies for discharge	X	480
VOYAGE, limitation-time to run from end of,	XV	sch. II, No. 101
<i>See Journey.</i>		

	ACT.	SEC.
WAGES of recruit, rate of, to be stated	V	14 (d)
of labourers and domestic servants not liable to attachment or hire or price of work accruing due, limitation-time to run from,	X	266 (j)
of household servant, artisan or labourer, suit for,	XV	sch. II, No. 4
not expressly provided for, suit for,	"	sch. II, No. 7
	"	sch. II, No. 102
<i>See Seaman's.</i>		
WAGING WAR against Queen, place of trial for abetment of, ...	IV	20, <i>ill.</i> (d)
WAIVER of claim to property unknown to parties to contract for sale of estate comprising it	I	22, <i>ill.</i> (g)
of benefit of provision as to default in payment of instalment	XV	sch. II, No. 75
WANT of jurisdiction, resisting appeal grounded on, a prosecution of suit	XV	14, exp. 2
of prosecution, see <i>Re-admission.</i>		
WAR with Great Britain, person residing in foreign country at, ...	X	430, exp.
WARD attaining majority, suit by, to set-aside sale by guardian ...	XV	sch. II, No. 44
WAREHOUSE-KEEPER, right of, to recover property received by him for delivery and taken out of his possession ...	I	10, <i>ill.</i> (e)
WAREHOUSE-MAN, plaint in suit against, for refusal to deliver goods	X	sch. IV, No. 75
WAREHOUSE-RENT, concise statement of claim for,	X	sch. IV, No. 114
WARRANT of arrest if summons not obeyed or not served in addition to summons, power to issue,	IV	36
place where it may be executed	"	53
for intermediate custody	"	63
for intermediate custody	"	71
to arrest accused not appearing on adjourned hearing	"	124
of arrest when issuable in first instance	"	135
witnesses in cases triable upon,	"	143
for execution of sentence of imprisonment or whipping	"	183
of arrest of person not obeying summons	"	217
for execution of decree, issue of,	X	250
for immediate execution against person or property	"	256
of arrest of judgment-debtor to direct his being brought before court without delay	"	337
of arrest in suit against government or public officer	"	425
for arrest of defendant on his surety's application for discharge	"	480
for arrest outside court's district	"	648
of attachment of moveable property in defendant's possession in execution of money-decree	"	sch. IV, No. 136
of sale of property in execution of money-decree	"	sch. IV, No. 145
of arrest in execution, form of,	"	sch. IV, No. 154
of arrest before judgment, form of,	"	sch. IV, No. 158
<i>See Bailiff, Cantonment, Copy, Distress, Execution, Summons.</i>		
WARRANTED, see <i>Promoters.</i>		
WARRANTY of moveables, plaint in suit for breach of,	X	sch. IV, No. 68
<i>See Sale of goods:</i>		

	Act.	Sec.
WASTAGE of salt, cost of,	XVIII	8
WASTE, effect of committing, on right to specific performance of contract for lease of land	I	24, <i>ill.</i> (b)
by lessee, plaint in suit for,	X	sch. IV, No. 83
plaint in suit for injunction restraining,	"	sch. IV, No. 100
suit to restrain,	XV	sch. II, No. 41
" See <i>Danger.</i>		
WASTE-LANDS ACT, 1863, see <i>Board of revenue.</i>		
WATER, see <i>Drawing water, Easements, Polluting, Provisions, Tenure, Wrongfully diverting.</i>		
WATER-COURSE, concise statement of claim for damages for — wrongfully diverting,	X	sch. IV, No. 114
diverting water from,	"	sch. IV, No. 114
discharging water upon land or mine	"	sch. IV, No. 114
obstructing,	"	sch. IV, No. 114
obstructing use of well	"	sch. IV, No. 114
polluting,	"	sch. IV, No. 114
See <i>Diversion, Diverting, Easements, Obstructing.</i>		
WATERGAUGES included in <i>Embankment</i>	XIII	2
WAY, concise statement of claim for damages for wrongfully obstructing public highway or private,	X	sch. IV, No. 114
See <i>Easements, Obstructing.</i>		
WEAPON or other necessary article to be forwarded to high court	IV	89
WEARING APPAREL of pauper	X	401, exp.
WELL, see <i>Trespass, Use, Watercourse.</i>		
WELLS, see <i>Markets.</i>		
WHARE, specific enforcement of railway company's contract to construct,	I	12, <i>ill.</i>
contract for lease of, with strip of land, with oral agreement to substitute another strip	"	26, <i>ill.</i> (c)
WHIPPING when to be inflicted if imposed in addition to imprisonment in appealable case	IV	187
mode of inflicting punishment of,	"	188
being wholly or partially prevented, procedure in case of,	"	191
See <i>Act VI of 1864, Warrant.</i>		
WIDOW, see <i>Adoption, Alienation, Heir-expectant.</i>		
WIFE and children, suit by, to obtain declaration of their title to bequest	I	42, <i>ill.</i> (A)
execution of decree for recovery of,	X	259
See <i>Apparel, Recovery.</i>		
WIFE-EXECUTRIX, see <i>Husband.</i>		
WILFUL DISOBEDIENCE of decree or injunction	X	260

	ACT.	SEC.
WILL not included in settlement	I	3
or codicil, application of Act to directions in, to execute settle- ment	"	30
plaint of executor to shew that he has proved,	X	50, <i>ill. (a)</i>
executors who have not proved, need not be joined	"	433
<i>See Authorities to adopt, Probate, Revocation, Trustees.</i>		
WILLS, exception of,	III	18 (<i>a</i>)
registration of,	"	18 (<i>d</i>)
excepted from limitation of time for presenting	"	23
time for presentation or deposit of,	"	27
and authorities to adopt, register of,	"	51
<i>See Deposit, Presentation, Registration, Unclaimed docu- ments.</i>		
WINDOW, see <i>Breaking open.</i>		
WITHDRAWAL of cover containing will deposited	III	44
of remaining charges on conviction on one of several	IV	112
of complaint	"	125
of tender of pardon	"	151
of suit	X	25
of attachment of property of witness out of the way	"	169
of occupant of zanána	"	271
of one plaintiff without consent of others, not allowed	"	373
and adjustment of suits	"	373-375
of suit under section 373	"	381
of attachment on failure to give security	"	485
of injunction or order staying institution of suit, day of, to be excluded	XV	15
of powers specially conferred	XVII	8, 9
trial and transfer of suits by chief court	"	16
trial, disposal and transfer of suits by commissioner or deputy commissioner	"	33
trial and transfer of civil appeals	"	41
of permission to appear, plead or act	"	44
of attachment, see <i>Order.</i>		
WITHDRAWING exemption from personal appearance	X	641
WITNESS, see <i>Absconding, Apprehended, Arrest, Bail, Detention, Discharge, Dispensing, Excuse, Fine, Security.</i>		
WITNESSES, power to enforce attendance of,	III	75
production of,	IV	142, 143
summoning, enforcing attendance, and examination of,	"	176
summons for final disposal to direct production of,	X	71
issue of commissions for examination of,	"	383-391
exemption of, from arrest	"	642
rules as to, applied to all persons required to give evidence or produce documents	"	650
<i>See Attendance, Defendants, Enforcement, Examination, Expense, Failure, Law, List, Presence, Punishment, Recall, Recognizance, Remuneration, Rules, Summon- ing, Supplementary, Tender.</i>		
WIVES, see <i>Maintenance.</i>		
WOMAN, see <i>Females, Zanána.</i>		
WOMEN, mode of searching,	IV	166
<i>See Arrest, Exemption, Zanánas.</i>		
WORK for gain	X	16, 17, 57 (c)

	ACT.	SEC.
WORK, (contd.)		
concise statement of claim for damages for breach of contract—		
to build ship ...	X	sch. IV, No. 114
to repair house	"	sch. IV, No. 114
to employ to build ship.	"	sch. IV, No. 114
done (as surveyor, &c.), concise statement of claim for, ...	"	sch. IV, No. 114
left undone, see <i>Consideration</i> .		
to be done, see <i>Consideration</i> .		
<i>See Fees, Price, Statements.</i>		
WORKING for gain, by judgment-debtor, as affecting execution of decree ...	X	223 (a)
WORKMANSHIP , see <i>Builder</i> .		
WORKMEN , see <i>Disputes</i> .		
WORKS which court cannot superintend, non-enforceable contract for, ...	I	21, <i>ill. (b)</i>
to be executed by purchaser for convenience of vendor, enforceable contract for, ...	"	22, <i>III, ill.</i>
<i>See Nuisance, Subsidiary.</i>		
" WRITING " defined ...	IV	6
reducing complaint to, ...	"	30
summons to be in, ...	"	47
warrant to be in, ...	"	56
examination of insane accused by medical officer to be in, ...	"	194
contracts with emigrants to be in, ...	V	14 (a)
signed, authority to act for co-defendant or co-plaintiff to be in, ...	X	35
appointment of pleader to be in, ...	"	39
revocation of appointment to be in, ...	"	39
appointment of agent to receive process to be in, ...	"	41
notices and orders issuing from court to be in, ...	"	94
substance of examination to be reduced to, ...	"	119
admission of genuineness of documents to be in, ...	"	128
evidence in appealable cases to be in, ...	"	182
authority by military men to sue and defend to be in, ...	"	465
application for order of reference to arbitration to be in, to file agreement to refer to arbitration to be in, ...	"	506
award to be in, ...	"	523
memorandum of appeal in, ...	"	525
decision or order which dissenting judge thinks proper, to be in, ...	"	541
notice to be in, ...	"	576
signed, suit for money found due on accounts stated in, ...	XV	sch. II, No. 64
<i>See Consent, Handwriting.</i>		
restraining or postponing right to sue, see <i>Bill of exchange</i> .		
WRITING REGISTERED , see <i>Contract</i> .		
WRITS of execution issued by high court, service of, ...	X	636
" WRITTEN " defined ...	X	2
WRITTEN STATEMENT , presentation of, in lieu of one rejected ...	X	116

	ACT.	SEC.
WRITTEN STATEMENT, (<i>contd.</i>)		
defendant not to deliver interrogatories who has not filed,	X	121
form of,	"	sch. IV, Nos. 88, 107
WRITTEN STATEMENTS, tender, receipt and record of, ...	X	110
<i>See Allegations, Plaint.</i>		
WRONG complained of, limitation-time to run from,	XV	sch. II, No. 33
<i>See Continuing.</i>		
WRONG DISTRICT, effect of inquiry or trial in,	IV	24
WRONG-DOER in possession without title, not included in trustee ...	XV	3
WRONGFUL sale in execution, temporary injunction in case of danger of,	X	492 (a)
distress, concise statement of claim for damages for, ...	"	sch. IV, No. 114
seizure of moveable property under legal process, suit for compensation for,	XV	sch. II, No. 29
taking or detention of property, suit for compensation for, ...	"	sch. II, Nos. 48, 49
injury to property, suit for compensation for, ...	"	sch. II, No. 49
<i>See Depriving, Possession.</i>		
detention, <i>see Bailment, Hire, Moveables, Pledge.</i>		
dismissal, <i>see Traveller.</i>		
entry on land, <i>see Trespass.</i>		
quitting, <i>see Manager.</i>		
receipt of profits, <i>see Profits.</i>		
refusal to pay cheque, <i>see Banker.</i>		
taking, <i>See Moveable property.</i>		
taking away, <i>see Support.</i>		
WRONGFULLY discharging water, <i>see Watercourse.</i>		
diverting, <i>see Watercourse.</i>		
imitating, <i>see Trade-mark.</i>		
obstructing, <i>see Watercourse, Way.</i>		
obtained injunction, <i>see Injury.</i>		
polluting, <i>see Watercourse.</i>		
using, <i>see Trade-mark.</i>		
WRONGS, <i>see Act XII of 1855, Compensation, Plaints.</i>		
YEAR, numbering to commence and terminate with each, ...	III	53
<i>See Close, Dwelling-house.</i>		
ZANÁNÁ, search of,	IV	164
ZANÁNÁS, seizure of property in,	X	271

THE SPECIFIC RELIEF ACT, 1877.

CONTENTS.

PREAMBLE.

PART I. PRELIMINARY.

SECTIONS.

1. Short title.
Local extent.
Commencement.
2. Repeal of enactments.
3. Interpretation-clause.
4. Savings.
5. Specific relief how given.
6. Preventive relief.
7. Relief not granted to enforce penal law.

PART II. OF SPECIFIC RELIEF.

CHAPTER I.

OF RECOVERING POSSESSION OF PROPERTY.

- (a). *Possession of Immoveable Property.*
8. Recovery of specific immoveable property.
 9. Suit by person dispossessed of immoveable property.
- (b). *Possession of Moveable Property.*
10. Recovery of specific moveable property.
 11. Liability of person in possession, not as owner, to deliver to person entitled to immediate possession.

CHAPTER II.

OF THE SPECIFIC PERFORMANCE OF CONTRACTS.

- (a). *Contracts which may be specifically enforced.*
12. Cases in which specific performance enforceable.
 13. Contracts of which the subject has partially ceased to exist.
 14. Specific

[Price eleven annas and six ples.]

SECTIONS.

14. Specific performance of part of contract where part unperformed is small.
15. Specific performance of part of contract where part unperformed is large.
16. Specific performance of independent part of contract.
17. Bar in other cases of specific performance of part of contract.
18. Purchaser's rights against vendor with imperfect title.
19. Power to award compensation in certain cases.
20. Liquidation of damages not a bar to specific performance.
- (b). *Contracts which cannot be specifically enforced.*
21. Contracts not specifically enforceable.
- (c). *Of the Discretion of the Court.*
22. Discretion as to decreeing specific performance.
- (d). *For whom Contracts may be specifically enforced.*
23. Who may obtain specific performance.
- (e). *For whom Contracts cannot be specifically enforced.*
24. Personal bars to the relief.
25. Contracts to sell property by one who has no title, or who is a voluntary settler.
- (f). *For whom Contracts cannot be specifically enforced, except with a Variation.*
26. Non-enforcement except with variation.
- (g). *Against whom Contracts may be specifically enforced.*
27. Relief against parties and persons claiming under them by subsequent title.
- (h). *Against whom Contracts cannot be specifically enforced.*
28. What parties cannot be compelled to perform.
- (i). *The Effect of dismissing a Suit for Specific Performance.*
29. Bar of suit for breach after dismissal.
- (j). *Awards and Directions to execute Settlements.*
30. Application of preceding sections to awards and testamentary directions to execute settlements.

 CHAPTER III.

OF THE RECTIFICATION OF INSTRUMENTS.

31. When instrument may be rectified.
32. Presumption as to intent of parties.

33. Principles

SECTIONS.

- 33. Principles of rectification.
- 34. Specific enforcement of rectified contract.

 CHAPTER IV.

OF THE RESCISSION OF CONTRACTS.

- 35. When rescission may be adjudged.
- 36. Rescission for mistake.
- 37. Alternative prayer for rescission in suit for specific performance.
- 38. Court may require party rescinding to do equity.

 CHAPTER V.

OF THE CANCELLATION OF INSTRUMENTS.

- 39. When cancellation may be ordered.
- 40. What instruments may be partially cancelled.
- 41. Power to require party for whom instrument is cancelled to make compensation.

 CHAPTER VI.

OF DECLARATORY DECREES.

- 42. Discretion of Court as to declarations of status or right. Bar to such declaration.
- 43. Effect of declaration.

 CHAPTER VII.

OF THE APPOINTMENT OF RECEIVERS.

- 44. Appointment of Receivers discretionary. Reference to Code of Civil Procedure.

 CHAPTER VIII.

OF THE ENFORCEMENT OF PUBLIC DUTIES.

- 45. Power to order public servants and others to do certain specific acts. Exemptions from such power.
- 46. Application how made. Procedure thereon. Order in alternative.
- 47. Peremptory order.
- 48. Execution of, and appeal from, orders.

49. Costs.

SECTIONS. *

- 49. Costs.
- 50. Bar to issue of *mandamus*.
- 51. Power to frame rules.

 PART III.

OF PREVENTIVE RELIEF.

 CHAPTER IX.

OF INJUNCTIONS GENERALLY.

- 52. Preventive relief how granted.
- 53. Temporary injunctions,
Perpetual injunctions.

 CHAPTER X.

OF PERPETUAL INJUNCTIONS.

- 54. Perpetual injunctions when granted.
- 55. Mandatory injunctions.
- 56. Injunction when refused.
- 57. Injunction to perform negative agreement.

 SCHEDULE.—Enactments repealed.

1877.]

ACT No. I OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 7th February 1877).

An Act to define and amend the law relating to certain kinds of Specific Relief.

WHEREAS it is expedient to define and amend the law relating to certain kinds of specific relief obtainable in civil suits; It is hereby enacted as follows:— Preamble.

PART I.

PRELIMINARY.

1. This Act may be called "The Specific Relief Act, 1877:" Short title.

It extends to the whole of British India, except the Scheduled Districts as defined in Act No. XIV of 1874; Local extent.

And it shall come into force on the first day of May 1877. Commencement.

2. On and from that day the Acts specified in the schedule hereto annexed shall be repealed to the extent mentioned in its third column. Repeal of enactments.

3. In this Act, unless there be something repugnant in the subject or context,— Interpretation-clause.

'obligation' includes every duty enforceable by law: 'obligation.'

'trust' includes every species of express, implied, or constructive fiduciary ownership: 'trust.'

'trustee' includes every person holding, expressly, by implication, or constructively, a fiduciary character: 'trustee.'

Illustrations.

(a). Z bequeaths land to A, 'not doubting that he will pay thereout

thereout an annuity of Rs. 1,000 to B for his life.' A accepts the bequest. A is a trustee, within the meaning of this Act, for B, to the extent of the annuity.

(b). A is the legal, medical, or spiritual adviser of B. By availing himself of his situation as such adviser, A gains some pecuniary advantage which might otherwise have accrued to B. A is a trustee, for B, within the meaning of this Act, of such advantage.

(c). A, being B's banker, discloses for his own purpose the state of B's account. A is a trustee, within the meaning of this Act, for B, of the benefit gained by him by means of such disclosure.

(d). A, the mortgagee of certain leaseholds, renews the lease in his own name. A is a trustee, within the meaning of this Act, of the renewed lease, for those interested in the original lease.

(e). A, one of several partners, is employed to purchase goods for the firm. A, unknown to his co-partners, supplies them, at the market-price, with goods previously bought by himself when the price was lower, and thus makes a considerable profit. A is a trustee, for his co-partners, within the meaning of this Act, of the profit so made.

(f). A, the manager of B's indigo-factory, becomes agent for C, a vendor of indigo-seed, and receives, without B's assent, commission on the seed purchased from C for the factory. A is a trustee, within the meaning of this Act, for B, of the commission so received.

(g). A buys certain land with notice that B has already contracted to buy it. A is a trustee, within the meaning of this Act, for B, of the land so bought.

(h). A buys land from B, having notice that C is in occupation of the land. A omits to make any inquiry as to the nature of C's interest therein. A is a trustee, within the meaning of this Act, for C, to the extent of that interest.

'settlement.' . . 'settlement' means any instrument (other than a will or codicil as defined by the Indian Succession Act) whereby the destination or devolution of successive interests in moveable or immovable property is disposed of or is agreed to be disposed of:

Words defined in Contract Act.

and all words occurring in this Act, which are defined in the Indian Contract Act, 1872, shall be deemed to have the meanings respectively assigned to them by that Act.

4. Except

4. Except where it is herein otherwise expressly enacted, nothing in this Act shall be deemed—

(a) to give any right to relief in respect of any agreement which is not a contract;

(b) to deprive any person of any right to relief, other than specific performance, which he may have under any contract; or

(c) to affect the operation of the Indian Registration Act on documents.

5. Specific relief is given—

(a) by taking possession of certain property and delivering it to a claimant;

(b) by ordering a party to do the very act which he is under an obligation to do;

(c) by preventing a party from doing that which he is under an obligation not to do;

(d) by determining and declaring the rights of parties otherwise than by an award of compensation; or

(e) by appointing a Receiver.

6. Specific relief granted under clause (c) of section 5 is called preventive relief.

7. Specific relief cannot be granted for the mere purpose of enforcing a penal law.

Specific relief
how given.

Preventive
relief.

Relief not
granted to
enforce penal
law.

PART II. OF SPECIFIC RELIEF.

CHAPTER I.

OF RECOVERING POSSESSION OF PROPERTY.

(a) *Possession of Immoveable Property.*

8. A person entitled to the possession of specific immoveable property may recover it in the manner prescribed by the Code of Civil Procedure.

9. If any person is dispossessed without his consent of immoveable property otherwise than in due course of law, he or any person claiming through him may,

Recovery of
specific im-
moveable
property.

Suit by per-
son dispos-
sessed of im-
moveable
property.

by

by suit instituted within six months from the date of the dispossession, recover possession thereof, notwithstanding any other title that may be set up in such suit.

Nothing in this section shall bar any person from suing to establish his title to such property and to recover possession thereof.

No suit under this section shall be brought against the Government.

No appeal shall lie from any order or decree passed in any suit instituted under this section, nor shall any review of any such order or decree be allowed.

(b). Possession of Moveable Property.

Recovery of specific moveable property.

10. A person entitled to the possession of specific moveable property may recover the same in the manner prescribed by the Code of Civil Procedure.

EXPLANATION 1.—A trustee may sue under this section for the possession of property to the beneficial interest in which the person for whom he is trustee is entitled.

EXPLANATION 2.—A special or temporary right to the present possession of property is sufficient to support a suit under this section.

Illustrations.

(a). A bequeaths land to B for his life, with remainder to C. A dies. B enters on the land, but C, without B's consent, obtains possession of the title-deeds. B may recover them from C.

(b). A pledges certain jewels to B to secure a loan. B disposes of them before he is entitled to do so. A, without having paid or tendered the amount of the loan, sues B for possession of the jewels. The suit should be dismissed, as A is not entitled to their possession, whatever right he may have to secure their safe custody.

(c). A receives a letter addressed to him by B. B gets back the letter without A's consent. A has such a property therein as entitles him to recover it from B.

(d). A deposits books and papers for safe custody with B. B loses them and C finds them, but refuses to deliver them to B when

when demanded. B may recover them from C; subject to C's right, if any, under section 168 of the Indian Contract Act, 1872.

(e). A, a warehouse-keeper, is charged with the delivery of certain goods to Z, which B takes out of A's possession. A may sue B for the goods.

11. Any person having the possession or control of a particular article of moveable property, of which he is not the owner, may be compelled specifically to deliver it to the person entitled to its immediate possession, in any of the following cases:—

Liability of person in possession, not as owner, to deliver to person entitled to immediate possession.

(a) when the thing claimed is held by the defendant as the agent or trustee of the claimant;

(b) when compensation in money would not afford the claimant adequate relief for the loss of the thing claimed;

(c) when it would be extremely difficult to ascertain the actual damage caused by its loss;

(d) when the possession of the thing claimed has been wrongfully transferred from the claimant.

Illustrations

of clause (a)—A, proceeding to Europe, leaves his furniture in charge of B as his agent during his absence. B, without A's authority, pledges the furniture to C, and C, knowing that B had no right to pledge the furniture, advertises it for sale. C may be compelled to deliver the furniture to A, for he holds it as A's trustee.

of clause (b)—Z has got possession of an idol belonging to A's family, and of which A is the proper custodian. Z may be compelled to deliver the idol to A.

of clause (c)—A is entitled to a picture by a dead painter and a pair of rare China vases. B has possession of them. The articles are of too special a character to bear an ascertainable market-value. B may be compelled to deliver them to A.

CHAPTER II.

OF THE SPECIFIC PERFORMANCE OF CONTRACTS.

(a). *Contracts which may be specifically enforced.*

12. Except as otherwise provided in this chapter, the

Cases in which speci-

fic perform-
ance enforce-
able.

the specific performance of any contract may in the discretion of the Court be enforced—

(a) when the act agreed to be done is in the performance, wholly or partly, of a trust;

(b) when there exists no standard for ascertaining the actual damage caused by the non-performance of the act agreed to be done;

(c) when the act agreed to be done is such that pecuniary compensation for its non-performance would not afford adequate relief; or

(d) when it is probable that pecuniary compensation cannot be got for the non-performance of the act agreed to be done.

EXPLANATION.—Unless and until the contrary is proved, the Court shall presume that the breach of a contract to transfer immoveable property cannot be adequately relieved by compensation in money, and that the breach of a contract to transfer moveable property can be thus relieved.

Illustrations

of clause (a).—A holds certain stock in trust for B. A wrongfully disposes of the stock. The law creates an obligation on A to restore the same quantity of stock to B, and B may enforce specific performance of this obligation.

of clause (b)—A agrees to buy, and B agrees to sell, a picture by a dead painter and two rare China vases. A may compel B specifically to perform this contract, for there is no standard for ascertaining the actual damage which would be caused by its non-performance.

of clause (c)—A contracts with B to sell him a house for Rs. 1,000. B is entitled to a decree directing A to convey the house to him, he paying the purchase-money.

In consideration of being released from certain obligations imposed on it by its Act of Incorporation, a railway-company contract with Z to make an archway through their railway to connect lands of Z severed by the railway, to construct a road between certain specified points, to pay a certain annual sum towards the maintenance of this road, and also to construct a siding and a wharf as specified in the contract. Z is entitled to have this contract specifically enforced, for his interest in its performance cannot be adequately compensated for by money;

and

and the Court may appoint a proper person to superintend the construction of the archway, road, siding and wharf.

A contracts to sell, and B contracts to buy, a certain number of railway-shares of a particular description. A refuses to complete the sale. B may compel A specifically to perform this agreement, for the shares are limited in number and not always to be had in the market, and their possession carries with it the status of a shareholder, which cannot otherwise be procured.

A contracts with B to paint a picture for B, who agrees to pay therefor Rs. 1,000. The picture is painted. B is entitled to have it delivered to him on payment or tender of the Rs.-1,000.

of clause (d).—A transfers without endorsement, but for valuable consideration, a promissory note to B. A becomes insolvent, and C is appointed his assignee. B may compel C to endorse the note, for C has succeeded to A's liabilities, and a decree for pecuniary compensation for not endorsing the note would be fruitless.

13. Notwithstanding anything contained in section 56 of the Indian Contract Act, a contract is not wholly impossible of performance because a portion of its subject-matter, existing at its date, has ceased to exist at the time of the performance.

Contracts of which the subject has partially ceased to exist.

Illustrations.

(a). A contracts to sell a house to B for a lách of rupees. The day after the contract is made, the house is destroyed by a cyclone. B may be compelled to perform his part of the contract by paying the purchase-money.

(b). In consideration of a sum of money payable by B, A contracts to grant an annuity to B for B's life. The day after the contract has been made, B is thrown from his horse and killed. B's representative may be compelled to pay the purchase-money.

14. Where a party to a contract is unable to perform the whole of his part of it, but the part which must be left unperformed bears only a small proportion to the whole in value, and admits of compensation in money, the Court may, at the suit of either party, direct the specific performance of so much of the contract as can be performed, and award compensation in money for the deficiency.

Specific performance of part of contract where part unperformed is small.

Illustrations.

(a). A contracts to sell B a piece of land consisting of 100 bighás. It turns out that 98 bighás of the land belong to A,

and

and the two remaining bighás to a stranger, who refuses to part with them. The two bighás are not necessary for the use or enjoyment of the 98 bighás, nor so important for such use or enjoyment that the loss of them may not be made good in money. A may be directed at the suit of B to convey to B the 98 bighás and to make compensation to him for not conveying the two remaining bighás; or B may be directed, at the suit of A, to pay to A on receiving the conveyance and possession of the land, the stipulated purchase-money, less a sum awarded as compensation for the deficiency.

(b). In a contract for the sale and purchase of a house and lands for two lákhs of rupees, it is agreed that part of the furniture should be taken at a valuation. The Court may direct specific performance of the contract notwithstanding the parties are unable to agree as to the valuation of the furniture, and may either have the furniture valued in the suit and include it in the decree for specific performance, or may confine its decree to the house.

Specific performance of part of contract where part unperformed is large.

15. Where a party to a contract is unable to perform the whole of his part of it, and the part which must be left unperformed forms a considerable portion of the whole, or does not admit of compensation in money, he is not entitled to obtain a decree for specific performance. But the Court may, at the suit of the other party, direct the party in default to perform specifically so much of his part of the contract as he can perform, provided that the plaintiff relinquishes all claim to further performance, and all right to compensation, either for the deficiency, or for the loss or damage sustained by him through the default of the defendant.

Illustrations.

(a). A contracts to sell to B a piece of land consisting of 100 bighás. It turns out that 50 bighás of the land belong to A, and the other 50 bighás to a stranger, who refuses to part with them. A cannot obtain a decree against B for the specific performance of the contract; but if B is willing to pay the price agreed upon, and to take the 50 bighás which belong to A, waiving all right to compensation either for the deficiency or for loss sustained by him through A's neglect or default, B is entitled to a decree directing A to convey those 50 bighás to him on payment of the purchase-money.

(b). A contracts to sell to B an estate with a house and garden for a lákhs of rupees. The garden is important for the enjoyment

enjoyment of the house. It turns out that A is unable to convey the garden. A cannot obtain a decree against B for the specific performance of the contract; but if B is willing to pay the price agreed upon, and to take the estate and house without the garden, waiving all right to compensation either for the deficiency or for loss sustained by him through A's neglect or default, B is entitled to a decree directing A to convey the house to him on payment of the purchase-money.

16. When a part of a contract which, taken by itself, can and ought to be specifically performed, stands on a separate and independent footing from another part of the same contract which cannot or ought not to be specifically performed, the Court may direct specific performance of the former part.

Specific performance of independent part of contract.

17. The Court shall not direct the specific performance of a part of a contract except in cases coming under one or other of the three last preceding sections.

Bar in other cases of specific performance of part of contract.

18. Where a person contracts to sell or let certain property, having only an imperfect title thereto, the purchaser or lessee (except as otherwise provided by this chapter) has the following rights:—

Purchaser's rights against vendor or with imperfect title.

(a) if the vendor or lessor has subsequently to the sale or lease acquired any interest in the property, the purchaser or lessee may compel him to make good the contract out of such interest;

(b) where the concurrence of other persons is necessary to validate the title, and they are bound to convey at the vendor's or lessor's request, the purchaser or lessee may compel him to procure such concurrence;

(c) where the vendor professes to sell unincumbered property, but the property is mortgaged for an amount not exceeding the purchase-money, and the vendor has in fact only a right to redeem it, the purchaser may compel him to redeem the mortgage and to obtain a conveyance from the mortgagee;

(d) where the vendor or lessor sues for specific performance of the contract, and the suit is dismissed on the ground of his imperfect title, the defendant

has

has a right to a return of his deposit (if any) with interest thereon, to his costs of the suit, and to a lien for such deposit, interest and costs on the interest of the vendor or lessor in the property agreed to be sold or let.

Power to award compensation in certain cases.

19. Any person suing for the specific performance of a contract, may also ask for compensation for its breach, either in addition to, or in substitution for, such performance.

If in any such suit the Court decides that specific performance ought not to be granted, but that there is a contract between the parties which has been broken by the defendant and that the plaintiff is entitled to compensation for that breach, it shall award him compensation accordingly.

If in any such suit the Court decides that specific performance ought to be granted, but that it is not sufficient to satisfy the justice of the case, and that some compensation for breach of the contract should also be made to the plaintiff, it shall award him such compensation accordingly.

Compensation awarded under this section may be assessed in such manner as the Court may direct.

EXPLANATION.—The circumstance that the contract has become incapable of specific performance, does not preclude the Court from exercising the jurisdiction conferred by this section.

Illustrations

of the second paragraph:—A contracts to sell a hundred maunds of rice to B. B brings a suit to compel A to perform the contract or to pay compensation. The Court is of opinion that A has made a valid contract and has broken it, without excuse, to the injury of B, but that specific performance is not the proper remedy. It shall award to B such compensation as it deems just.

of the third paragraph:—A contracts with B to sell him a house for Rs. 1,000, the price to be paid and the possession given on the 1st January 1877. A fails to perform his part of the contract, and B brings his suit for specific performance and compensation, which is decided in his favour on the 1st January 1878. The decree may, besides ordering specific performance,

award

award to B compensation for any loss which he has sustained by A's refusal.

of the Explanation :—A, a purchaser, sues B, his vendor, for specific performance of a contract for the sale of a patent. Before the hearing of the suit, the patent expires. The Court may award A compensation for the non-performance of the contract, and may, if necessary, amend the plaint for that purpose.

A sues for the specific performance of a resolution passed by the Directors of a public company, under which he was entitled to have a certain number of shares allotted to him, and for compensation for the non-performance of the resolution. All the shares had been allotted before the institution of the suit. The Court may, under this section, award A compensation for the non-performance.

20. A contract, otherwise proper to be specifically enforced, may be thus enforced, though a sum be named in it as the amount to be paid in case of its breach, and the party in default is willing to pay the same.

Liquidation of damages not a bar to specific performance.

Illustration.

A contracts to grant B an underlease of property held by A under C, and that he will apply to C for a license necessary to the validity of the underlease, and that, if the license is not procured, A will pay B Rs. 10,000. A refuses to apply for the license and offers to pay B the Rs. 10,000. B is nevertheless entitled to have the contract specifically enforced if C consents to give the license.

(b). *Contracts which cannot be specifically enforced.*

21. The following contracts cannot be specifically enforced :—

Contracts not specifically enforceable.

- (a) a contract for the non-performance of which compensation in money is an adequate relief ;
- (b) a contract which runs into such minute or numerous details, or which is so dependent on the personal qualifications or volition of the parties, or otherwise from its nature is such, that the Court cannot enforce specific performance of its material terms ;
- (c) a contract the terms of which the Court cannot find with reasonable certainty ;

(d) a

- (d) a contract which is in its nature revocable;
- (e) a contract made by trustees either in excess of their powers or in breach of their trust;
- (f) a contract made by or on behalf of a corporation or public company created for special purposes, or by the promoters of such company, which is in excess of its powers;
- (g) a contract the performance of which involves the performance of a continuous duty extending over a longer period than three years from its date;
- (h) a contract of which a material part of the subject-matter, supposed by both parties to exist, has, before it has been made, ceased to exist.

And save as provided by the Code of Civil Procedure, no contract to refer a controversy to arbitration shall be specifically enforced; but if any person who has made such a contract and has refused to perform it, sues in respect of any subject which he has contracted to refer, the existence of such contract shall bar the suit.

Illustrations

to (a).—A contracts to sell, and B contracts to buy, a lākh of rupees in the four per cent. loan of the Government of India:

A contracts to sell, and B contracts to buy, 40 chests of indigo at Rs. 1,000 per chest:

In consideration of certain property having been transferred by A to B, B contracts to open a credit in A's favour to the extent of Rs. 10,000, and to honour A's drafts to that amount.

The above contracts cannot be specifically enforced, for, in the first and the second both A and B, and in the third A, would be reimbursed by compensation in money.

to (b).—A contracts to render personal service to B:

A contracts to employ B on personal service:

A, an author, contracts with B, a publisher, to complete a literary work.

B cannot enforce specific performance of these contracts.

A contracts to buy B's business at the amount of a valuation to be made by two valuers, one to be named by A and the other

by

by B. A and B each name a valuer, but before the valuation is made, A instructs his valuer not to proceed :

By a charter-party entered into in Calcutta between A, the owner of a ship, and B, the charterer, it is agreed that the ship shall proceed to Rangoon, and there load a cargo of rice, and thence proceed to London, freight to be paid, one-third on arrival at Rangoon, and two-thirds on delivery of the cargo in London :

A lets land to B and B contracts to cultivate it in a particular manner for three years next after the date of the lease :

A and B contract that, in consideration of annual advances to be made by A, B will for three years next after the date of the contract grow particular crops on the land in his possession and deliver them to A when cut and ready for delivery :

A contracts with B that, in consideration of Rs. 1,000 to be paid to him by B, he will paint a picture for B :

A contracts with B to execute certain works which the Court cannot superintend :

A contracts to supply B with all the goods of a certain class which B may require :

A contracts with B to take from B a lease of a certain house for a specified term, at a specified rent, "if the drawing-room is handsomely decorated," even if it is held to have so much certainty that compensation can be recovered for its breach :

A contracts to marry B.

The above contracts cannot be specifically enforced.

to (c).—A, the owner of a refreshment-room, contracts with B to give him accommodation there for the sale of his goods and to furnish him with the necessary appliances. A refuses to perform his contract. The case is one for compensation and not for specific performance, the amount and nature of the accommodation and appliances being undefined.

to (d).—A and B contract to become partners in a certain business, the contract not specifying the duration of the proposed partnership. This contract cannot be specifically performed, for, if it were so performed, either A or B might at once dissolve the partnership.

to (e).—A is a trustee of land with power to lease it for seven years. He enters into a contract with B to grant a lease of the land for seven years, with a covenant to renew the lease at the expiry of the term. This contract cannot be specifically enforced.

The Directors of a company have power to sell the concern with the sanction of a general meeting of the shareholders.

They

They contract to sell it without any such sanction. This contract cannot be specifically enforced.

Two trustees, A and B, empowered to sell trust-property worth a lakh of rupees, contract to sell it to C for Rs. 30,000. The contract is so disadvantageous as to be a breach of trust. C cannot enforce its specific performance.

The promoters of a company for working mines contract that the company, when formed, shall purchase certain mineral property. They take no proper precautions to ascertain the value of such property, and in fact agree to pay an extravagant price therefor. They also stipulate that the vendors shall give them a bonus out of the purchase-money. This contract cannot be specifically enforced.

to (f).—A company existing for the sole purpose of making and working a railway, contracts for the purchase of a piece of land for the purpose of erecting a cotton-mill thereon. This contract cannot be specifically enforced.

to (g).—A contracts to let for twenty-one years to B the right to use such part of a certain railway made by A as was upon B's land, and that B should have a right of running carriages over the whole line on certain terms, and might require A to supply the necessary engine-power, and that A should during the term keep the whole railway in good repair. Specific performance of this contract must be refused to B.

to (h).—A contracts to pay an annuity to B for the lives of C and D. It turns out that, at the date of the contract, C, though supposed by A and B to be alive, was dead. The contract cannot be specifically performed.

(c). *Of the Discretion of the Court.*

Discretion as to decreeing specific performance.

22. The jurisdiction to decree specific performance is discretionary, and the Court is not bound to grant such relief merely because it is lawful to do so; but the discretion of the Court is not arbitrary but sound and reasonable, guided by judicial principles and capable of correction by a Court of appeal.

The following are cases in which the Court may properly exercise a discretion not to decree specific performance:—

I. Where the circumstances under which the contract is made are such as to give the plaintiff an unfair advantage over the defendant, though there may

may be no fraud or misrepresentation on the plaintiff's part.

Illustrations.

(a). A, a tenant for life of certain property, assigns his interest therein to B. C contracts to buy, and B contracts to sell, that interest. Before the contract is completed, A receives a mortal injury from the effects of which he dies the day after the contract is executed. If B and C were equally ignorant or equally aware of the fact, B is entitled to specific performance of the contract. If B knew the fact, and C did not, specific performance of the contract should be refused to B.

(b). A contracts to sell to B the interest of C in certain stock-in-trade. It is stipulated that the sale shall stand good, even though it should turn out that C's interest is worth nothing. In fact the value of C's interest depends on the result of certain partnership-accounts, on which he is heavily in debt to his partners. This indebtedness is known to A, but not to B. Specific performance of the contract should be refused to A.

(c). A contracts to sell, and B contracts to buy, certain land. To protect the land from floods, it is necessary for its owner to maintain an expensive embankment. B does not know of this circumstance, and A conceals it from him. Specific performance of the contract should be refused to A.

(d). A's property is put up to auction. B requests C, A's attorney, to bid for him. C does this inadvertently and in good faith. The persons present seeing the vendor's attorney bidding, think that he is a mere puffer and cease to compete. The lot is knocked down to B at a low price. Specific performance of the contract should be refused to B.

II. Where the performance of the contract would involve some hardship on the defendant which he did not foresee, whereas its non-performance would involve no such hardship on the plaintiff.

Illustrations.

(e). A is entitled to some land under his father's will on condition that, if he sells it within twenty-five years, half the purchase-money shall go to B. A, forgetting the condition, contracts, before the expiration of the twenty-five years, to sell the land to C. Here, the enforcement of the contract would operate so harshly on A, that the Court will not compel its specific performance in favour of C.

(f). A and B, trustees, join their beneficiary, C, in a contract to sell the trust-estate to D, and personally agree to exonerate

erate

erate the estate from heavy incumbrances to which it is subject. The purchase-money is not nearly enough to discharge those incumbrances, though, at the date of the contract, the vendors believed it to be sufficient. Specific performance of the contract should be refused to D.

(g). A, the owner of an estate, contracts to sell it to B, and stipulates that he, A, shall not be obliged to define its boundary. The estate really comprises a valuable property not known to either to be part of it. Specific performance of the contract should be refused to B, unless he waives his claim to the unknown property.

(h). A contracts with B to sell him certain land, and to make a road to it from a certain railway-station. It is found afterwards that A cannot make the road without exposing himself to litigation. Specific performance of the part of the contract relating to the road should be refused to B, even though it may be held that he is entitled to specific performance of the rest with compensation for loss of the road.

(i). A, a lessee of mines, contracts with B, his lessor, that at any time during the continuance of the lease B may give notice of his desire to take the machinery and plant used in and about the mines, and that he shall have the articles specified in his notice delivered to him at a valuation on the expiry of the lease. Such a contract might be most injurious to the lessee's business, and specific performance of it should be refused to B.

(j). A contracts to buy certain land from B. The contract is silent as to access to the land. No right of way to it can be shown to exist. Specific performance of the contract should be refused to B.

(k). A contracts with B to buy from B's manufactory and not elsewhere all the goods of a certain class used by A in his trade. The Court cannot compel B to supply the goods, but if he does not supply them, A may be ruined, unless he is allowed to buy them elsewhere. Specific performance of the contract should be refused to B.

" The following is a case in which the Court may properly exercise a discretion to decree specific performance :—

III. Where the plaintiff has done substantial acts or suffered losses in consequence of a contract capable of specific performance.

Illustration.

A sells land to a railway-company, who contract to execute certain works for his convenience. The company take the land
and

and use it for their railway. Specific performance of the contract to execute the works should be decreed in favour of A.

(d). *For whom Contracts may be specifically enforced.*

23. Except as otherwise provided by this chapter, the specific performance of a contract may be obtained by—

Who may
obtain speci-
fic perform-
ance.

(a) any party thereto ;

(b) the representative in interest, or the principal, of any party thereto : provided that, where the learning, skill, solvency or any personal quality of such party is a material ingredient in the contract, or where the contract provides that his interest shall not be assigned, his representative in interest or his principal shall not be entitled to specific performance of the contract, unless where his part thereof has already been performed ;

(c) where the contract is a settlement on marriage, or a compromise of doubtful rights between members of the same family, any person beneficially entitled thereunder ;

(d) where the contract has been entered into by a tenant for life in due exercise of a power, the remainderman ;

(e) a reversioner in possession, where the agreement is a covenant entered into with his predecessor in title and the reversioner is entitled to the benefit of such covenant ;

(f) a reversioner in remainder, where the agreement is such a covenant, and the reversioner is entitled to the benefit thereof and will sustain material injury by reason of its breach ;

(g) when a public company has entered into a contract and subsequently becomes amalgamated with another public company, the new company which arises out of the amalgamation ;

(h) when the promoters of a public company have, before its incorporation, entered into a contract for the purposes of the company, and such contract is

warranted

warranted by the terms of the incorporation, the company.

(e). *For whom Contracts cannot be specifically enforced.*

Personal bars
to the relief.

24. Specific performance of a contract cannot be enforced in favour of a person—

(a) who could not recover compensation for its breach ;

(b) who has become incapable of performing, or violates, any essential term of the contract that on his part remains to be performed ;

(c) who has already chosen his remedy and obtained satisfaction for the alleged breach of contract ; or

(d) who, previously to the contract, had notice that a settlement of the subject-matter thereof (though not founded on any valuable consideration) had been made and was then in force.

Illustrations.

to clause (a).—A, in the character of agent for B, enters into an agreement with C to buy C's house. A is in reality acting, not as agent for B, but on his own account. A cannot enforce specific performance of this contract.

to clause (b).—A contracts to sell B a house and to become tenant thereof for a term of fourteen years from the date of the sale at a specified yearly rent. A becomes insolvent. Neither he nor his assignee can enforce specific performance of the contract.

A contracts to sell B a house and garden in which there are ornamental trees, a material element in the value of the property as a residence. A, without B's consent, fells the trees. A cannot enforce specific performance of the contract.

A, holding land under a contract with B for a lease, commits waste, or treats the land in an unhusbandlike manner. A cannot enforce specific performance of the contract.

A contracts to let, and B contracts to take, an unfinished house, B contracting to finish the house and the lease to contain covenants on the part of A to keep the house in repair. B finishes the house in a very defective manner : he cannot enforce the contract specifically, though A and B may sue each other for compensation for breach of it.

to

to clause (c).—A contracts to let, and B contracts to take, a house for a specified term at a specified rent. B refuses to perform the contract. A thereupon sues for, and obtains, compensation for the breach. A cannot obtain specific performance of the contract.

25. A contract for the sale or letting of property, whether moveable or immoveable, cannot be specifically enforced in favour of a vendor or lessor—

Contracts to sell property by one who has no title, or who is a voluntary settler.

(a) who, knowing himself not to have any title to the property, has contracted to sell or let the same;

(b) who, though he entered into the contract believing that he had a good title to the property, cannot at the time fixed by the parties or by the Court for the completion of the sale or letting, give the purchaser or lessee a title free from reasonable doubt;

(c) who, previous to entering into the contract, has made a settlement (though not founded on any valuable consideration) of the subject-matter of the contract.

Illustrations.

(a). A, without C's authority, contracts to sell to B an estate which A knows to belong to C. A cannot enforce specific performance of this contract, even though C is willing to confirm it.

(b). A bequeaths his land to trustees, declaring that they may sell it with the consent in writing of B. B gives a general prospective assent in writing to any sale which the trustees may make. The trustees then enter into a contract with C to sell him the land. C refuses to carry out the contract. The trustees cannot specifically enforce this contract, as, in the absence of B's consent to the particular sale to C, the title which they can give C is, as the law stands, not free from reasonable doubt.

(c). A, being in possession of certain land, contracts to sell it to Z. On enquiry it turns out that A claims the land as heir of B, who left the country several years before, and is generally believed to be dead, but of whose death there is no sufficient proof. A cannot compel Z specifically to perform the contract.

(d). A, out of natural love and affection, makes a settlement of certain property on his brothers and their issue, and afterwards enters into a contract to sell the property to a stranger. A cannot enforce specific performance of this contract so as to

override

override the settlement, and thus prejudice the interests of the persons claiming under it.

(f). *For whom Contracts cannot be specifically enforced except with a Variation.*

Non-enforcement except with variation.

26. Where a plaintiff seeks specific performance of a contract in writing, to which the defendant sets up a variation, the plaintiff cannot obtain the performance sought, except with the variation so set up, in the following cases (namely) :—

(a) where by fraud or mistake of fact the contract of which performance is sought is in terms different from that which the defendant supposed it to be when he entered into it ;

(b) where by fraud, mistake of fact, or surprise the defendant entered into the contract under a reasonable misapprehension as to its effect as between himself and the plaintiff ;

(c) where the defendant, knowing the terms of the contract and understanding its effect, has entered into it relying upon some misrepresentation by the plaintiff, or upon some stipulation on the plaintiff's part, which adds to the contract, but which he refuses to fulfil ;

(d) where the object of the parties was to produce a certain legal result, which the contract as framed is not calculated to produce ;

(e) where the parties have, subsequently to the execution of the contract, contracted to vary it.

Illustrations.

" (a). A, B and C sign a writing by which they purport to contract each to enter into a bond to D for Rs. 1,000. In a suit by D, to make A, B and C separately liable each to the extent of Rs. 1,000, they prove that the word ' each ' was inserted by mistake ; that the intention was that they should give a joint bond for Rs. 1,000. D can obtain the performance sought only with the variation thus set up.

(b). A sues B to compel specific performance of a contract in writing to buy a dwelling-house. B proves that he assumed that the contract included an adjoining yard, and the contract

was

was so framed as to leave it doubtful whether the yard was so included or not. The Court will refuse to enforce the contract, except with the variation set up by B.

(c). A contracts in writing to let to B a wharf, together with a strip of A's land delineated in a map. Before signing the contract, B proposed orally that he should be at liberty to substitute for the strip mentioned in the contract another strip of A's land of the same dimensions, and to this A expressly assented. B then signed the written contract. A cannot obtain specific performance of the written contract, except with the variation set up by B.

(d). A and B enter into negotiations for the purpose of securing land to B for his life, with remainder to his issue. They execute a contract the terms of which are found to confer an absolute ownership on B. The contract so framed cannot be specifically enforced.

(e). A contracts in writing to let a house to B, for a certain term, at the rent of Rs. 100 per month, putting it first into tenantable repair. The house turns out to be not worth repairing, so, with B's consent, A pulls it down and erects a new house in its place: B contracting orally to pay rent at Rs. 120 per mensem. B then sues to enforce specific performance of the contract in writing. He cannot enforce it except with the variations made by the subsequent oral contract.

(g). Against whom Contracts may be specifically enforced.

27. Except as otherwise provided by this chapter, specific performance of a contract may be enforced against—

(a) either party thereto;

(b) any other person claiming under him by a title arising subsequently to the contract, except a transferee for value who has paid his money in good faith and without notice of the original contract;

(c) any person claiming under a title which, though prior to the contract and known to the plaintiff, might have been displaced by the defendant;

(d) when a public company has entered into a contract and subsequently becomes amalgamated with another public company, the new company which arises out of the amalgamation;

(e) when

Relief against parties and persons claiming under them by subsequent title.

(e) when the promoters of a public company have, before its incorporation, entered into a contract, the company : provided that the company has ratified and adopted the contract and the contract is warranted by the terms of the incorporation.

Illustrations

to clause (d).—A contracts to convey certain land to B by a particular day. A dies intestate before that day without having conveyed the land. B may compel A's heir or other representative in interest to perform the contract specifically.

A contracts to sell certain land to B for Rs. 5,000. A afterwards conveys the land for Rs. 6,000 to C, who has notice of the original contract. B may enforce specific performance of the contract as against C.

A contracts to sell land to B for Rs. 5,000. B takes possession of the land. Afterwards A sells it to C for Rs. 6,000. C makes no enquiry of B relating to his interest in the land. B's possession is sufficient to affect C with notice of his interest, and he may enforce specific performance of the contract against C.

A contracts in consideration of Rs. 1,000, to bequeath certain of his lands to B. Immediately after the contract A dies intestate, and C takes out administration to his estate. B may enforce specific performance of the contract against C.

A contracts to sell certain land to B. Before the completion of the contract, A becomes a lunatic and C is appointed his committee. B may specifically enforce the contract against C.

to clause (e).—A, the tenant for life of an estate, with remainder to B, in due exercise of a power conferred by the settlement under which he is tenant for life, contracts to sell the estate to C, who has notice of the settlement. Before the sale is completed, A dies. C may enforce specific performance of the contract against B.

A and B are joint tenants of land, his undivided moiety of which either may alien in his lifetime, but which, subject to that right, devolves on the survivor: A contracts to sell his moiety to C and dies. C may enforce specific performance of the contract against B.

(h). *Against whom Contracts cannot be specifically enforced.*

28. Specific performance of a contract cannot be enforced against a party thereto in any of the following cases :—

(a) if the consideration to be received by him is so grossly

What parties cannot be compelled to perform.

grossly inadequate, with reference to the state of things existing at the date of the contract, as to be either by itself or coupled with other circumstances evidence of fraud or of undue advantage taken by the plaintiff;

(b) if his assent was obtained by the misrepresentation (whether wilful or innocent), concealment, circumvention or unfair practices, of any party to whom performance would become due under the contract, or by any promise of such party which has not been substantially fulfilled;

(c) if his assent was given under the influence of mistake of fact, misapprehension or surprise: Provided that, when the contract provides for compensation in case of mistake, compensation may be made for a mistake within the scope of such provision, and the contract may be specifically enforced in other respects if proper to be so enforced.

Illustrations

to clause (c).—A, one of two executors, in the erroneous belief that he had the authority of his co-executor, enters into an agreement for the sale to B of his testator's property. B cannot insist on the sale being completed.

A directs an auctioneer to sell certain land. A afterwards revokes the auctioneer's authority as to 20 bighás of this land, but the auctioneer inadvertently sells the whole to B, who has not notice of the revocation. B cannot enforce specific performance of the agreement.

(i). *The effect of dismissing a Suit for specific Performance.*

29. The dismissal of a suit for specific performance of a contract or part thereof shall bar the plaintiff's right to sue for compensation for the breach of such contract or part, as the case may be.

Bar of suit for breach after dismissal.

(j). *Awards and Directions to execute Settlements.*

30. The provisions of this chapter as to contracts shall, *mutatis mutandis*, apply to awards and to directions

Application of preceding sections to awards and

testamentary directions to execute settlements.

tions in a will or codicil to execute a particular settlement.

CHAPTER III.

OF THE RECTIFICATION OF INSTRUMENTS.

When instrument may be rectified.

31. When, through fraud or a mutual mistake of the parties, a contract or other instrument in writing does not truly express their intention, either party, or his representative in interest, may institute a suit to have the instrument rectified; and if the Court find it clearly proved that there has been fraud or mistake in framing the instrument, and ascertain the real intention of the parties in executing the same, the Court may in its discretion rectify the instrument so as to express that intention, so far as this can be done without prejudice to rights acquired by third persons in good faith and for value.

Illustrations.

(a). A, intending to sell to B his house and one of three godowns adjacent to it, executes a conveyance prepared by B, in which, through B's fraud, all three godowns are included. Of the two godowns which were fraudulently included, B gives one to C and lets the other to D for a rent, neither C nor D having any knowledge of the fraud. The conveyance may, as against B and C, be rectified so as to exclude from it the godown given to C; but it cannot be rectified so as to affect D's lease.

(b). By a marriage-settlement, A, the father of B, the intended wife, covenants with C, the intended husband, to pay to C, his executors, administrators and assigns, during A's life, an annuity of Rs. 5,000. C dies insolvent and the official assignee claims the annuity from A. The Court, on finding it clearly proved that the parties always intended that this annuity should be paid as a provision for B and her children, may rectify the settlement and decree that the assignee has no right to any part of the annuity.

Presumption as to intent of parties.

32. For the purpose of rectifying a contract in writing, the Court must be satisfied that all the parties thereto intended to make an equitable and conscientious agreement.

Principles of rectification.

33. In rectifying a written instrument, the Court may inquire what the instrument was intended to

mean,

mean, and what were intended to be its legal consequences, and is not confined to the inquiry what the language of the instrument was intended to be.

34. A contract in writing may be first rectified and then, if the plaintiff has so prayed in his plaint and the Court thinks fit, specifically enforced.

Specific enforcement of rectified contract.

Illustration.

A contracts in writing to pay his attorney, B, a fixed sum in lieu of costs. The contract contains mistakes as to the name and rights of the client, which, if construed strictly, would exclude B from all rights under it. B is entitled, if the Court thinks fit, to have it rectified, and to an order for payment of the sum, as if at the time of its execution it had expressed the intention of the parties.

CHAPTER IV.

OF THE RESCISSION OF CONTRACTS.

35. Any person interested in a contract in writing may sue to have it rescinded, and such rescission may be adjudged by the Court in any of the following cases, namely:—

When rescission may be adjudged.

(a) where the contract is voidable or terminable by the plaintiff;

(b) where the contract is unlawful for causes not apparent on its face, and the defendant is more to blame than the plaintiff;

(c) where a decree for specific performance of a contract of sale, or of a contract to take a lease, has been made, and the purchaser or lessee makes default in payment of the purchase-money or other sums which the Court has ordered him to pay.

When the purchaser or lessee is in possession of the subject-matter, and the Court finds that such possession is wrongful, the Court may also order him to pay to the vendor or lessor the rents and profits, if any, received by him as such possessor.

In the same case, the Court may by order in the suit in which the decree has been made and not complied with, rescind the contract, either so far as

regards

regards the party in default, or altogether, as the justice of the case may require.

Illustrations

to (a).—A sells a field to B. There is a right of way over the field of which A has direct personal knowledge, but which he conceals from B. B is entitled to have the contract rescinded.

to (b).—A, an attorney, induces his client B, a Hindú widow, to transfer property to him for the purpose of defrauding B's creditors. Here the parties are not equally in fault, and B is entitled to have the instrument of transfer rescinded.

Rescission for mistake.

36. Rescission of a contract in writing cannot be adjudged for mere mistake, unless the party against whom it is adjudged can be restored to substantially the same position as if the contract had not been made.

Alternative prayer for rescission in suit for specific performance.

37. A plaintiff instituting a suit for the specific performance of a contract in writing may pray in the alternative that, if the contract cannot be specifically enforced, it may be rescinded and delivered up to be cancelled; and the Court, if it refuses to enforce the contract specifically, may direct it to be rescinded and delivered up accordingly.

Court may require party rescinding to do equity.

38. On adjudging the rescission of a contract, the Court may require the party to whom such relief is granted to make any compensation to the other which justice may require.

CHAPTER V.

OF THE CANCELLATION OF INSTRUMENTS.

When cancellation may be ordered.

39. Any person against whom a written instrument is void or voidable, who has reasonable apprehension that such instrument, if left outstanding, may cause him serious injury, may sue to have it adjudged void or voidable, and the Court may, in its discretion, so adjudge it and order it to be delivered up and cancelled.

If the instrument has been registered under the Indian Registration Act, the Court shall also send

a

a copy of its decree to the officer in whose office the instrument has been so registered, and such officer shall note on the copy of the instrument contained in his books the fact of its cancellation.

Illustrations.

(a). A, the owner of a ship, by fraudulently representing her to be seaworthy, induces B, an underwriter, to insure her. B may obtain the cancellation of the policy.

(b). A conveys land to B, who bequeaths it to C and dies. Thereupon D gets possession of the land and produces a forged instrument stating that the conveyance was made to B in trust for him. C may obtain the cancellation of the forged instrument.

(c). A, representing that the tenants on his land were all at will, sells it to B, and conveys it to him by an instrument dated the 1st January 1877. Soon after that day, A fraudulently grants to C a lease of part of the lands dated the 1st October 1876, and procures the lease to be registered under the Indian Registration Act. B may obtain the cancellation of this lease.

(d). A agrees to sell and deliver a ship to B, to be paid for by B's acceptances of four bills of exchange, for sums amounting to Rs. 30,000, to be drawn by A on B. The bills are drawn and accepted, but the ship is not delivered according to the agreement. A sues B on one of the bills. B may obtain the cancellation of all the bills.

40. Where an instrument is evidence of different rights or different obligations, the Court may, in a proper case, cancel it in part and allow it to stand for the residue.

What instruments may be partially cancelled.

Illustration.

A draws a bill on B, who endorses it to C, by whom it appears to be endorsed to D, who endorses it to E. C's endorsement is forged. C is entitled to have such endorsement cancelled, leaving the bill to stand in other respects.

41. On adjudging the cancellation of an instrument, the Court may require the party to whom such relief is granted to make any compensation to the other which justice may require.

Power to require party for whom instrument is cancelled to make compensation.

CHAPTER VI.

OF DECLARATORY DECREES.

Discretion of Court as to declarations of status or right.

42. Any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying, or interested to deny, his title to such character or right, and the Court may in its discretion make therein a declaration that he is so entitled, and the plaintiff need not in such suit ask for any further relief.

Bar to such declaration.

Provided that no Court shall make any such declaration where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so.

EXPLANATION.—A trustee of property is a ‘person interested to deny’ a title adverse to the title of some one who is not in existence, and for whom, if in existence, he would be a trustee.

Illustrations.

(a). A is lawfully in possession of certain land. The inhabitants of a neighbouring village claim a right of way across the land. A may sue for a declaration that they are not entitled to the right so claimed.

(b). A bequeaths his property to B, C and D, ‘to be equally divided amongst all and each of them, if living at the time of my death, then amongst their surviving children.’ No such children are in existence. In a suit against A’s executor, the Court may declare whether B, C and D took the property absolutely, or only for their lives, and it may also declare the interests of the children before their rights are vested.

(c). A covenants that if he should at any time be entitled to property exceeding one lākh of rupees, he will settle it upon certain trusts. Before any such property accrues, or any persons entitled under the trusts are ascertained, he institutes a suit to obtain a declaration that the covenant is void for uncertainty. The Court may make the declaration.

(d). A alienates to B property in which A has merely a life-interest. The alienation is invalid as against C, who is entitled as reversioner. The Court may in a suit by C against A and B declare that C is so entitled.

(e). The widow of a sonless Hindú alienates part of the property of which she is in possession as such. The person presumptively

sumptively entitled to possess the property if he survive her, may, in a suit against the alienee, obtain a declaration that the alienation was made without legal necessity and was therefore void beyond the widow's lifetime.

(f). A Hindú widow in possession of property adopts a son to her deceased husband. The person presumptively entitled to possession of the property on her death without a son may, in a suit against the adopted son, obtain a declaration that the adoption was invalid.

(g). A is in possession of certain property. B, alleging that he is the owner of the property, requires A to deliver it to him. A may obtain a declaration of his right to hold the property.

(h). A bequeaths property to B for his life, with remainder to B's wife and her children, if any, by B, but if B die without any wife or children, to C. B has a putative wife, D, and children, but C denies that B and D were ever lawfully married. D and her children may, in B's lifetime, institute a suit against C and obtain therein a declaration that they are truly the wife and children of B.

43. A declaration made under this chapter is binding only on the parties to the suit, persons claiming through them respectively, and, where any of the parties are trustees, on the persons for whom, if in existence at the date of the declaration, such parties would be trustees. Effect of declaration.

Illustration.

A, a Hindú, in a suit to which B, his alleged wife, and her mother, are defendants, seeks a declaration that his marriage was duly solemnized and an order for the restitution of his conjugal rights. The Court makes the declaration and order. C, claiming that B is his wife, then sues A for the recovery of B. The declaration made in the former suit is not binding upon C.

CHAPTER VII.

OF THE APPOINTMENT OF RECEIVERS.

44. The appointment of a Receiver pending a suit is a matter resting in the discretion of the Court. Appointment of receivers discretionary.

The mode and effect of his appointment, and his rights, powers, duties and liabilities, are regulated by the Code of Civil Procedure. Reference to Code of Civil Procedure.

CHAPTER VIII.

CHAPTER VIII.

OF THE ENFORCEMENT OF PUBLIC DUTIES.

Power to order public servants and others to do certain specific acts.

45. Any of the High Courts of Judicature at Fort William, Madras and Bombay may make an order requiring any specific act to be done or forborne, within the local limits of its ordinary original civil jurisdiction, by any person holding a public office, whether of a permanent or a temporary nature, or by any corporation or inferior Court of Judicature : provided—

(a) that an application for such order be made by some person whose property, franchise or personal right would be injured by the forbearing or doing (as the case may be) of the said specific act ;

(b) that such doing or forbearing is, under any law for the time being in force, clearly incumbent on such person or Court in his or its public character, or on such corporation in its corporate character ;

(c) that in the opinion of the High Court such doing or forbearing is consonant to right and justice ;

(d) that the applicant has no other specific and adequate legal remedy ; and

(e) that the remedy given by the order applied for will be complete.

Exemptions from such power.

Nothing in this section shall be deemed to authorize any High Court—

(f) to make any order binding on the Secretary of State for India in Council, on the Governor General in Council, on the Governor of Madras in Council, on the Governor of Bombay in Council, or on the Lieutenant-Governor of Bengal ;

(g) to make any order on any other servant of the Crown, as such, merely to enforce the satisfaction of a claim upon the Crown ; or

(h) to make any order which is otherwise expressly excluded by any law for the time being in force.

46. Every

46. Every application under section 45 must be founded on an affidavit of the person injured, stating his right in the matter in question, his demand of justice and the denial thereof; and the High Court may, in its discretion, make the order applied for absolute in the first instance, or refuse it, or grant a rule to show cause why the order applied for should not be made.

Application
how made.Procedure
thereon.

If, in the last case, the person, Court or corporation complained of shows no sufficient cause, the High Court may first make an order in the alternative, either to do or forbear the Act mentioned in the order, or to signify some reason to the contrary and make an answer thereto by such day as the High Court fixes in this behalf.

Order in al-
ternative.

47. If the person, Court or corporation to whom or to which such order is directed makes no answer, or makes an insufficient or a false answer, the High Court may then issue a peremptory order to do or forbear the act absolutely.

Peremptory
order.

48. Every order under this chapter shall be executed, and may be appealed from, as if it were a decree made in the exercise of the ordinary original civil jurisdiction of the High Court.

Execution of,
and appeal
from, orders.

49. The costs of all applications and orders under this chapter shall be in the discretion of the High Court.

Costs.

50. Neither the High Court nor any Judge thereof shall hereafter issue any writ of *mandamus*.

Bar to issue
of *man-*
damus.

51. Each of the said High Courts shall, as soon as conveniently may be, frame rules to regulate the procedure under this chapter; and until such rules are framed, the practice of such Court as to applications for and grants of writs of *mandamus* shall apply, so far as may be practicable, to applications and orders under this chapter.

Power to
frame rules.

PART III.

PART III.

OF PREVENTIVE RELIEF.

CHAPTER IX.

OF INJUNCTIONS GENERALLY.

Preventive relief how granted.
Temporary injunctions.

52. Preventive relief is granted at the discretion of the Court by injunction, temporary or perpetual.

53. Temporary injunctions are such as are to continue until a specified time, or until the further order of the Court. They may be granted at any period of a suit, and are regulated by the Code of Civil Procedure.

Perpetual injunctions.

A perpetual injunction can only be granted by the decree made at the hearing and upon the merits of the suit: the defendant is thereby perpetually enjoined from the assertion of a right, or from the commission of an act, which would be contrary to the rights of the plaintiff.

CHAPTER X.

OF PERPETUAL INJUNCTIONS.

Perpetual injunctions when granted.

54. Subject to the other provisions contained in, or referred to by, this chapter, a perpetual injunction may be granted to prevent the breach of an obligation existing in favour of the applicant, whether expressly or by implication.

When such obligation arises from contract, the Court shall be guided by the rules and provisions contained in Chapter II of this Act.

When the defendant invades or threatens to invade the plaintiff's right to, or enjoyment of, property, the Court may grant a perpetual injunction in the following cases (namely):—

(a) where the defendant is trustee of the property for the plaintiff;

(b) where

(b) where there exists no standard for ascertaining the actual damage caused, or likely to be caused, by the invasion ;

(c) where the invasion is such that pecuniary compensation would not afford adequate relief ;

(d) where it is probable that pecuniary compensation cannot be got for the invasion ;

(e) where the injunction is necessary to prevent a multiplicity of judicial proceedings.

EXPLANATION.—For the purpose of this section a trademark is property.

Illustrations.

(a). A lets certain land to B, and B contracts not to dig sand or gravel thereout. A may sue for an injunction to restrain B from digging in violation of his contract.

(b). A trustee threatens a breach of trust. His co-trustees, if any, should, and the beneficial owners may, sue for an injunction to prevent the breach.

(c). The Directors of a public company are about to pay a dividend out of capital or borrowed money. Any of the shareholders may sue for an injunction to restrain them.

(d). The Directors of a fire and life-insurance company are about to engage in marine insurances. Any of the shareholders may sue for an injunction to restrain them.

(e). A, an executor, through misconduct or insolvency, is bringing the property of the deceased into danger. The Court may grant an injunction to restrain him from getting in the assets.

(f). A, a trustee for B, is about to make an imprudent sale of a small part of the trust-property. B may sue for an injunction to restrain the sale, even though compensation in money would have afforded him adequate relief.

(g). A makes a settlement (not founded on marriage or other valuable consideration) of an estate on B and his children. A then contracts to sell the estate to C. B or any of his children may sue for an injunction to restrain the sale.

(h). In the course of A's employment as a vakîl, certain papers belonging to his client, B, come into his possession. A threatens to make these papers public, or to communicate their contents to a stranger. B may sue for an injunction to restrain A from so doing.

(i). A is B's medical adviser. He demands money of B which B declines to pay. A then threatens to make known the effect of B's communications to him as a patient. This is contrary to A's duty, and B may sue for an injunction to restrain him from so doing.

(j). A, the owner of two adjoining houses, lets one to B and afterwards lets the other to C. A and C begin to make such alterations in the house let to C as will prevent the comfortable enjoyment of the house let to B. B may sue for an injunction to restrain them from so doing.

(k). A lets certain arable lands to B for purposes of husbandry, but without any express contract as to the mode of cultivation. Contrary to the mode of cultivation customary in the district, B threatens to sow the lands with seed injurious thereto and requiring many years to eradicate. A may sue for an injunction to restrain B from sowing the lands in contravention of his implied contract to use them in a husbandlike manner.

(l). A, B and C are partners, the partnership being determinable at will. A threatens to do an act tending to the destruction of the partnership-property. B and C may, without seeking a dissolution of the partnership, sue for an injunction to restrain A from doing the act.

(m). A, a Hindú widow in possession of her deceased husband's property, commits destruction of the property without any cause sufficient to justify her in so doing. The heir-expectant may sue for an injunction to restrain her.

(n). A, B and C are members of an undivided Hindú family. A cuts timber growing on the family-property, and threatens to destroy part of the family-house and to sell some of the family-utensils. B and C may sue for an injunction to restrain him.

(o). A, the owner of certain houses in Calcutta, becomes insolvent. B buys them from the official assignee and enters into possession. A persists in trespassing on and damaging the houses, and B is thereby compelled, at considerable expense, to employ men to protect the possession. B may sue for an injunction to restrain further acts of trespass.

(p). The inhabitants of a village claim a right of way over A's land. In a suit against several of them, A obtains a declaratory decree that his land is subject to no such right. Afterwards each of the other villagers sues A for obstructing his alleged right of way over the land. A may sue for an injunction to restrain them.

(q). A, in an administration-suit to which a creditor, B, is not a party, obtains a decree for the administration of C's assets.

B

B proceeds against C's estate for his debt. A may sue for an injunction to restrain B.

(r). A and B are in possession of contiguous lands and of the mines underneath them. A works his mine so as to extend under B's mine and threatens to remove certain pillars which help to support B's mine. B may sue for an injunction to restrain him from so doing.

(s). A rings bells or makes some other unnecessary noise so near a house as to interfere materially and unreasonably with the physical comfort of the occupier, B. B may sue for an injunction restraining A from making the noise.

(t). A pollutes the air with smoke so as to interfere materially with the physical comfort of B and C, who carry on business in a neighbouring house. B and C may sue for an injunction to restrain the pollution.

(u). A infringes B's patent. If the Court is satisfied that the patent is valid and has been infringed, B may obtain an injunction to restrain the infringement.

(v). A pirates B's copyright. B may obtain an injunction to restrain the piracy, unless the work of which copyright is claimed is libellous or obscene.

(w). A improperly uses the trademark of B. B may obtain an injunction to restrain the user, provided that B's use of the trademark is honest.

(x). A, a tradesman, holds out B as his partner against the wish and without the authority of B. B may sue for an injunction to restrain A from so doing.

(y). A, a very eminent man, writes letters on family-topics to B. After the death of A and B, C, who is B's residuary legatee, proposes to make money by publishing A's letters. D, who is A's executor, has a property in the letters, and may sue for an injunction to restrain C from publishing them.

(z). A carries on a manufactory and B is his assistant. In the course of his business, A imparts to B a secret process of value. B afterwards demands money of A, threatening, in case of refusal, to disclose the process to C, a rival-manufacturer. A may sue for an injunction to restrain B from disclosing the process.

55. When, to prevent the breach of an obligation, it is necessary to compel the performance of certain acts which the Court is capable of enforcing, the Court may in its discretion grant an injunction to prevent the breach complained of, and also to compel performance of the requisite acts.

Mandatory
injunctions.

Illustrations.

Illustrations.

(a). A, by new buildings, obstructs lights to the access and use of which B has acquired a right under the Indian Limitation Act, Part IV. B may obtain an injunction, not only to restrain A from going on with the buildings, but also to pull down so much of them as obstructs B's lights.

(b). A builds a house with eaves projecting over B's land. B may sue for an injunction to pull down so much of the eaves as so project.

(c). In the case put as illustration (i) to section 54, the Court may also order all written communications made by B, as patient, to A, as medical adviser, to be destroyed.

(d). In the case put as illustration (j) to section 54, the Court may also order A's letters to be destroyed.

(e). A threatens to publish statements concerning B which would be punishable under Chapter XXI of the Indian Penal Code. The Court may grant an injunction to restrain the publication, even though it may be shown not to be injurious to B's property.

(f). A, being B's medical adviser, threatens to publish B's written communications with him, showing that B has led an immoral life. B may obtain an injunction to restrain the publication.

(g). In the cases put as illustrations (v) and (w) to section 54, and as illustrations (e) and (f) to this section, the Court may also order the copies produced by piracy, and the trademarks, statements and communications, therein respectively mentioned, to be given up or destroyed.

Injunction
when
refused.

56. An injunction cannot be granted—

(a) to stay a judicial proceeding pending at the institution of the suit in which the injunction is sought, unless such restraint is necessary to prevent a multiplicity of proceedings;

(b) to stay proceedings in a Court not subordinate to that from which the injunction is sought;

(c) to restrain persons from applying to any legislative body;

(d) to interfere with the public duties of any department of the Government of India or the Local Government, or with the sovereign acts of a Foreign Government;

(e) to

(e) to stay proceedings in any criminal matter ;

(f) to prevent the breach of a contract the performance of which would not be specifically enforced ;

(g) to prevent, on the ground of nuisance, an act of which it is not reasonably clear that it will be a nuisance ;

(h) to prevent a continuing breach in which the applicant has acquiesced ;

(i) when equally efficacious relief can certainly be obtained by any other usual mode of proceeding, except in case of breach of trust ;

(j) when the conduct of the applicant or his agents has been such as to disentitle him to the assistance of the Court ;

(k) where the applicant has no personal interest in the matter.

Illustrations.

(a). A seeks an injunction to restrain his partner, B, from receiving the partnership-debts and effects. It appears that A had improperly possessed himself of the books of the firm and refused B access to them. The Court will refuse the injunction.

(b). A manufactures and sells crucibles, designating them as "patent plumbago crucibles," though, in fact, they have never been patented. B pirates the designation. A cannot obtain an injunction to restrain the piracy.

(c). A sells an article called "Mexican Balm," stating that it is compounded of divers rare essences, and has sovereign medicinal qualities. B commences to sell a similar article to which he gives a name and description such as to lead people into the belief that they are buying A's Mexican Balm. A sues B for an injunction to restrain the sale. B shows that A's Mexican Balm consists of nothing but scented hog's lard. A's use of his description is not an honest one and he cannot obtain an injunction.

57. Notwithstanding section 56, clause (f), where a contract comprises an affirmative agreement to do a certain act, coupled with a negative agreement, express or implied, not to do a certain act, the circumstance that the Court is unable to compel specific performance of the affirmative agreement, shall not preclude it from granting an injunction to perform the

Injunctions
to perform
negative
agreement.

negative

negative agreement; provided that the applicant has not failed to perform the contract so far as it is binding on him.

Illustrations.

(a). A contracts to sell to B for Rs. 1,000 the good-will of a certain business unconnected with business-premises, and further agrees not to carry on that business in Calcutta. B pays A the Rs. 1,000, but A carries on the business in Calcutta. The Court cannot compel A to send his customers to B, but B may obtain an injunction restraining A from carrying on the business in Calcutta.

(b). A contracts to sell to B the good-will of a business. A then sets up a similar business close by B's shop, and solicits his old customers to deal with him. This is contrary to his implied contract, and B may obtain an injunction to restrain A from soliciting the customers, and from doing any act whereby their good-will may be withdrawn from B.

(c). A contracts with B to sing for twelve months at B's theatre and not to sing in public elsewhere. B cannot obtain specific performance of the contract to sing, but he is entitled to an injunction restraining A from singing at any other place of public entertainment.

(d). B contracts with A that he will serve him faithfully for twelve months as a clerk. A is not entitled to a decree for specific performance of this contract. But he is entitled to an injunction restraining B from serving a rival-house as clerk.

(e). A contracts with B that, in consideration of Rs. 1,000 to be paid to him by B on a day fixed, he will not set up a certain business within a specified distance. B fails to pay the money. A cannot be restrained from carrying on the business within the specified distance.

SCHEDULE.

(See section 2.)

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Subject.	Extent of - repeal.
VIII of 1859	Civil Procedure ...	Sections 15 and 192.
XIV of 1859	Limitation ...	Section 15.
XXIII of 1861	Civil Procedure ...	Section 26.
IX of 1872	Contract ...	In section 28, the second clause of ex- ception 1.

ACT No. II OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th February 1877).

An Act to amend Act No. XIII of 1875.

WHEREAS it is expedient to define the expression **‘High Court’** as used in Act No. XIII of 1875 (to amend the law relating to Probates and Letters of Administration), sections 2, 3 and 4; It is hereby enacted as follows:—

Preamble.

1. The expression **‘High Court’** in each of the said sections shall mean, and be deemed to have always meant—

‘High Court’ defined in Act XIII of 1875, sections 2, 3 and 4.

(a) a High Court for the time being established under the twenty-fourth and twenty-fifth of Victoria, chapter 104:

(b) the Chief Court of the Panjáb:

(c) the Court of the Recorder of Rangoon.

2. Nothing in this Act shall be deemed to affect the validity of any grant of probate or letters of administration with effect throughout the whole of British India heretofore made by any Court other than the Courts specified in section one.

Saving of certain grants of probate and administration.

[Price one anna.]

THE INDIAN REGISTRATION ACT, 1877.

ARRANGEMENT OF SECTIONS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTIONS.

1. Short title.
Local extent.
Commencement.
 2. Repeal of enactments.
 3. Interpretation-clause.
-

PART II.

OF THE REGISTRATION-ESTABLISHMENT.

4. Inspector General of Registration.
Branch Inspector General of Sindh.
5. Districts and sub-districts.
6. Registrars and Sub-Registrars.
7. Offices of Registrar and Sub-Registrar.
8. Inspectors of registration-offices.
9. Military cantonments may be declared sub-districts or districts.
10. Absence of Registrar from his district or vacancy in his office.
11. Absence of Registrar on duty in his district.
12. Absence of Sub-Registrar or vacancy in his office.
13. Appointments under section 10, 11 or 12 to be reported to Government.
Suspension, removal and dismissal of officers.
14. Remuneration and establishments of registering officers.
15. Seals of registering officers.
16. Register-books.
Forms.
Fire-proof boxes.

PART III.

[Price ten annas and nine pies.]

PART III.

OF REGISTRABLE DOCUMENTS.

SECTIONS.

17. Documents of which registration is compulsory.
Exception of
composition-deeds;
and of transfers of shares and debentures in Land
Companies;
documents merely creating right to obtain other do-
cuments.
Authorities to adopt.
18. Documents of which registration is optional.
19. Documents in language not understood by registering
officer.
20. Documents containing interlineations, blanks, erasures
or alterations.
21. Description of parcels.
Documents containing maps or plans.
22. Failure to comply with rules as to description of houses
and land.

PART IV.

OF THE TIME OF PRESENTATION.

23. Time for presenting documents.
24. Provision where delay in presentation is unavoidable.
25. Documents executed out of British India.
26. Provision where office is closed on last day of period for
presentation.
27. Wills may be presented or deposited at any time.

PART V.

OF THE PLACE OF REGISTRATION.

28. Place for registering documents relating to land.
29. Place for registering other documents.
30. Registration by Registrar.
Registration by Registrar at Presidency-town and Lahore.
31. Registration or acceptance for deposit at private residence.

PART VI.

OF PRESENTING DOCUMENTS FOR REGISTRATION.

32. Persons to present documents for registration.
33. Powers-of-attorney recognizable for purposes of section 32.
Proviso as to persons infirm, or in jail, or exempt from
appearing in Court.

34. Enquiry

SECTIONS.

- 34. Enquiry before registration by registering officer.
- 35. Procedure on admission of execution.
Procedure on denial of execution, &c.

PART VII.
OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

- 36. Procedure where appearance of executant or witness is desired.
- 37. Officer or Court to issue and cause service of summons.
- 38. Persons exempt from appearance at registration-office.
- 39. Law as to summonses, commissions and witnesses.

PART VIII.
OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

- 40. Persons entitled to present wills and authorities to adopt.
- 41. Registration of wills and authorities to adopt.

PART IX.
OF THE DEPOSIT OF WILLS.

- 42. Deposit of wills.
- 43. Procedure on deposit of wills.
- 44. Withdrawal of sealed cover deposited under section 42.
- 45. Proceedings on death of depositor.
Re-deposit.
- 46. Saving of Act X of 1865, section 259.

PART X.
OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

- 47. Time from which registered document operates.
- 48. Registered documents relating to property when to take effect against oral agreements.
- 49. Effect of non-registration of documents required to be registered.
- 50. Registered documents relating to land, of which registration is optional, to take effect against unregistered documents.

PART XI.

PART XI.

OF THE DUTIES AND POWERS OF REGISTERING OFFICERS.

(A.) As to the Register-books and Indexes.

SECTIONS.

51. Register-books to be kept in the several offices.
52. Endorsements on document presented.
Receipt for document.
Documents admitted to registration to be copied.
53. Entries to be numbered consecutively.
54. Current indexes and entries therein.
55. Indexes to be made by registering officers.
Extra particulars in indexes.
56. Copy of entries in indexes Nos. I, II and III to be sent
by Sub-Registrar to Registrar.
Such copy to be filed by Registrar.
57. Registering officers to allow inspection of certain books
and indexes, and to give certified copies of entries.

(B.) As to the Procedure on admitting to Registration.

58. Particulars to be endorsed on documents admitted to
registration.
59. Such endorsements to be dated and signed by registering
officer.
60. Certificate showing that document has been registered,
and number and page of book in which it has been
copied.
61. Endorsements and certificate to be copied.
Document to be returned.
62. Procedure on presenting document in language unknown
to registering officer.
63. Power to administer oaths.
Record of substance of statements.

(C.) Special Duties of Sub-Registrar.

64. Procedure on registration of document relating to land
situate in several sub-districts.
65. Procedure where document relates to land situate in
several districts.

(D.) Special Duties of Registrar.

66. Procedure on registering documents relating to land.
67. Procedure on registration under section 30, clause (b).

*(E.) Of the Controlling Powers of Registrars and Inspectors
General.*

68. Registrar to superintend and control Sub-Registrars.
69. Inspector

SECTIONS.

- 69. Inspector General to superintend registration-offices.
His power to make rules.
- 70. His power to remit fines.

 PART XII.

OF REFUSAL TO REGISTER.

- 71. Reasons for refusal to register to be recorded.
- 72. Power to reverse or alter orders of Sub-Registrar refusing registration on ground other than denial of execution.
- 73. Application where Sub-Registrar refuses to register on ground of denial of execution.
- 74. Procedure of Registrar on such application.
- 75. Order to register and procedure thereon.
- 76. Refusal by Registrar.
- 77. Suit in case of refusal.

 PART XIII.

OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

- 78. Fees to be fixed by Local Government.
Alteration of fees.
- 79. Publication of fees.
- 80. Fees payable on presentation.

 PART XIV.

OF PENALTIES.

- 81. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.
- 82. Penalty for certain other offences.
Making false statements before registering officer.
Delivering false copy or translation.
False personation.
Abetment of offences under Act.
- 83. Registering officer may commence prosecutions.
- 84. Registering officers to be deemed public servants.

 PART XV.

MISCELLANEOUS.

- 85. Destruction of unclaimed documents.
- 86. Registering officer not liable for thing *bonâ fide* done or refused in his official capacity.

87. Nothing .

SECTIONS.

87. Nothing so done invalidated by defect in appointment or procedure.
88. Registration of documents executed by Government officers or certain public functionaries.
89. Certificates under Land Improvement Act, 1871.

Exemptions from Act.

90. Exemption of certain documents executed by or in favour of Government.
91. Inspection and copies of such documents.
92. Burmese registration-rules confirmed.

ACT No. III, OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th February 1877).

An Act for the Registration of Documents.

WHEREAS it is expedient to amend the law relating to the registration of documents; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. This Act may be called "The Indian Registration Act, 1877:"

It extends to the whole of British India, except such districts or tracts of country as the Government may from time to time, with the previous sanction of the Governor General in Council, exclude from its operation;

And it shall come into force on the first day of April 1877.

2. On and from that day Act No. VIII of 1871 shall be repealed.

But all appointments, notifications, rules and orders made, and all districts and sub-districts formed, and all offices established, and all tables of fees prepared, under such Act or any of the enactments thereby repealed shall be deemed to have been respectively made, formed, established and prepared under this Act, except in so far as such rules and orders may be inconsistent herewith.

References made in Acts passed before the first day of April 1877, to the said Act, or to any enactment

ment thereby repealed, shall be read as if made to the corresponding section of this Act.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

“Lease.”

“Lease” includes a counterpart, kabúliyat, an undertaking to cultivate or occupy, and an agreement to lease :

“Signature.”
“Signed.”

“Signature” and “signed” include and apply to the affixing of a mark :

“Immoveable property.”

“Immoveable property” includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops, nor grass :

“Moveable property.”

“Moveable property” includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immoveable property :

“Book.”

“Book” includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book :

“Endorsement.”
“Endorsed.”

“Endorsement” and “endorsed” include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act :

“Minor.”

“Minor” means a person who, according to the personal law to which he is subject, has not attained majority :

“Representative.”

“Representative” includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot :

“Addition.”

“Addition” means the place of residence, and the profession, trade, rank and title (if any) of a person described, and, in the case of a Native, his caste (if any) and his father’s name, or where he is usually described as the son of his mother, then his mother’s name :

“District

“District Court” includes the High Court in its ordinary original civil jurisdiction; and

“District Court.”

“District” and “Sub-District” respectively mean a district and sub-district formed under this Act.

“District.”
“Sub-District.”

PART II.

OF THE REGISTRATION-ESTABLISHMENT.

4. The Local Government shall appoint an officer to be the Inspector General of Registration for the territories subject to such Government,

Inspector General of Registration.

or may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector General shall be exercised and performed by such officer or officers, and within such local limits, as the Local Government from time to time appoints in this behalf.

The Governor of Bombay in Council may also, with the previous consent of the Governor General in Council, appoint an officer to be Branch Inspector General of Sindh, who shall have all the powers of an Inspector General under this Act other than the power to frame rules hereinafter conferred.

Branch Inspector General of Sindh.

Any Inspector General or the Branch Inspector General of Sindh may hold simultaneously any other office under Government.

5. For the purposes of this Act, the Local Government shall form districts and sub-districts, and shall prescribe, and may from time to time alter, the limits of such districts and sub-districts.

Districts and sub-districts.

The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the local official Gazette.

Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.

6. The Local Government may appoint such persons, whether public officers or not, as it thinks proper,

Registrars and Sub-Registrars.

per, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively.

Offices of Registrar and Sub-Registrar.

7. The Local Government shall establish in every district an office to be styled the office of the Registrar and in every sub-district an office or offices to be styled the office of the Sub-Registrar, or the offices of the Joint Sub-Registrars, and may amalgamate with any office of a Registrar any office of a Sub-Registrar subordinate to such Registrar,

and may authorize any Sub-Registrar whose office has been so amalgamated to exercise and perform, in addition to his own powers and duties, all or any of the powers and duties of the Registrar to whom he is subordinate :

Provided that no such authorization shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act.

Inspectors of Registration-offices.

8. The Local Government may also appoint officers to be called Inspectors of Registration-offices, and may from time to time prescribe the duties of such officers. Every such Inspector shall be subordinate to the Inspector General.

Military cantonments may be declared sub-districts or districts.

9. Every military cantonment where there is a Cantonment Magistrate may (if the Local Government so directs) be, for the purposes of this Act, a sub-district or a district, and such Magistrate shall be the Sub-Registrar or the Registrar of such sub-district or district, as the case may be.

Whenever the Governor General in Council declares any military cantonment beyond the limits of British India to be a sub-district or a district for the purposes of this Act, he shall also declare, in the case of a sub-district, what authorities shall be Registrar of the district and Inspector General, and in the case of a district, what authority shall be Inspector General, with reference to such cantonment and the Sub-Registrar or Registrar thereof.

Absence of Registrar from his dis-

10. Whenever any Registrar other than the Registrar of a district including a Presidency-town, is absent

absent otherwise than on duty in his district, or when his office is temporarily vacant,

district or vacancy in his office.

any person whom the Inspector General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate,

shall be the Registrar during such absence or until the Local Government fills up the vacancy.

Whenever the Registrar of a district including a Presidency-town, is absent otherwise than on duty in his district, or when his office is temporarily vacant,

any person whom the Inspector General appoints in this behalf shall be the Registrar during such absence, or until the Local Government fills up the vacancy.

11. Whenever any Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform, during such absence, all the duties of a Registrar, except those mentioned in sections 68 and 72.

Absence of Registrar on duty in his district.

12. Whenever any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until the Local Government fills up the vacancy.

Absence of Sub-Registrar or vacancy in his office.

13. All appointments made under section 10, section 11 or section 12 shall be reported to the Local Government by the Inspector General. Such report shall be either special or general, as the Local Government directs.

Appointments under section 10, 11 or 12 to be reported to Government.

The Local Government may suspend, remove or dismiss any person appointed under the provisions of this Act, and appoint another person in his stead.

Suspension, removal and dismissal of officers.

14. Subject to the approval of the Governor General in Council, the Local Government may assign such salaries as such Government from time to time deems proper to the registering officers appointed under this Act, or provide for their remuneration by fees, or partly by fees and partly by salaries.

Remuneration and establishments of registering officers.

The Local Government may allow proper establishments for the several offices under this Act.

Seals of registering officers.

15. The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the Local Government directs:—“The seal of the Registrar (or of the Sub-Registrar) of .”

Register books.

16. The Local Government shall provide for the office of every registering officer the books necessary for the purposes of this Act.

Forms.

The books so provided shall contain the forms from time to time prescribed by the Inspector General, with the sanction of the Local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

Fire-proof boxes.

The Local Government shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such district.

PART III.

OF REGISTRABLE DOCUMENTS.

Document of which registration is compulsory.

17. The documents next hereinafter mentioned shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or Act No. XX of 1866, or Act No. VIII of 1871, or this Act, came or comes into force (that is to say),—

(a) Instruments of gift of immoveable property :

(b) Other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immoveable property :

(c) Non-

(c) Non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest ; and

(d) Leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent :

Provided that the Local Government may, by order published in the official Gazette, exempt from the operation of the former part of this section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

Nothing in clauses (b) and (c) of this section applies to Exception of

(e) any composition-deed ;

composition-deeds ;
and of transfers of shares and debentures in Land Companies ;

(f) any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property, or

(g) any endorsement upon or transfer of any debenture issued by any such Company ;

(h) any document not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest of the value of one hundred rupees and upwards to or in immoveable property, but merely creating a right to obtain another document which will when executed create, declare, assign, limit or extinguish any such right, title or interest ; documents merely creating right to obtain other documents

(i) decrees and orders of Courts and awards ;

(j) grants of immoveable property by Government ;

(k) instruments of partition made by revenue-officers ;

(l) certificates and instruments of collateral security granted under the Land Improvement Act, 1871.

Authorities to adopt a son, executed after the first day of January 1872 and not conferred by a will, shall also be registered. Authorities to adopt.

Documents of which registration is optional.

18. Any of the documents next hereinafter mentioned may be registered under this Act (that is to say),—

(a) instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immoveable property :

(b) instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest :

(c) leases of immoveable property for any term not exceeding one year, and leases exempted under section 17 :

(d) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in moveable property :

(e) wills :

(f) all other documents not required by section 17 to be registered.

Documents in language not understood by registering officer.

19. If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy.

Documents containing interlineations, blanks, erasures or alterations.

20. The registering officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration. If he register such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

21. (a) No

21. (a) No non-testamentary document relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same. Description of parcels.

(b) Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

(c) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it be accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts. Documents containing maps or plans.

22. Failure to comply with the provisions contained in section 21, clause *(b)*, shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify such property. Failure to comply with rules as to description of houses and land.

PART IV.

OF THE TIME OF PRESENTATION.

23. Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution, Time for presenting documents.

or, in the case of a copy of a decree or order, within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final :

Provided

Provided that, where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

Provision where delay in presentation is unavoidable.

24. If owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration-fee, such document shall be accepted for registration.

Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

Documents executed out of British India.

25. When a document purporting to have been executed by all or any of the parties out of British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied,

(a) that the instrument was so executed, and

(b) that it has been presented for registration within four months after its arrival in British India,

may, on payment of the proper registration-fee, accept such document for registration.

Provision where office is closed on last day of period for presentation.

26. Whenever a registration-office is closed on the last day of any period provided in this Act for the presentation of any document, such last day shall, for the purposes of this Act, be deemed to be the day on which the office re-opens.

Wills may be presented or deposited at any time.

27. A will may at any time be presented for registration or deposited in manner hereinafter provided.

PART V.**OF THE PLACE OF REGISTRATION.**

28. Save as in this Part otherwise provided, every document mentioned in section 17, clauses (a), (b), (c) and (d), and section 18, clauses (a), (b) and (c), shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.

Place for registering documents relating to land.

29. Every document other than a document referred to in section 28 and a copy of a decree or order, may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under the Local Government at which all the persons executing and claiming under the document desire the same to be registered.

Place for registering other documents.

A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immovable property, in the office of any other Sub-Registrar under the Local Government at which all the persons claiming under the decree or order desire the copy to be registered.

30. (a) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

Registration by Registrar.

(b). The Registrar of a district including a Presidency-town and the Registrar of the Lahore district may receive and register any document referred to in section 28 without regard to the situation in any part of British India of the property to which the document relates.

Registration by Registrar at Presidency-town and Lahore.

31. In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer authorized to accept the same for registration or deposit.

Registration or acceptance for deposit at private residence.

But

But such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

PART VI.

OF PRESENTING DOCUMENTS FOR REGISTRATION.

Persons to present documents for registration.

32. Except in the cases mentioned in section 31 and section 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office,

by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order,

or by the representative or assign of such person, or by the agent of such person, representative or assign, duly authorized by power-of-attorney executed and authenticated in manner hereinafter mentioned.

Powers-of-attorney recognizable for purposes of section 32.

33. For the purposes of section 32, the powers-of-attorney next hereinafter mentioned shall alone be recognized (that is to say),—

(a) if the principal at the time of executing the power-of-attorney resides in any part of British India in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides :

(b) if the principal at the time aforesaid resides in any other part of British India, a power-of-attorney executed before and authenticated by any Magistrate :

(c) if the principal at the time aforesaid does not reside in British India, a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India :

Provided

Provided that the following persons shall not be required to attend at any registration-office or Court for the purpose of executing any such power-of-attorney as is mentioned in clauses (a) and (b) of this section :—

Proviso as to persons infirm, or in jail, or exempt from appearing in Court.

persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend ;

persons who are in jail under civil or criminal process ; and

persons exempt by law from personal appearance in Court.

In every such case the Registrar or Sub-Registrar or Magistrate (as the case may be), if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.

To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

Any power-of-attorney mentioned in this section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

34. Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26 :

Enquiry before registration by registering officer.

Provided that if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing

does

does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration-fee in addition to the fine, if any, payable under section 24, the document may be registered.

Such appearances may be simultaneous or at different times.

The registering officer shall thereupon—

(a) enquire whether or not such document was executed by the persons by whom it purports to have been executed,

(b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document, and

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

Any application for a direction under the proviso in this section may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

Nothing in this section applies to copies of decrees or orders.

Procedure on admission of execution.

35. If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document ;

or, in the case of any person appearing by a representative, assign or agent, if such representative, assign or agent admits the execution ;

or, if the person executing the document is dead, and his representative or assign appears before the registering officer, and admits the execution,

the registering officer shall register the document as directed in sections 58 to 61, inclusive.

The registering officer may, in order to satisfy himself that the persons appearing before him are the persons

persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

If any of the persons by whom the document purports to be executed deny its execution, or

Procedure on denial of execution, &c.

if any such person appears to be a minor, an idiot, or a lunatic, or

if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution,

the registering officer shall refuse to register the document: Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII of this Act.

PART VII.

OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

36. If any person presenting any document for registration, or claiming under any document which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or Court as the Local Government from time to time directs in this behalf to issue a summons requiring him to appear at the registration-office, either in person or by duly authorized agent, as in the summons may be mentioned, and at a time named therein.

Procedure where appearance of executant or witness is desired.

37. The officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

Officer or Court to issue and cause service of summons.

38. A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration-office,

Persons exempt from appearance at registration-office.

a person in jail under civil or criminal process,

and

and persons exempt by law from personal appearance in Court, and who would but for the provision next hereinafter contained be required to appear in person at the registration-office,

shall not be required so to appear.

In every such case, the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

Law as to summonses, commissions and witnesses.

39. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued, and any person summoned to appear under the provisions of this Act.

PART VIII.

OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

Persons entitled to present wills and authorities to adopt.

40. The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration,

and the donor, or after his death the donee, of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

Registration of wills and authorities to adopt.

41. A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

A will or authority to adopt presented for registration by any other person entitled to present it, shall be registered if the registering officer is satisfied,

(a) that the will or authority was executed by the testator or donor, as the case may be;

(b) that the testator or donor is dead, and

(c) that the person presenting the will or authority is, under section 40, entitled to present the same.

PART IX.

PART IX.**OF THE DEPOSIT OF WILLS.**

42. Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.

Deposit of wills.

43. On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register-book No. 5 the superscription aforesaid and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

Procedure on deposit of wills.

The Registrar shall then place and retain the sealed cover in his fire-proof box.

44. If the testator who has deposited such cover wishes to withdraw it, he may apply either personally or by duly authorized agent to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

Withdrawal of sealed cover deposited under section 42.

45. If, on the death of a testator who has deposited a sealed cover under section 42, application be made to the Registrar who holds it in deposit to open the same, and if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, open the cover, and, at the applicant's expense, cause the contents thereof to be copied into his Book No. 3.

Proceedings on death of depositor.

When such copy has been made, the Registrar shall re-deposit the original will.

Re-deposit.

46. Nothing hereinbefore contained shall affect the provisions of the Indian Succession Act, section 259, or the power of any Court by order to compel the production of any will. But whenever any such order is made, the Registrar shall, unless the will has been already copied under section 45, open the cover and cause the will to be copied into his Book No. 3

Saving of Act X of 1865, section 259.

and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

PART X.

OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

Time from which registered document operates.

47. A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

Registered documents relating to property when to take effect against oral agreements.

48. All non-testamentary documents duly registered under this Act, and relating to any property whether moveable or immoveable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

Effect of non-registration of documents required to be registered.

49. No document required by section 17 to be registered, shall affect any immoveable property comprised therein,

or confer any power to adopt,
or be received as evidence of any transaction affecting such property or conferring such power, unless it has been registered in accordance with the provisions of this Act.

Registered documents relating to land, of which registration is optional, to take effect against unregistered documents.

50. Every document of the kinds mentioned in clauses (a), (b), (c) and (d) of section 17, and clauses (a) and (b) of section 18, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

Nothing in the former part of this section applies to leases exempted under the proviso in section 17, or to

to the documents mentioned in clauses (e), (f), (g), (h), (i), (j), (k) and (l) of the same section.

Explanation.—In cases where Act No. XVI of 1864 or Act No. XX of 1866 was in force in the place and at the time in and at which such unregistered document was executed, “unregistered” means not registered according to such Act, and, where the document is executed after the first day of July 1871, not registered under Act No. VIII of 1871 or this Act.

PART XI.

OF THE DUTIES AND POWERS OF REGISTERING OFFICERS.

(A). *As to the Register-books and Indexes.*

51. The following Books shall be kept in the several offices hereinafter named (that is to say)—

In all registration-offices—

Book 1, “Register of non-testamentary documents relating to immoveable property;”

Book 2, “Record of reasons for refusal to register;”

Book 3, “Register of wills and authorities to adopt;” and

Book 4, “Miscellaneous Register.”

In the offices of Registrars—

Book 5, “Register of deposits of wills.”

In Book 1 shall be entered or filed all documents or memoranda registered under sections 17, 18 and 87 which relate to immoveable property, and are not wills.

In Book 4 shall be entered all documents registered under clauses (d) and (f) of section 18, which do not relate to immoveable property.

Nothing in the former part of this section shall be deemed to require more than one set of books where the office of the Registrar has been amalgamated with the office of a Sub-Registrar.

52. The

Endorsements on document presented.

Receipt for document.

Documents admitted to registration to be copied.

52. The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it : a receipt for such document shall be given by the registering officer to the person presenting the same ; and, subject to the provisions contained in section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriated therefor according to the order of its admission.

And all such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector General.

Entries to be numbered consecutively.

53. All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Current indexes and entries therein.

54. In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books ; and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has copied, or filed a memorandum of, the document to which it relates.

Indexes to be made by registering officers.

55. Four such indexes shall be made in all registration-offices, and shall be named, respectively, Index No. I, Index No. II, Index No. III, and Index No. IV.

Index No. I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No. 1.

Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the Inspector General from time to time directs in that behalf.

Index No. III shall contain the names and additions of all persons executing every will and authority entered in Book No. 3, and of the executors and persons respectively appointed thereunder, and after
the

the death of the testator or the donor (but not before) the names and additions of all persons claiming under the same.

Index No. IV shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book No. 4.

Indexes Nos. I, II, III and IV shall contain such other particulars, and shall be prepared in such form, as the Inspector General from time to time directs.

Extra particulars in Indexes.

56. Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals as the Inspector General from time to time directs, a copy of all entries made by such Sub-Registrar, during the last of such intervals, in Indexes Nos. I, II and III.

Copy of entries in Indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar.

Every Registrar receiving such copy shall file it in his office.

Such copy to be filed by Registrar. Registering officers to allow inspection of certain Books and Indexes, and to give certified copies of entries.

57. Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same; and subject to the provisions of section 62, copies of entries in such Books shall be given to all persons applying for such copies.

Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies.

Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative. The requisite search under this section for entries in Books Nos. 3 and 4 shall be made only by the registering officer.

All copies given under this section shall be signed and sealed by the registering officer, and shall be ad-
missible

missible for the purpose of proving the contents of the original documents.

(B). *As to the Procedure on admitting to Registration.*

Particulars to be endorsed on documents admitted to registration.

58. On every document admitted to registration, other than a copy of a decree or order, or a copy of a certificate under the Land Improvement Act, 1871, sent by the Collector to be registered, there shall be endorsed from time to time the following particulars (that is to say),—

(a) the signature and addition of every person admitting the execution of the document; and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent.

(b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

Such endorsements to be dated and signed by registering officer.

59. The registering officer shall affix the date and his signature to all endorsements made under sections 52 and 58, relating to the same document and made in his presence on the same day.

Certificate showing that document has been registered, and number and page of book in which it has been copied.

60. After such of the provisions of sections 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered," together with the number and page of the book in which the document has been copied.

Such

Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section 59 have occurred as therein mentioned.

61. The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the margin of the Register-book, and the copy of the map or plan (if any) mentioned in section 21 shall be filed in Book No. 1.

Endorsements and certificate to be copied.

The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52.

Document to be returned.

62. When a document is presented for registration under section 19, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in section 19, shall be filed in the registration-office.

Procedure on presenting document in language unknown to registering officer.

The endorsements and certificate respectively mentioned in sections 59 and 60 shall be made on the original, and for the purpose of making the copies and memoranda required by sections 57, 64, 65 and 66, the translation shall be treated as if it were the original.

63. Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of this Act.

Power to administer oaths.

He may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and if he admits the correctness of such note, it shall be signed by the registering officer.

Record of substance of statements.

Every

Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

(C). *Special Duties of Sub-Registrar.*

Procedure on registration of document relating to land situate in several sub-districts.

64. Every Sub-Registrar on registering a non-testamentary document relating to immoveable property not wholly situate in his own sub-district, shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

Procedure where document relates to land situate in several districts.

65. Every Sub-Registrar on registering a non-testamentary document relating to immoveable property situate in more districts than one, shall also forward a copy thereof and of the endorsement and certificate (if any) thereon, together with a copy of the map or plan (if any) mentioned in section 21, to the Registrar of every district in which any part of such property is situate other than the district in which his own sub-district is situate.

The Registrar on receiving the same shall file in his Book No. 1 the copy of the document and the copy of the map or plan (if any) and shall forward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose sub-district any part of such property is situate ; and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

(D). *Special Duties of Registrar.*

Procedure on registering documents relating to land.

66. On registering any non-testamentary document relating to immoveable property, the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose sub-district any part of the property is situate.

He shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned

tioned in section 21, to every other Registrar in whose district any part of such property is situate.

Such Registrar on receiving any such copy shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose sub-district any part of the property is situate.

Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

67. On any document being registered under section 30, clause (b), a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose district any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in the first clause of section 66.

Procedure on registration under section 30, clause (b).

(E). Of the controlling Powers of Registrars and Inspectors General.

68. Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.

Registrar to superintend and control Sub-Registrars.

Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him, or in respect of the rectification of any error regarding the book or the office in which any document shall have been registered.

69. The Inspector General shall exercise a general superintendence over all the registration-offices in the territories under the Local Government, and shall have power from time to time to make rules consistent with this Act—

Inspector General to superintend registration-offices. His power to make rules.

providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept;

declaring

declaring what languages shall be deemed to be commonly used in each district ;

declaring what territorial divisions shall be recognized under section 21 ;

regulating the amount of fines imposed under sections 24 and 34, respectively ;

regulating the exercise of the discretion reposed in the registering officer by section 63 ;

regulating the form in which registering officers are to make memoranda of documents ;

regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51 ;

declaring the particulars to be contained in Indexes Nos. I, II, III and IV, respectively ;

declaring the holidays that shall be observed in the registration-offices ;

and, generally, regulating the proceedings of the Registrars and Sub-Registrars.

The rules so made shall be submitted to the Local Government for approval, and, after they have been approved, they shall be published in the official Gazette and shall then have the same force as if they were inserted in this Act.

His power to remit fines.

70. The Inspector General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 24 or section 34, and the amount of the proper registration-fee.

PART XII.

OF REFUSAL TO REGISTER.

Reasons for refusal to register to be recorded.

71. Every Sub-Registrar refusing to register a document,

except on the ground that the property to which it relates is not situate within his sub-district,

shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the

the words "registration refused" on the document; and on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

72. Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order :

Power to reverse or alter orders of Sub-Registrar refusing registration on ground other than denial of execution.

and if the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

73. When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution,

Application where Sub-Registrar refuses to register on ground of denial of execution.

any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.

Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the applica-
tion

tion shall be verified by the applicant in manner required by law for the verification of plaints.

Procedure of Registrar on such application.

74. In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, he shall as soon as conveniently may be enquire—

(a) whether the document has been executed ;

(b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

Order to register and procedure thereon.

75. If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

And if the document be duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witnesses, and compel them to give evidence as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure.

Refusal by Registrar.

76. Every Registrar refusing—

(a) to register a document except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or

(b) to direct the registration of a document under section 72 or section 75,

shall

shall make an order of refusal and record the reasons for such order in his Book No. 2, and on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

No appeal lies from any order under this section or section 72.

77. Where the Registrar refuses to order the document to be registered, under section 72 or section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office, if it be duly presented for registration within thirty days after the passing of such decree; and the provisions contained in the second and third paragraphs of section 75 shall, *mutatis mutandis*, apply to all documents so presented, and notwithstanding anything contained in this Act, the document shall be receivable in evidence in such suit.

Suit in case of refusal.

PART XIII.

OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

78. Subject to the approval of the Governor General in Council, the Local Government shall prepare a table of fees payable—

Fees to be fixed by Local Government.

for the registration of documents :

for searching the registers :

for making or granting copies of reasons, entries or documents, before, on or after registration :

And of extra or additional fees payable—

for every registration under section thirty :

for the issue of commissions :

for filing translations :

for
35

for attending at private residences :

for the safe custody and return of documents :

and for such other matters as appear to the Local Government necessary to effect the purposes of this Act.

Alteration of fees.

The Local Government may from time to time, subject to the like approval, alter such table.

Publication of fees.

79. A table of the fees so payable shall be published in the official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration-office.

Fees payable on presentation.

80. All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

PART XIV.

OF PENALTIES.

Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.

81. Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause, injury, as defined in the Indian Penal Code, to any person, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for certain other offences.

82. Whoever commits any of the following offences shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both :

Making false statements before registering officer.

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or inquiry under this Act;

Delivering false copy or translation.

(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false

false copy or translation of a document, or a false copy of a map or plan ;

(c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act ;

False personation.

(d) abets within the meaning of the Indian Penal Code anything made punishable by this Act.

Abetment of offences under this Act.

83. A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector General, the Branch Inspector General of Sindh, the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

Registering officer may commence prosecutions.

Offences punishable under this Act shall be triable by any Court or officer exercising powers not less than those of a Subordinate Magistrate of the first class :

Provided that, in imposing penalties under this Act, no such Court or officer shall exceed the limits of jurisdiction prescribed by the law for the time being in force as to such Court or officer.

All fines imposed under this Act may be recovered, if for offences committed outside the limits of the Presidency-towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns for the time being in force.

84. Every registering officer appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

Registering officers to be deemed public servants.

Every person shall be legally bound to furnish information to such registering officer when required by him to do so. And in section 228 of the same Code, the words "judicial proceeding" shall include any proceeding under this Act.

A Registrar shall, but a Sub-Registrar shall not, as such, be deemed a Court within the meaning of sections 435 and 436 of the Code of Criminal Procedure.

PART XV.

MISCELLANEOUS.

Destruction of unclaimed documents.

85. Documents (other than wills) remaining unclaimed in any registration-office, for a period exceeding two years, may be destroyed.

Registering officer not liable for thing *bona fide* done or refused in his official capacity.

86. No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

Nothing so done invalidated by defect in appointment or procedure.

87. Nothing done in good faith pursuant to this Act, or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

Registration of documents executed by Government officers or certain public functionaries.

88. Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator General of Bengal, Madras or Bombay, or for any Official Trustee, or Official Assignee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any registration-office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section 58.

But when any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he think fit, refer to any Secretary to Government or to such officer of Government, Administrator General, Official Trustee, Official Assignee, Sheriff, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

89. Every

89. Every officer granting a certificate under the Land Improvement Act, 1871, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved, or of the land to be granted as collateral security, is situate, and such registering officer shall file the certificate in his Book No. 1.

Certificates under Land Improvement Act, 1871.

Exemptions from Act.

90. Nothing contained in this Act or in Act No. VIII of 1871 or in any Act thereby repealed shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps :—

Exemption of certain documents executed by or in favour of Government.

(a). Documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land-revenue, and which form part of the records of such settlement.

(b). Documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey.

(c). Documents which, under any law for the time being in force, ~~are~~^{are} filed periodically in any revenue-office by patwáris or other officers charged with the preparation of village-records.

(d). Sanads, inám title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land.

But all such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

91. Subject to such rules and the previous payment of such fees as the Local Government from time to time prescribes in this behalf, all documents and maps mentioned in section 90, clauses (a), (b) and (c), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person

Inspection and copies of such documents.

applying

applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

Burmese
registration-
rules con-
firmed.

92. All rules relating to registration heretofore enforced in British Burma shall be deemed to have had the force of law, and no suit or other proceeding shall be maintained against any officer or other person in respect of anything done under any of the said rules.

THE PRESIDENCY MAGISTRATES' ACT, 1877.

CONTENTS.

PREAMBLE.

PART I.

CHAPTER I.—PRELIMINARY.

SECTIONS.

1. Short title.
Commencement.
 2. Repeal of Acts.
 3. Saving of powers under local laws.
 4. Matters indicated in second schedule.
 5. Pending cases.
 6. Definitions.
-

CHAPTER II.—CONSTITUTION AND POWERS OF THE PRESIDENCY MAGISTRATES' COURTS.

7. Establishment of Presidency Magistrates' Courts.
 8. Appointment of Presidency Magistrates.
Presidency Magistrates to be Justices of the Peace.
Local limits of jurisdiction.
Bombay Court of Petty Sessions.
 9. Appointment and powers of Chief Magistrate.
 10. References in Acts to Magistrates of Police.
 11. Sentences which Presidency Magistrates may pass.
 12. Imprisonment in default of payment of fine.
Proviso as to cases decided by Magistrate.
 13. Sentence in cases of simultaneous conviction of several offences.
 14. Offences under enactments not specifying Court authorized to try.
 15. Offence committed in Magistrate's presence.
 16. Power to record statements and confessions.
 17. Power to compel restoration of abducted females.
-

PART II.

CHAPTER III.—THE PLACE OF INQUIRY AND TRIAL.

18. Place for inquiry and trial of offence.
19. Accused triable in district where act done, or where consequence ensues.
20. Place

[Price two rupees nine annas and six pies.]

SECTIONS.

20. Place for trial where act is offence by reason of relation to other offence.
21. Place for inquiry or trial where scene of offence is uncertain ;
or offence not committed in one district only ;
or offence is continuing ;
or consists of several acts in different districts.
or offence is committed on journey or voyage.
22. Being a thug or dacoit.
Escaping from custody.
Criminal misappropriation and criminal breach of trust.
Murder as a thug, dacoity or dacoity with murder.
Stealing cattle.
23. High Court to decide, in case of doubt, district where inquiry shall take place.
24. Effect, on sentence, of holding investigation, inquiry or trial in wrong district.

CHAPTER IV.—OF THE COGNIZANCE OF OFFENCES.

25. When Presidency Magistrate may take cognizance of offences.
26. Who may make complaints.
27. Process to compel appearance.
28. Jurisdiction given by complaint.
29. Complaint or sanction required in certain cases.
30. Magistrate to examine complainant.
31. Effect of omission to examine petitioner.
32. Dismissal of complaint.
33. Issue of process.
34. When summons may issue.
35. Where warrant or summons may issue on complaint.
36. Warrant to arrest, if summons not obeyed.
37. Magistrate may dispense with personal attendance of accused.

CHAPTER V.—OF PROSECUTIONS IN CERTAIN CASES.

38. Prosecutions for offences against the State.
39. Prosecution of Judges and public servants.
Power of Government as to prosecution.
Definition of 'Government,' 'Judge' and 'public servant.'
40. Prosecution for contempts of the lawful authority of public servants.
41. Sanction to prosecution for certain offences against public justice.

42. Sanction

SECTIONS.

42. Sanction to prosecution for certain offences relating to documents given in evidence.
43. Nature of sanction necessary.
44. Procedure in cases mentioned in section 40, 41 or 42.
45. Prosecution for adultery.
Prosecution for enticing away married woman.
46. Application to be deemed a complaint.

 CHAPTER VI.—OF THE SUMMONS AND WARRANT.

47. Form of summons.
48. Summons how served.
49. Service when accused cannot be found.
Service on servants of Government and Railway Companies.
50. Service of summons outside Presidency-towns.
51. Proof of service in such cases and when server not present.
52. Provisions applicable to all summonses under Act.
53. Issue of warrant in addition to summons.
54. Summons or warrant for apprehension of person within jurisdiction for offence committed beyond.
55. Magistrate's procedure on arrest, under his own warrant, for offence committed out of his jurisdiction.
56. Form and direction of warrant.
Continuance of warrant.
57. Fees for summonses and warrants.
Power to remit fees.
58. When Magistrate may direct bail to be taken.
Recognizance to be forwarded.
59. Warrant to several persons.
60. Execution of warrant by Police-officer other than the one addressed.
61. Magistrate issuing warrant may superintend its execution.
62. Arrest in presence of Magistrate.
63. Where warrant may be executed.
64. Execution of warrant outside issuing Magistrate's jurisdiction.
65. Procedure on execution of warrant outside issuer's jurisdiction.
66. Duty of Magistrate and Police-officer as to warrants.
67. Proclamation for person absconding.
Proclamation how published.
Evidence of publication.
68. Attachment of property of person absconding.
69. Restoration of forfeited property.

CHAPTER VII.

CHAPTER VII.—OF BAIL.

SECTIONS.

70. Custody of person arrested.
When bail shall be taken.
71. When bail shall not be taken.
Admission to bail pending inquiry.
Warrant for intermediate custody.
72. Recognizance of accused and sureties.
73. Discharge on bail.
74. Admission to bail after failure in first instance.
75. Power to order sufficient bail when that first taken is insufficient.
76. Discharge of sureties.
77. Procedure to compel payment of penalty by accused.
78. Procedure to compel payment of penalty by sureties.
79. In what cases powers given by sections 77 and 78 may be exercised.
Remission of part of penalty.
80. Deposit instead of bail.

CHAPTER VIII.—OF INQUIRY INTO CASES TRIABLE BY THE HIGH COURT.

81. Procedure in preliminary inquiries.
82. Examination of complainant and witnesses for prosecution.
83. Examination to be in presence of accused.
Power to summon and examine witness for accused.
84. Examination of accused how recorded.
85. Power of Magistrate to summon and examine any person.
86. Adjournment of inquiry and remand.
87. When accused person to be discharged.
88. When accused to be committed for trial.
89. Framing of charge on which accused is to be tried before High Court.
Form of commitment.
Charge, &c., to be forwarded to High Court.
Commitment when to be notified.
90. Charge to be explained, and copy furnished, to accused.
91. List of witnesses for defence on trial before High Court.
Further list.
Power to summon supplementary witnesses.
92. Summons to witnesses when accused person is committed.
93. Recognizances

SECTIONS.

93. Recognizances of complainants and witnesses.
Detention in custody in case of refusal to attend or to execute recognizance.

CHAPTER IX.—OF THE CHARGE.

Form of Charges.

94. Charge to state offence.
Specific name of offence, sufficient description.
How stated where offence has no specific name.
What implied in charges.
Language of charge.
Previous conviction when to be set out.
95. Particulars as to time, place and person.
96. When manner of committing offence must be stated.
97. Form of charge.
98. Effect of errors.
99. Prisoner may apply for amendment.
100. Magistrate may alter charge.
101. When trial may proceed immediately after alteration.
102. When new trial may be directed or trial suspended.
Adjournment.
103. Recall of witnesses when charge altered.
104. Stay of proceedings if prosecution of offence in altered charge require previous sanction.

Joinder of Charges.

105. Separate charges for distinct offences.
106. Several offences of same kind committed within a year of each other.
107. I.—Trial of more than one offence.
II.—One offence falling within two definitions.
III.—Acts severally constituting more than one offence, but collectively coming within one definition.
108. Where it is doubtful what offence has been committed.
109. When a person is charged with one offence, he can be convicted of another.
110. When offence proved included in offence charged.
111. What persons may be charged and tried jointly or separately.
112. Withdrawal of remaining charges on conviction on one of several charges.

Previous Acquittals or Convictions.

113. Person once convicted or acquitted not to be tried for same offence.

CHAPTER X.

CHAPTER X.—OF THE TRIAL OF CASES BY PRESIDENCY MAGISTRATES.

SECTIONS.

- 114. Procedure in trial of cases.
- 115. Record of evidence.
- 116. Charge when dispensed with.
Charge when necessary.
- 117. Effect on proceedings of defect in complaint or process.
- 118. Dismissal or adjournment on non-appearance of complainant.
- 119. Procedure on appearance of parties.
- 120. Conviction on admission of truth of complaint.
- 121. Procedure when no such admission is made.
- 122. Charge when drawn up.
- 123. Procedure on examining accused.
- 124. Adjournment.
- 125. Withdrawal of complaint.
- 126. Acquittal.
Sentence.
- 127. Procedure when, after commencement of trial, Magistrate finds case beyond his jurisdiction.
- 128. Trial of persons previously convicted of offences against coinage, stamp-law or property.
General Provisions as to Inquiries and Trials.
- 129. Permission to conduct prosecution.
- 130. Right of accused to be defended.
- 131. Procedure where accused does not understand proceedings.
- 132. Presidency Magistrates' Courts to be open.
- 133. Compounding offences.

CHAPTER XI.—OF EVIDENCE.

A.—Of securing the Attendance of Witnesses.

- 134. Power to summon material witness or examine person present.
- 135. When warrant of arrest may issue in first instance.
- 136. Arrest of person disobeying summons.
- 137. Procedure when warrant cannot be served.
- 138. Attachment, &c., of property ordered to be attached under section 137.
- 139. Power to order prisoner in jail to be brought up for examination.
- 140. Power to require complainants, &c., to execute recognizances.
- 141. Imprisonment or committal of person refusing to answer.

B.—Of

SECTIONS.

B.—Of Witnesses.

- 142. Production of witnesses in cases triable upon summons.
- 143. In cases triable upon warrant.

C.—Of securing Documentary Evidence.

- 144. Summons to produce document required as evidence.
- 145. Issue of search-warrant in first instance.
- 146. Procedure as to letters in custody of Postal Department.
- 147. Power to impound document produced.

D.—Of the Examination of Accused Persons.

- 148. Examination of accused.
- 149. No influence to be used to induce disclosures.
- 150. Tender of pardon to accomplice.
- 151. Commitment of person to whom pardon has been tendered.

E.—Special Rules of Evidence.

- 152. Deposition of medical witness.
Power to summon medical witness.
- 153. Report of chemical examiner.
Genuineness of signature may be presumed.
Power to summon chemical examiner.
- 154. Previous conviction or acquittal how proved.
- 155. Record of evidence in absence of accused.
- 156. Convictions on evidence partly recorded by one Magistrate and partly by another.
- 157. When attendance of witness may be dispensed with.
- 158. Issue of commission and procedure thereunder.
Commission in case of witness being within other Presidency-town.
Complainant and accused may examine witness.
Return of commission.

F.—Of Search-warrants.

- 159. Search-warrant when grantable.
- 160. Search of house suspected to contain stolen property, forged documents, &c.
- 161. Direction, &c., of search-warrants.
- 162. Persons in charge of closed place to allow search.
- 163. Place to be searched may be broken open.
- 164. Search of zanáná.
- 165. Search to be made in presence of witnesses.
Occupant of place searched may attend.
- 166. Mode of searching women.

CHAPTER XII.—OF APPEALS.

- 167. Appeal by person convicted.

168. Appeal

SECTIONS.

168. Appeal by Government from order of acquittal.
 169. Copy of order to accompany petition.
 170. Copies of proceedings.
 171. Procedure when appellant in jail.
 172. Procedure on receiving petition of appeal.
 Power to reject appeal summarily.
 Power to call for record.
 Sentence not to be enhanced when appeal rejected under this section.
 173. Notice of day for hearing appeal.
 Service of notice.
 174. Powers of High Court in dealing with appeal.
 175. Suspension of execution of order pending appeal.
 Release of appellant on bail.
 176. High Court may make or direct further inquiry.
 177. Order when reversible by reason of error or defect in charge or proceedings.
 178. Irregularity before trial properly held.
 179. Procedure in case of sentence by Magistrate not having jurisdiction.
 180. Unless otherwise provided, no appeal to lie from order of Presidency Magistrate.
 181. Notice to Public Prosecutor of application under Act X of 1875, section 147.
 182. Statement by Magistrate of grounds of his decision, to be considered by High Court.

CHAPTER XIII.—OF EXECUTION.

183. Court to send accused, with warrant for execution of sentence, to officer in charge of jail.
 184. Form and direction of warrant for execution.
 185. Levy of fine.
 Section to what cases applicable.
 Detention of offender until return made to distress-warrant.
 Distress not illegal, nor distrainer a trespasser, for defect of form in proceedings.
 Who may issue distress-warrant.
 186. Payment of fine in compensation.
 187. Whipping, if imposed in addition to imprisonment in appealable case, when to be inflicted.
 188. Mode of inflicting punishment of whipping.
 189. Punishment not to be inflicted if offender not in fit state of health.
 Stay of execution.
 190. Not to be executed by instalments.
 191. Procedure if punishment be prevented under section 189.
 192. Currency

SECTIONS.

192. Currency of sentence on escaped convicts.
 193. Commencement of sentence on offender already sentenced for other offence.

PART III.
CHAPTER XIV.—OF LUNATICS.

194. Procedure when accused is a lunatic.
 195. When accused appears to have been insane.
 196. Release of lunatic on bail.
 Custody when bail not given.
 197. Resumption of inquiry or trial.
 198. Procedure on accused appearing before Magistrate.
 199. Finding in case of acquittal on ground of being lunatic.
 200. Procedure when lunatic committed the act alleged.
 201. Visiting of lunatic prisoners.
 202. Procedure where lunatic prisoner reported capable of making defence.
 203. Procedure where lunatic confined under section 200 is declared capable of being discharged.
 204. Delivery of lunatic to care of relative.

CHAPTER XV.—OF CONTEMPTS OF COURT.

205. Procedure in certain cases of contempt.
 206. Procedure where Court considers that accused should be imprisoned, or fined more than 200 rupees.
 207. Discharge of offender on submission or apology.

CHAPTER XVI.—OF SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR.
A.—Security for keeping the Peace.

208. Personal recognizance to keep the peace in cases of conviction.
 209. Sureties for keeping the peace.
 210. Commencement of period during which person may be bound to keep peace.
 211. Extension of time for which person is bound.

B.—Security for Good Behaviour.

212. When Magistrate may require security for good behaviour for six months.
 213. When Magistrate may require security for good behaviour for one year.

214. Procedure

SECTIONS.

214. Procedure where security required for more than one year.
C.—Provisions as to both Kinds of Security.
215. Summons to person to show cause why he should not give bond to keep peace or for good behaviour.
216. Contents of summons.
217. When warrant of arrest may issue.
218. Magistrate may dispense with personal attendance of person informed against.
219. Discharge of person informed against.
220. Order to give bond and consequence of non-compliance.
221. Proceedings to be laid before High Court.
222. Contents of order for security.
 - Form of recognizance.
223. Imprisonment in default of security.
 Term of imprisonment.
224. Binding of sentenced person.
225. Release of prisoners under requisition of security.
 Release of prisoner under requisition of security by order of High Court.
226. Discharge of sureties.
227. Commission, &c., of offence, a breach.
228. Recovery of penalty from principal.
229. Recovery of penalty from surety.
230. Proof of previous conviction.
231. Where proceedings under this chapter may be taken.
232. Provisions of chapter not applying to European vagrants.

CHAPTER XVII.—OF RESTORING POSSESSION OF IMMOVEABLE PROPERTY.

233. Power to restore possession of immoveable property.

CHAPTER XVIII.—OF THE MAINTENANCE OF WIVES AND FAMILIES.

234. Order for maintenance of wives and children.
 Enforcement of order.
 Proviso.
235. Alteration in allowance.
236. Enforcement of order.

PART IV.

CHAPTER XIX.—MISCELLANEOUS.

237. Procedure in miscellaneous criminal cases and proceedings.
238. Offences

SECTIONS.

238. Offences against Railway, Telegraph, Post-office and Arms Acts.
239. Extent of jurisdiction.
240. Reference to High Court.
241. Disposal of case according to decision of High Court. Direction as to costs.
242. Compensation to person groundlessly given in charge or complained against.
243. Order for disposal of property regarding which offence committed.
244. Power to order disposal of property connected with charge, in police-custody.
245. Expenses of complainants and witnesses.
246. All persons to give information of certain offences.
247. All persons to assist Magistrate and Police in certain cases.

THE FIRST SCHEDULE—ENACTMENTS REPEALED.

THE SECOND SCHEDULE—TABULAR STATEMENT OF OFFENCES.

THE THIRD SCHEDULE—FORMS.

ACT No. IV OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th
February 1877).

An Act to regulate the procedure and increase the jurisdiction of the Courts of Magistrates in the Presidency-towns.

WHEREAS it is expedient to consolidate and amend Preamble.
the law regulating the procedure of the Courts of Magistrates in the Presidency-towns and to increase the jurisdiction of such Courts; It is hereby enacted as follows:—

PART I.

CHAPTER I.—PRELIMINARY.

1. This Act may be called "The Presidency Magistrates' Act, 1877:" Short title.

And it shall come into force on the first day of Commence-
April 1877. ment.

2. On and from that day the Acts mentioned in Repeal of
the first schedule hereto annexed shall be repealed Acts.
to the extent specified in the third column of the said schedule.

3. Nothing in this Act shall be deemed to re- Saving of
strict any power conferred by any special or local law. powers under
local laws.

4. The Court by which an offence is triable under Matters indi-
this Act is indicated by the seventh column of the cated in se-
second schedule hereto annexed and by the third cond schedule.
explanatory note prefixed to such schedule.

The cases in which the Police may arrest without warrant or not, in the case of each offence under the Indian Penal Code or any law referred to in section 14,

whether a warrant or a summons shall ordinarily issue in the first instance, and

whether

whether the offence is bailable or not, are indicated respectively by the third, fourth and fifth columns of the same schedule.

The punishment for each offence under the Indian Penal Code is indicated by the sixth column of the same schedule.

- Pending cases. 5. Cases pending when this Act comes into force in any of the Courts of Police Magistrates, or in the town of Bombay in the Court of Petty Sessions, shall be dealt with, as far as may be, according to the procedure herein provided.
- Definitions. 6. In this Act, unless there be something repugnant in the subject or context:—
- “writing.” “writing” includes print, lithography, photography and engraving :
- “bailable offence or case.” “bailable offence” means an offence for, and “bailable case” means a case in, which bail may be taken under any law in force for the time being :
- “non-bailable offence or case.” “non-bailable offence” means an offence for, and “non-bailable case” means a case in, which bail may not be taken under any law in force for the time being :
- “chapter.” “chapter” means a chapter of this Act :
- “place.” “place” includes also house, building and vessel :
and
- Words referring to acts done. words which refer to acts done extend also to illegal omissions.

CHAPTER II.

“ CONSTITUTION AND POWERS OF THE PRESIDENCY MAGISTRATES’ COURTS.

- Establishment of Presidency Magistrates’ Courts. 7. The Local Government may, with the sanction of the Governor General in Council,
- (a) constitute within the towns of Calcutta, Madras and Bombay, respectively, so many divisions as the said Government thinks fit,
- (b) define the extent thereof respectively,
- (c) from time to time alter the number of such divisions and their respective extents, and
- (d) establish

(d) establish a Presidency Magistrate's Court for each of such divisions.

8. The Local Government may also from time to time appoint a sufficient number of fit persons to be Magistrates for the said towns, respectively, and may suspend or remove any person so appointed.

Appointment of Presidency Magistrates.

Any such person may sit and act as a Magistrate in any of the said Courts, and any two or more of such persons may (subject to rules made under section 9) sit together as a Bench.

All persons appointed under this section shall be called Presidency Magistrates.

Every such person shall, by virtue of his office, be a Justice of the Peace for the town of which he is a Magistrate,

Presidency Magistrates to be Justices of the Peace.

and shall exercise jurisdiction in all places within the local limits of the ordinary original criminal jurisdiction of the High Court, and within the limits of the port of such town and of any navigable river or channel leading thereto as such limits are defined under the law for the time being in force for the regulation of ports and port-dues.

Local limits of jurisdiction.

The area comprised within such local limits shall be deemed to be a district within the meaning of the Code of Criminal Procedure and of this Act.

Every Presidency Magistrate in the town of Bombay shall exercise all powers and jurisdictions which, under any law in force immediately before the passing of this Act, may be exercised by the Court of Petty Sessions, and such Court is hereby abolished.

Bombay Court of Petty Sessions.

9. In each of the said towns the Local Government shall appoint one of the Presidency Magistrates to be Chief Magistrate. Such Magistrate shall exercise in such town all the powers which by any law or rule are required to be exercised by any Senior or Chief Magistrate, and may, with the previous sanction of the Local Government, make rules, consistent with this Act, to regulate

Appointment and powers of Chief Magistrate.

(a) the conduct and distribution of business and secure uniformity of practice in the Courts of the Magistrates of the Town :

(b) the

(b) the times and places at which Benches of Magistrates shall sit :

(c) the constitution of Benches :

(d) the mode of settling differences of opinion which may arise between Magistrates in session.

Notwithstanding the last paragraph of section 8, appeals under the law for the time being regulating the municipality of Bombay shall lie to the Chief Magistrate only.

References in Acts to Magistrates of Police.

10. All existing Magistrates of Police shall be deemed to be Presidency Magistrates under this Act, and all references in any Act now in force to Magistrates of Police shall be deemed to be made to Presidency Magistrates.

Sentences which Presidency Magistrates may pass.

11. Any Presidency Magistrate may pass the following sentences :

Imprisonment not exceeding the term of two years (including such solitary confinement as is authorized by law) :

Fine not exceeding one thousand rupees :

Whipping.

A Presidency Magistrate may pass any lawful sentence, combining any of the sentences which he is authorized by law to pass.

EXPLANATION.—A Presidency Magistrate may award imprisonment in default of payment of fine, in addition to the full term of imprisonment which, under this section, he is competent to award. But no punishment inflicted under this section shall exceed the punishment provided for the offence by the Indian Penal Code or any special or local law.

Imprisonment in default of payment of fine.

12. In every case punishable under any law in force for the time being with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Presidency Magistrate shall be guided by the provisions of sections 64 and 65 of the Indian Penal Code in fixing the period of imprisonment in default of payment of the fine :

Proviso as to cases decided by Magistrate.

Provided that, in no case decided by a Presidency Magistrate, where imprisonment has been inflicted as part

part of the substantive sentence, shall the period of imprisonment inflicted in default of payment of the fine exceed one-fourth of the period of imprisonment which he is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Where a person is sentenced to fine only, the Presidency Magistrate may fix such term of imprisonment in default of payment of fine as is allowed by law, provided the term does not exceed two years.

13. When a person is convicted, at one trial, of two or more offences punishable under the same section or different sections of any law, the Presidency Magistrate may sentence him, for the offences of which he has been convicted, to the several penalties prescribed by such law which such Magistrate is competent to inflict; such penalties, when consisting of imprisonment, to commence the one after the expiration of the other :

Sentence in cases of simultaneous conviction of several offences.

Provided that the punishment shall not in the aggregate exceed twice the amount of punishment which the Magistrate is, by his ordinary jurisdiction, competent to inflict.

14. Offences punishable under any law, other than the Indian Penal Code, containing no distinct provision as to the Court or officer before which or before whom they are to be tried, may be inquired into and tried, according to the provisions hereinafter contained, by a Presidency Magistrate. But no such Magistrate shall pass any sentence in excess of his powers.

Offences under enactments not specifying Court authorized to try.

15. When any offence is committed in the presence of a Presidency Magistrate, he may order any person to arrest the offender, and when the offender is arrested, may commit him to custody, or, if the offence is bailable, may admit him to bail.

Offence committed in Magistrate's presence.

16. A Presidency Magistrate may record any confession or other statement made to him at any place within the local limits of his jurisdiction by any person with reference to any offence.

Power to record statements and confessions.

Such

Such confessions shall be recorded in the manner provided by section 84, and such statements shall be recorded in the manner prescribed in section 115, clauses 3, 4 and 5, and such statements and confessions shall, when recorded, be forwarded to the Magistrate by whom the case is inquired into or tried.

No Presidency Magistrate shall record any such confession unless, upon inquiry, he has reason to believe that it was made voluntarily; and on recording any such confession, he shall make a memorandum at the foot thereof to the following effect:—

“I believe that this confession was voluntarily made. It was read over to the person making it and was admitted by him to be correct.”

(Signed) A. B.,
Presidency Magistrate.

Power to compel restoration of abducted females.

17. Upon complaint made to a Presidency Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge or government of such child, and may compel compliance with such order, using force if necessary.

PART II.

CHAPTER III.—THE PLACE OF INQUIRY AND TRIAL.

Place for inquiry and trial of offence.

18. Every offence shall ordinarily be inquired into, and, if triable by a Magistrate, shall be tried, in the district in which it was committed. If triable by a High Court, it shall (subject to the provisions of section 64A of the Code of Criminal Procedure) be tried by the High Court to which the Magistrate commits.

EXPLANATION.—Offences created by local and special laws may be inquired into and tried in any place

place where the inquiry or trial might be held under the provisions of those laws or of this Act.

19. When a person is accused of the commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried in any district in which any such thing has been done, or any such consequence has ensued.

Accused
triable in dis-
trict where
act done, or
where conse-
quence
ensues.

Illustrations.

(a) A is wounded in district X and dies in district Z. The offence of the culpable homicide of A may be inquired into and tried either in X or Z.

(b) A is wounded in district X, and is, during twenty days, unable to follow his ordinary pursuits in district Y, where he is being treated. The offence of causing grievous hurt to A may be inquired into and tried either in X or Y.

(c) A is put in fear of injury in district X, and is thereby induced, in district Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into and tried either in X or Y.

20. When an act is an offence by reason of its relation to any other act which is also an offence, a charge of the first-mentioned offence may be inquired into and tried, either in the district in which it was committed, or in the district in which the other act was committed.

Place for
trial where
act is offence
by reason of
relation to
other offence.

Illustrations.

(a) A charge of abetment may be inquired into and tried, either in the district in which the abetment was committed, or in the district in which the offence abetted was committed.

(b) A charge of receiving or retaining stolen goods may be inquired into and tried, either in the district in which the goods were stolen, or in the district in which any of them were at any time dishonestly received or retained.

(c) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into and tried in the district in which the wrongful concealing, or in the district in which the kidnapping, took place.

(d) A, B, C and others combine together to abet the waging of war against the Queen. Any of the conspirators may be tried in any district in which acts were done by any one of the persons with whom he or they conspired, in pursuance of their original concerted plan and with reference to their common object.

21. When

Place for inquiry or trial where scene of offence is uncertain ;

21. When it is uncertain in which of several districts an offence was committed ; or

or offence not committed in one district only ;

where an offence is committed partly in one district and partly in another ; or

or offence is continuing ;

where an offence is a continuing one and continues to be committed in more districts than one ; or

or consists of several acts in different districts ;

where an offence consists of several acts done in different districts,

it may be inquired into and tried in any of such districts.

or offence is committed on journey or voyage.

An offence committed on a journey or voyage may be inquired into and tried in any district through or into which the person by whom the offence was committed, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

Being a thug or dacoit. Escaping from custody.

22. The offence of being a thug, or of having belonged to a gang of dacoits, or of having escaped from custody, may be inquired into and tried wherever the accused person happens to be when the complaint is made.

Criminal misappropriation and criminal breach of trust.

The offence of criminal misappropriation, or of criminal breach of trust, may be inquired into and tried, either in the district in which the property which is the subject of the offence was received by the accused person, or in any other district in which the offence was committed.

Murder as a thug, dacoity or dacoity with murder.

The offence of murder as a thug, dacoity or dacoity with murder, may be inquired into and tried wherever the person accused happens to be when arrested, or in any other district in which he might be tried under any other provision of this Act, or any other law relating to the trial of such offence.

Stealing cattle.

The offence of stealing an animal may be inquired into and tried either in the district in which such animal

animal was stolen, or in any other district through or into which it was conveyed.

23. Whenever any doubt arises as to the district in which any offence should be inquired into or tried, the High Court within whose jurisdiction the offender is apprehended may decide in which district the offence shall be inquired into or tried.

High Court to decide, in case of doubt, district where inquiry shall take place.

24. No sentence or order of any criminal Court shall be liable to be set aside merely on the ground that the inquiry or trial was held in a wrong district, unless it is proved, or appears, that the accused person in his defence, or the prosecutor in his prosecution, was actually prejudiced by such error, in either of which cases a new trial may be ordered.

Effect, on sentence, of holding investigation, inquiry or trial in wrong district.

CHAPTER IV.—OF THE COGNIZANCE OF OFFENCES.

25. A Presidency Magistrate may take cognizance of any offence—

When Presidency Magistrate may take cognizance of offences.

- (a) upon receiving a complaint by a private person,
- (b) upon information or report by a Police-officer,
- (c) upon information received under section 246,
- (d) if committed in his presence,
- (e) upon application under chapter V.

26. Any person acquainted with the facts of a case may make a complaint.

Who may make complaints.

27. On receipt of a complaint a Presidency Magistrate may, if the person complained of be not already in custody, proceed by summons or warrant to compel his appearance ;

Process to compel appearance.

and in the cases mentioned in section 25, clauses (b), (c), (d) and (e), the Presidency Magistrate may proceed as if he had received a complaint.

28. A complaint gives jurisdiction to a Presidency Magistrate—

Jurisdiction given by complaint.

- (a) to inquire into or try (as the case may be) any offence covered by the facts complained of, or disclosed on such inquiry or trial,

(b) to try or commit for trial (as the case may be) any person not complained against, but who, at the time when the complaint is made, or subsequently, appears to have committed any offence so disclosed, and

(c) to issue process for the arrest or to compel the appearance of such person.

Complaint or sanction required in certain cases.

29. Nothing in section 27 or 28 shall be held to authorize a Presidency Magistrate to take cognizance, without complaint, of any offence falling under chapters XIX, XX or XXI of the Indian Penal Code; nor without sanction to receive a complaint, or to take cognizance without complaint of any offence, where such complaint or offence, by any law in force for the time being, may not be received or taken cognizance of without sanction.

Magistrate to examine complainant.

30. Whenever a complaint is made to a Presidency Magistrate, such Magistrate, if he has jurisdiction in the case, shall examine the complainant; and such examination may be on oath or affirmation, or not, as the Magistrate in each case thinks fit:

Provided that the Magistrate, if he thinks fit, may, before the matter of the complaint is brought before him, require it to be reduced to writing.

Effect of omission to examine petitioner.

31. Where the complaint has been made by petition, and the Magistrate neglects to examine the complainant, the trial of the person accused shall not be set aside on this ground.

Dismissal of complaint.

32. The Magistrate before whom the complaint is duly made may, if, after examining the complainant, there is in his judgment no sufficient ground for proceeding, dismiss the complaint.

The dismissal of a complaint shall not prevent subsequent proceedings against the person complained against.

Issue of process.

33. If it appears to such Magistrate that there is sufficient ground for proceeding, he shall issue his summons or his warrant (as the case may be) for causing the accused person to appear before him.

34. When

34. When a complaint is made before a Presidency Magistrate having jurisdiction in the case, that any person has committed, or is suspected of having committed, any offence triable by such Magistrate and punishable with fine only, or with imprisonment for a period not exceeding six months, or with both, the Magistrate may (subject to the provisions of section 4) issue his summons directed to such person, requiring him to appear to answer the complaint, at a certain time and place, before such Magistrate as may then be there.

When summons may issue.

If the Magistrate believes that the accused person is about to abscond, he may, instead of issuing a summons, issue a warrant in the first instance for the arrest of such person.

35. When a complaint is made before a Presidency Magistrate having jurisdiction in the case that any person has committed, or is suspected of having committed,—

Where warrant or summons may issue on complaint.

(a) any offence triable by such Magistrate and punishable with imprisonment for a period exceeding six months, or

(b) any offence triable exclusively by the High Court, or which, in the opinion of such Magistrate, ought to be tried by the High Court,

such Magistrate may (subject to the provisions of section 4) issue his warrant to arrest such person, or, if he thinks fit, his summons directed to such person, requiring him to appear to answer the complaint at a certain time and place before such Magistrate as may then be there.

36. If the person served with a summons does not appear before the Magistrate at the time mentioned in such summons, and the Magistrate is satisfied that such summons was duly served in what he deems a reasonable time before the time therein appointed for appearing pursuant thereto,

Warrant to arrest, if summons not obeyed.

or if it appears to the Magistrate that, after due diligence,

diligence, the summons could not be served according to the provisions of this Act,

the Magistrate may issue his warrant to apprehend the accused person.

Magistrate may dispense with personal attendance of accused.

37. Whenever the Magistrate issues a summons, he may, if he sees sufficient cause, dispense with the personal attendance of the accused person, and permit him to appear by his advocate, attorney or pleader.

But such Magistrate may in his discretion, at any stage of the proceedings, direct the personal attendance of the accused person, and, if necessary, enforce such attendance by issuing a warrant to arrest him.

CHAPTER V.—OF PROSECUTIONS IN CERTAIN CASES.

Prosecutions for offences against the State.

38. A complaint of an offence punishable under chapter VI of the Indian Penal Code, except section 127, or punishable under section 294A of the same Code, shall not be received by any Presidency Magistrate, unless it be made by order of, or under authority from, the Governor General in Council or the Local Government, or some officer empowered by the Governor General in Council or the Local Government to order or authorize such complaint, or unless it be made by the Advocate General.

Prosecution of Judges and public servants.

39. A complaint of an offence of which any Judge or any public servant not removeable from his office without the sanction of the Government, is accused as such Judge or public servant, shall not be received by any Presidency Magistrate, except with the previous sanction or under the direction,

(a) of the Government, or

(b) of some officer empowered in this behalf by the Government, or

(c) of some Court or other authority to which such Judge or public servant is subordinate, and whose power so to sanction or direct such complaint has not been limited by the Government.

No such Judge or public servant shall, unless with the

the previous sanction of the Government, be prosecuted for any act purporting to be done by him in the discharge of his duty.

The Government may, in any case or class of cases, prescribe the person by whom, and the manner in which, the prosecution is to be conducted, and may specify the Court before which the trial shall be held.

In this section, the expression "Government" means either the Local Government or the Governor General in Council, and the expressions "Judge" and "public servant" have the meaning assigned to them respectively by the Indian Penal Code.

40. A complaint of any offence described in chapter X of the Indian Penal Code, not falling within section 175, 178, 179, 180 or 228 of that Code, shall not be received by any Presidency Magistrate, except with the sanction or on the complaint of the public servant concerned, or of his official superior.

41. A complaint of an offence against public justice, described in section 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 or 228 of the Indian Penal Code, when such offence is committed before or against a civil or criminal Court, shall not be received by any Presidency Magistrate, except with the sanction of the Court before or against which the offence was committed, or of some other Court to which such Court is subordinate.

42. A complaint of an offence relating to documents, described in section 463, 471, 475 or 476 of the Indian Penal Code, when the document has been given in evidence in any proceedings in any civil or criminal Court, shall not be received against any party to or witness in such proceedings, by any Presidency Magistrate, except with the sanction of the Court in which the document was given in evidence, or of some other Court to which such Court is subordinate.

43. The sanction referred to in sections 40, 41 and 42 respectively may be expressed in general terms, and need not name the accused person, and may be given at any time. But it shall, so far as practicable, specify the Court or other place in which, and the occasion

Power of Government as to prosecution.

Definition of "Government," "Judge" and "public servant."

Prosecution for contempt of the lawful authority of public servants.

Sanction to prosecution for certain offences against public justice.

Sanction to prosecution for certain offences relating to documents given in evidence.

Nature of sanction necessary.

occasion on which, the offence is alleged to have been committed.

A sanction under any one of the three last preceding sections shall be deemed sufficient authority for the Presidency Magistrate to alter the charge (if any) to one of an offence coming within either of the two remaining sections, if the facts disclose such offence.

Procedure in cases mentioned in section 40, 41 or 42.

44. When any civil, criminal or other Court inferior to a High Court is of opinion that there is sufficient ground for inquiring into any complaint mentioned in section 40, 41 or 42, such Court may either itself inquire into and commit the case for trial before the High Court, or may send the case for disposal to any Presidency Magistrate having jurisdiction.

The Court may send the accused person in custody, or take sufficient bail for his appearance, before such Magistrate; and may bind over any person to appear and give evidence in the case.

Nothing in this section shall prevent a Presidency Magistrate from disposing of cases under sections 172, 173, 174 and 175 of the Indian Penal Code where he himself is the public servant concerned.

Prosecution for adultery.

45. A complaint of an offence under section 497 of the Indian Penal Code shall be made only by the husband of the woman concerned, or by the other person (if any) under whose care she was living at the time when the adultery was committed.

Prosecution for enticing away married woman.

A complaint of an offence under section 498 of the Indian Penal Code shall be made only by the husband of the woman concerned, or by the person (if any) having the care of her on behalf of her husband at the time when the offence was committed.

Application to be deemed a complaint.

46. The application of the public servant or Court to a Presidency Magistrate to inquire into or try any case under this chapter shall be deemed a sufficient complaint.

CHAPTER VI.—OF THE SUMMONS AND WARRANT.

47. Every summons issued by a Presidency Magistrate to an accused person shall be in writing signed by such Magistrate, and shall be in the form (A) given in the third schedule to this Act, or to the like effect.

Form of summons.

48. If the accused person can be found, the summons shall be served on him personally, wherever he may be, by delivering or tendering the summons to him.

Summons how served.

Every person to whom a summons is delivered or tendered under this section shall, if required by the person delivering or tendering the same, sign a receipt therefor, or countersign a copy thereof.

49. If the accused person cannot be found, the summons may be served by leaving it for him with some adult male member or servant of his family residing with him; and the person with whom the summons is so left shall, if so required by the serving-officer, sign a receipt therefor, or countersign a copy thereof. If there is no such member or servant with whom the summons can be left, the serving-officer shall fix it on some conspicuous part of the house in which the accused person ordinarily resides, and thereupon the summons shall be deemed to have been duly served.

Service when accused cannot be found.

When the person summoned is in the service of Government or of any Railway Company, the Magistrate issuing the summons may send it to the head of the office in which the person summoned is employed; and such head shall thereupon cause the summons to be served in manner hereinbefore provided.

Service on servants of Government and Railway Companies.

50. When a summons issued by a Presidency Magistrate is to be served at any place outside the local limits of his jurisdiction, he may send the summons in duplicate to the Magistrate of the place where the accused resides or is, to be there served.

Service of summons outside Presidency-towns.

51. When a summons issued by a Presidency Magistrate is served outside such local limits as aforesaid, and also in cases where the person who has served the

Proof of service in such cases and when server not present.

same

same is not present at the hearing of the complaint, the service may be proved—

(a) by a solemn declaration, purporting to be made before a Magistrate, that such summons has been served, and such declaration may be endorsed on the duplicate summons and returned to the Magistrate who issued the summons, or

(b) by a copy of the summons purporting to be countersigned by the person to whom it is addressed, or

(c) by a receipt under section 48.

Provisions applicable to all summonses under Act.

52. The provisions relating to a summons, its issue and service, contained in sections 47 to 51 (both inclusive), shall be applicable to every summons issued under this Act.

Issue of warrant in addition to summonses.

53. A Presidency Magistrate may, notwithstanding the issue of a summons under this chapter, either before the appearance of the accused person as required by such summons, or after he fails so to appear, issue a warrant of arrest against him.

Summons or warrant for apprehension of person within jurisdiction for offence committed beyond.

54. A Presidency Magistrate may issue a summons for the attendance, or a warrant for the apprehension, of any person within the local limits of his jurisdiction, in respect of any offence alleged or suspected to have been committed by such person in a different district, or on the high seas, or in a foreign country: provided that if the offence were committed within such local limits, the Magistrate might issue a summons or warrant.

Magistrate's procedure on arrest, under his own warrant, for offence committed out of his jurisdiction.

55. On the attendance or apprehension of such person, if the Presidency Magistrate has not jurisdiction in the case, he shall either send such person to the Magistrate within the local limits of whose jurisdiction the offence is alleged to have been committed, or if the offence is bailable, take bail for his appearance before such Magistrate.

When the Presidency Magistrate cannot satisfy himself as to the Magistrate to whom the person so attending or arrested should be sent, he shall report the case for the orders of the High Court.

56. Every

56. Every warrant issued by a Presidency Magistrate shall be in writing under his hand, shall be directed to one or more Police-officers, and shall be in the form (B) given in the third schedule to this Act, or to the like effect.

Form and direction of warrant.

A warrant issued under this Act remains in force until it is cancelled by the Magistrate who issued it, or until it is executed.

Continuance of warrant.

57. A fee of eight annas shall be paid for every summons or warrant issued by a Presidency Magistrate, except in the case of a summons to attend and give evidence or to produce documents, in which case there shall be paid a fee of four annas :

Fees for summonses and warrants.

Provided that such Magistrate may in any case remit any such fee, if he is satisfied that the complainant is unable to pay the same, and shall remit it when the complaint is made by a public servant in the execution of his duty.

Power to remit fees.

58. A Presidency Magistrate, in issuing a warrant for the arrest of any person, may in his discretion direct by endorsement on the warrant, that if such person give sufficient bail as therein mentioned for his appearance before the Magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall take such bail, and shall release such person from custody.

When Magistrate may direct bail to be taken.

The endorsement shall state (a) the number of sureties, (b) the amount in which they and the accused person are to be respectively bound, and (c) the day on which he is to appear before the Magistrate.

If bail be taken, the officer to whom the warrant is directed shall forward the recognizance to the Presidency Magistrate.

Recognizance to be forwarded.

59. When a warrant is directed to more Police-officers than one, it may be executed by all, or by any one or more, of such officers.

Warrant to several persons.

60. A warrant directed to any Police-officer may also be executed by any other Police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

Execution of warrant by Police-officer other than the one addressed.

61. Any

Magistrate issuing warrant may superintend its execution.

61. Any Presidency Magistrate who issues a warrant of arrest may attend personally for the purpose of seeing that the warrant is duly executed.

Arrest in presence of Magistrate.

62. Any such Magistrate may also at any time direct the arrest, in his presence, of any person for whose arrest he may issue a warrant.

Where warrant may be executed.

63. A warrant issued by a Presidency Magistrate shall ordinarily be executed within the local limits of his jurisdiction.

But if the person against whom the warrant is issued goes into, or is in, any place outside such limits, the warrant may be executed in such place.

Execution of warrant outside issuing Magistrate's jurisdiction.

64. A Presidency Magistrate may direct a warrant to be executed outside the local limits of his jurisdiction, either with or without endorsement, by a Magistrate within the local limits of whose jurisdiction it is to be executed.

Such warrant shall ordinarily be endorsed by the Magistrate within the local limits of whose jurisdiction it is to be executed.

The warrant may be forwarded to such Magistrate for endorsement, either by post or by any Police-officer to whom it is directed.

The Magistrate to whom such warrant is forwarded by post shall endorse his name thereon and cause it to be executed within the local limits of his jurisdiction.

If the warrant is forwarded by a Police-officer to whom it is directed, he may take it either to a Magistrate, or to a Police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

Such Magistrate or Police-officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police-officer to whom the warrant is directed to execute the same within such limits, and the local police shall be bound to assist such officer in executing the warrant.

Whenever

Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or Police-officer within the local limits of whose jurisdiction the warrant is to be executed will prevent such execution, the Police-officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Magistrate who issued it.

65. If a warrant is executed, whether with or without endorsement, outside the district in which it was issued, the person arrested shall, unless the Presidency Magistrate who issued the warrant be within twenty miles, or be nearer than the Magistrate in whose local jurisdiction the arrest was made, or unless bail be taken under section 58, be brought before the Magistrate within the local limits of whose jurisdiction the arrest was made.

Procedure on execution of warrant outside issuer's jurisdiction.

Such Magistrate shall, if the person arrested appears to be the person intended by the Presidency Magistrate, direct his removal in custody to such Magistrate, unless such person is then ready and willing to give the bail (if any) required under section 58, in which case the Magistrate before whom he is so brought shall accept such bail and forward the recognizance to the Presidency Magistrate.

66. Every Magistrate or Police-officer to whom a warrant under this Act is directed for execution shall execute the same, or cause it to be executed.

Duty of Magistrate and Police-officer as to warrants.

67. If a Presidency Magistrate having jurisdiction in the case has reason to believe that any person accused of an offence not coming within section 34 is absconding or concealing himself, so that a warrant issued against him under this Act cannot be executed, such Magistrate may issue a written proclamation, requiring him to appear to answer the complaint within a fixed period not less than thirty days from the date of publishing the proclamation.

Proclamation for person absconding.

Such proclamation shall be published as follows—

(a) it shall be publicly read in some conspicuous place of the town or village in which the accused person usually resides;

Proclamation how published.

(b) it

(b) it shall be affixed to some conspicuous part of his ordinary place of abode, or some conspicuous place of such town or village; and

(c) a copy thereof shall be affixed to some conspicuous part of such Magistrate's Court-house.

Evidence of publication.

A statement by the Magistrate to the effect that the proclamation was duly published shall be conclusive evidence of compliance with the requirements of this section.

Attachment of property of person absconding.

68. A Presidency Magistrate may order the attachment of any property, moveable or immovable, belonging to any person believed to be absconding or concealing himself.

Such order shall authorize the attachment of any property within the local limits of the jurisdiction of the Magistrate making the order; and it shall authorize the attachment of any property without such local limits when endorsed by the Magistrate of the district in which such property is situate.

If the property ordered to be attached be immovable, the attachment under this section shall, in the case of land paying revenue to Government, be made through the Collector of the district in which the land is situate, and, in all other cases, (a) by seizure under the order of the Magistrate having jurisdiction; or (b) by the appointment of a manager and receiver; or (c) by an order prohibiting the payment of rent to the absent person; or by all or any two of such processes as such Magistrate deems proper.

If the person so believed to be absconding or concealing himself does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government, but shall not be sold until the expiration of six months from the date of the attachment, unless it is of a perishable nature, or such Magistrate considers that the sale would be for the benefit of the owner, in either of which cases the Magistrate may cause it to be sold whenever he thinks fit.

Restoration of forfeited property.

69. When any person whose property is or has been at the disposal of Government under the last paragraph

paragraph of section 68 appears or is found within two years from the date of the attachment, and proves to the satisfaction of the Magistrate by whose order the property was attached that he did not abscond or conceal himself for the purpose of evading justice, such property, or, if the same has been sold, the nett proceeds of the sale, or if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

CHAPTER VII.—OF BAIL.

70. Every person arrested under this Act shall be kept in custody until he is discharged by the order of a competent Court, or until he is admitted to bail.

Custody of person arrested.

When any person appears or is brought before a Presidency Magistrate accused of any bailable offence, such person shall be admitted to bail: Provided that, in cases punishable with fine only, or with imprisonment for a term not exceeding six months, or with both, the Magistrate may discharge him on his binding himself by a personal recognizance in such sum of money as the Magistrate thinks sufficient, to appear and attend at the time and place therein mentioned, and to continue so to attend until otherwise directed by the Magistrate.

When bail shall be taken.

71. When any person accused of any non-bailable offence appears or is brought before a Presidency Magistrate, such person shall not be admitted to bail, if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

When bail shall not be taken.

If the evidence given in support of the complaint is, in the opinion of the Magistrate, not such as to afford such grounds,

Admission to bail pending inquiry.

or if such evidence is adduced on behalf of the accused person as, in the opinion of the Magistrate, weakens the presumption of his guilt,

but

but there appears to the Magistrate, in either of such cases, to be sufficient ground for further inquiry into his guilt,

the accused person shall be admitted to bail pending such inquiry.

Warrant for intermediate custody.

But if the Magistrate decide not to admit the accused person to bail, he shall commit him to custody by a warrant in the form (C) given in the third schedule hereto annexed, or to the like effect.

Any Presidency Magistrate may, at any subsequent stage of any proceeding under this Act, cancel the admission under this section of any accused person to bail, and may commit him to custody, or may admit to bail any person who has been committed to custody under this section.

Recognizance of accused and sureties.

72. When any person accused before a Presidency Magistrate of any offence is admitted to bail, a recognizance, in such sum of money as the Magistrate thinks sufficient, shall be entered into by the person so accused and one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the recognizance, and shall continue so to attend until otherwise directed by the Magistrate, and, if required, shall appear when called upon at the High Court, to answer the charge.

It is the duty of the Presidency Magistrate or other officer accepting bail to satisfy himself that every surety entering into such recognizance is a person of whom it may reasonably be presumed that he can, if necessary, satisfy its terms.

Every such recognizance shall be in the form (D) given in the third schedule hereto annexed, or to the like effect.

Discharge on bail.

73. After the recognizance has been entered into, the Presidency Magistrate, in case the accused person has appeared voluntarily or is in the custody of some officer, shall thereupon release him; and in case he is in some jail, shall issue a warrant of release to the officer in charge of the jail, and such officer shall thereupon release him.

74. If

74. If the accused person cannot find sufficient bail when permitted so to do, he may, if the Presidency Magistrate thinks fit, be admitted to bail upon finding the same at any time afterwards before conviction.

Admission to bail after failure in first instance.

75. If, through mistake or fraud, insufficient bail have been taken, or if the bail become afterwards insufficient, the Presidency Magistrate may issue his warrant of arrest directing that the accused person be brought before him and may order such person to find sufficient bail, and on his failing so to do may commit him to prison.

Power to order sufficient bail when that first taken is insufficient.

76. The sureties for the attendance and appearance of an accused person admitted to bail may, at any time, apply to a Presidency Magistrate to discharge their recognizance.

Discharge of sureties.

On such application being made, the Magistrate shall issue his warrant of arrest, directing that the accused person be brought before him.

On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the recognizance of the sureties to be discharged, and shall call upon the accused person to find other sufficient sureties, and if he fail to do so, may commit him to prison.

77. Whenever, by reason of default of attendance or appearance of the person bailed, a Presidency Magistrate is of opinion that proceedings should be had to recover the penalty mentioned in the recognizance into which such person has entered, he shall proceed to recover the same, by issuing a warrant for the attachment and sale of the moveable property belonging to such person, which may be found within the local limits of the jurisdiction of such Magistrate.

Procedure to compel payment of penalty by accused.

Such warrant may be executed within such limits, and it shall authorize the distress and sale of any moveable property belonging to the accused person without such limits, when endorsed by the Magistrate within the local limits of whose jurisdiction such property is found.

78. Whenever,

Procedure to compel payment of penalty by sureties.

78. Whenever, by reason of default of attendance or appearance of the person bailed, the Presidency Magistrate is of opinion that proceedings should be had to recover from the sureties the penalty mentioned in the recognizance, he shall give them notice to pay the same, or to show cause why it should not be paid.

If such penalty be not paid, and if no sufficient cause for its non-payment be shown, the Presidency Magistrate shall proceed to recover the penalty from such sureties, by issuing a warrant for the attachment and sale of any moveable property belonging to them, or either of them, which may be found within the local limits of the jurisdiction of such Magistrate. Such warrant may be executed within such limits ; and it shall authorize the attachment and sale of any moveable property belonging to the sureties, or either of them, without such limits, when endorsed by the Magistrate within the local limits of whose jurisdiction such property is found.

If such penalty be not paid and cannot be recovered by such attachment and sale, such sureties shall be liable to confinement, by order of the Presidency Magistrate, in the civil jail, during a period not exceeding six months.

In what cases powers given by sections 77 and 78 may be exercised.

79. The powers given by sections 77 and 78 may be exercised by every Presidency Magistrate in every case in which a recognizance has been given for the appearance of any person, if default is made by the non-appearance of such person before such Magistrate, according to the conditions of the recognizance :

Remission of part of penalty.

Provided that the Magistrate may, at his discretion, remit any portion of the penalty mentioned in any such recognizance and enforce payment in part only.

Deposit instead of bail.

80. When any person is required by a Presidency Magistrate to give bail, such Magistrate may permit him to deposit a sum of money or Government promissory notes to such amount as the Magistrate may fix in lieu of such bail.

CHAPTER VIII.—OF INQUIRY INTO CASES TRIABLE
BY THE HIGH COURT.

81. Cases triable by a High Court in the exercise of its ordinary original criminal jurisdiction, or which, in the opinion of the Presidency Magistrate before whom the accused person is brought, ought to be tried by such Court, shall be inquired into by a Presidency Magistrate; and in such inquiry he shall adopt the following procedure.

Procedure in preliminary inquiries.

82. When the accused person appears or is brought before the Magistrate, or if his personal attendance is dispensed with, after reasonable notice to his advocate, attorney or pleader, the Magistrate shall, at such time as he thinks fit, take the evidence of the complainant and of such persons as are stated by the complainant to have any knowledge of the facts which form the subject-matter of the accusation and the attendant circumstances.

Examination of complainant and witnesses for prosecution.

Such evidence shall be recorded in the manner described in clauses 3, 4 and 5 of section 115.

83. The complainant and the witnesses for the prosecution shall be examined in the presence of the accused person, or, when his personal attendance is dispensed with, of his advocate, attorney or pleader (if any).

Examination to be in presence of accused.

The Magistrate may, in his discretion, summon or examine any witness offered on behalf of the accused person to answer or disprove the evidence against him.

Power to summon and examine witness for accused.

84. Whenever an accused person is examined in the course of a preliminary inquiry into a case triable by the High Court, the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers.

Examination of accused how recorded.

When the whole is made conformable to what he declares is the truth, the examination shall be attested by the signature of the Magistrate, who shall certify

under

under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the statement made by the accused person.

Power of Magistrate to summon and examine any person.

85. The Magistrate may, at any stage of the proceedings, summon and examine any person whose evidence he considers essential to the inquiry, and recall and re-examine any person already examined.

Adjournment of inquiry and remand.

86. If, from the absence of a witness or from any other reasonable cause, it becomes necessary or advisable to adjourn the inquiry, the Magistrate may, by a written order, from time to time adjourn the inquiry on such terms as he thinks fit and remand the accused person for a reasonable time, not exceeding fifteen days.

EXPLANATION.—After commencing the inquiry, if sufficient evidence has been obtained to raise a suspicion that the person accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

When accused person to be discharged.

87. When a Presidency Magistrate finds that there are not sufficient grounds for committing the accused person for trial before the High Court, or for remanding him, he shall discharge him, unless it appears to the Magistrate that such person should be tried before himself, in which case he shall proceed accordingly.

EXPLANATION I.—The absence of the complainant, except when the offence may lawfully be compounded, shall not be deemed sufficient ground for a discharge, if there appear other evidence of a nature rendering a trial desirable.

EXPLANATION II.—A discharge is not equivalent to an acquittal, and does not bar the revival of a prosecution for the same offence.

EXPLANATION III.—An order of discharge shall not ordinarily be made until the evidence of the witnesses named for the prosecution has been taken.

When accused to be committed for trial.

88. When evidence has been given before a Presidency Magistrate, which appears to justify him in committing the accused person for trial for an offence triable

triable exclusively by the High Court, or which, in the opinion of the Magistrate, ought to be tried by such Court, the accused person shall be committed for trial accordingly.

89. When the Magistrate determines to commit the accused person for trial before the High Court, he shall, after the evidence has been recorded, frame a charge under his hand, declaring with what offence the accused person is charged, and (subject to the provisions of the High Courts' Criminal Procedure Act, 1875) committing him for trial by such Court on such charge.

Framing of charge on which accused is to be tried before High Court.

All such charges shall be drawn up in accordance with the provisions of chapter IX.

Pending such trial, the Magistrate may commit the accused person to custody by warrant in the form (E) given in the third schedule hereto annexed, or to the like effect, or may in case of a bailable offence release him on bail; and the charge, the record of the enquiry, and any weapon or other article necessary to produce in evidence shall be sent to the Clerk of the Crown or other officer appointed in this behalf by the High Court.

Form of commitment.

Charge, &c., to be forwarded to High Court.

When the accused person is committed for trial before the High Court, the Magistrate shall issue an order to such person as may be appointed by the Local Government in this behalf, notifying the commitment, and stating the offence in the same form as the charge, unless the Magistrate is satisfied that such person is already aware of the commitment and the form of the charge.

Commitment when to be notified.

90. As soon as the charge on which the accused person is to be tried has been prepared, it shall be read and explained to him; and a copy thereof shall be furnished to him, if he so require.

Charge to be explained, and copy furnished, to accused.

91. The accused person shall be required at once to give in, orally or in writing, a list of the persons whom he wishes to be summoned to give evidence on his trial before the High Court.

List of witnesses for defence on trial before High Court.

The

The Magistrate may, if he thinks proper, summon all or any such persons to attend and give evidence at the enquiry; and if he does so, the commitment shall not be considered to have been made until such evidence has been taken.

Further list.

The Magistrate may in his discretion allow the accused person to give in any further list of witnesses at a subsequent time.

Power to summon supplementary witnesses.

The Magistrate may summon and examine supplementary witnesses after commitment and before the commencement of the trial. Such examination shall, if possible, be taken in the presence of the accused person.

Nothing in this section shall be deemed to preclude the accused person from giving at any time before his trial before the High Court to the Clerk of the Crown a further list of the persons whom he wishes to be summoned to give evidence on such trial.

Summons to witnesses when accused person is committed.

92. When the person accused has been committed for trial, and has given in any list of the persons referred to in section 91, the Magistrate may either summon such persons to appear before the High Court, or leave them to be summoned by the Clerk of the Crown.

Recognizances of complainants and witnesses.

93. Complainants and witnesses for the prosecution and defence whose attendance before the High Court is necessary, and who appear before the Presidency Magistrate, shall execute before him recognizances in the form (F) given in the third schedule to this Act, or to the like effect, to be in attendance when called upon at the High Court, to prosecute or to give evidence, as the case may be.

Detention in custody in case of refusal to attend or to execute recognizance.

If any complainant or witness refuses to attend before the High Court, or to execute the recognizance above directed, the Presidency Magistrate may detain him in custody until he executes such recognizance, or until his attendance at the High Court is required, when the Magistrate shall send him in custody to the High Court.

CHAPTER IX.—OF THE CHARGE.

Form of Charges.

94. Every charge under this Act shall state the offence with which the accused person is charged.

Charge to state offence.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

Specific name of offence sufficient description.

If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused person notice of the matter with which he is charged.

How stated where offence has no specific name.

The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

The fact that the charge is made shall be equivalent to a statement that every legal condition, necessary by law to constitute the offence charged, was fulfilled in the particular case.

What implied in charges.

The charge shall be written in English. If English is not understood by the accused person, the charge shall be interpreted to him in a language which he understands.

Language of charge.

If the accused person has been previously convicted of any offence punishable under chapter XII or chapter XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, or of any other offence mentioned in section 3 or section 4 of Act No. VI of 1864 (*to authorize the punishment of whipping in certain cases*), and if it is intended to prove such previous conviction for the purpose of affecting the punishment which is to be awarded, the fact of the previous conviction must be stated in the charge. If such statement is omitted, it may be added at any time before sentence is passed, but not afterwards.

Previous conviction when to be set out.

Illustrations.

(a.) A is charged with the murder of B.

This is equivalent to a statement that A's act fell within the definition of murder given in sections 299 and 300 of the

Indian

Indian Penal Code; that it did not fall within any of the general exceptions of the Penal Code; and that it did not fall within any of the five exceptions to section 300, or that, if it did fall within exception 1, one or other of the three provisos to that exception applied to it.

(b.) A is charged, under section 326 of the Indian Penal Code, with voluntarily causing grievous hurt to B, by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 335 of the Indian Penal Code, and that the general exceptions did not apply to it.

(c.) A is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion, or adultery, or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Indian Penal Code; but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

(d.) A is charged, under section 184 of the Indian Penal Code, with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

Particulars
as to time,
place and
person.

95. The charge shall contain such particulars as to the time and place of the alleged offence and the person against whom, or the thing in respect of which, it was committed, as are reasonably sufficient to give notice to the accused person of the matter with which he is charged.

When
manner of
committing
offence must
be stated.

96. When the nature of the case is such that the particulars mentioned in sections 94 and 95 do not give sufficient notice to the accused person of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

Illustrations.

(a.) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(b.) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(c.) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

(d.) A

(d.) A is accused of obstructing B, a public servant, in discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(e.) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

(f.) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

97. The charge may be in the form given in the third schedule to this Act or to the like effect. Form of charge.

98. No error, either in the way in which the offence is stated, or in the particulars required to be stated in section 96, and no omission to state the offence, or to state those particulars, shall be regarded at any stage of the case as material, unless the person accused was in fact misled by such error or omission. Effect of errors.

Illustrations.

(a.) A is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit;" the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(b.) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(c.) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(d.) A is charged with the murder of Khodá Baksh on the 21st January. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the

case

case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(e.) A was charged with murdering Haidar Baksh on the 20th January and Khodá Baksh (who tried to arrest him for that murder) on the 21st January. When charged for the murder of Haidar Baksh, he was tried for the murder of Khodá Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

Prisoner
may apply
for amend-
ment.

99. Any accused person may apply to a Presidency Magistrate for an amendment of the charge made against him; and in considering whether any error in a charge did in fact mislead the accused person, the Magistrate shall take into account the fact that he did or did not make such an application.

Magistrate
may alter
charge.

100. A Presidency Magistrate may, upon the application of the accused person, or of the complainant, or upon his own motion, alter any charge at any stage of the proceedings before judgment is pronounced.

Every such alteration shall be read and explained to the accused person.

When trial
may proceed
immediately
after altera-
tion.

101. If the alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Presidency Magistrate, to prejudice the accused person in his defence, the Magistrate may in his discretion, after making such alteration, proceed with the trial as if the altered charge had been the original charge.

When new
trial may be
directed or
trial suspend-
ed.

102. If the alteration is such that proceeding immediately with the trial is likely, in the opinion of the Presidency Magistrate, to prejudice the accused person in his defence, the Magistrate may either direct a new trial, or suspend the trial for such period as may be necessary to enable the accused person to make his defence to the altered charge; and, after hearing his defence, the Magistrate may further adjourn the trial, to admit of the appearance of any witness whose evidence the Magistrate may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

Adjournment.

103. In all cases of alteration of a charge, the complainant and accused person shall be allowed to recall and examine with reference to such alteration any witness who may have been examined.

Recall of witnesses when charge altered.

104. If the offence stated in the altered charge be one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the altered charge is founded.

Stay of proceedings if prosecution of offence in altered charge require previous sanction.

Joinder of Charges.

105. There must be a separate charge for every distinct offence of which any person is accused, and every such charge must be tried separately, except in the cases hereinafter excepted.

Separate charges for distinct offences.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

106. When a person is accused of more offences than one of the same kind, committed within one year of each other, he may be charged with, and tried at the same time for, any number of them not exceeding three.

Several offences of same kind committed within a year of each other.

107. I.—If in one series of acts, so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with and tried for every such offence at the same time.

I.—Trial of more than one offence.

II.—If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being, by which offences are defined or punished, the person accused of them may be charged with each of the offences so committed; but he must not receive a more severe punishment than could be inflicted for any of such offences.

II.—One offence falling within two definitions.

III. If

III.—Acts severally constituting more than one offence, but collectively coming within one definition.

III. If several acts, of which one or more than one would by itself constitute an offence, form, when combined, a different offence, the person accused of them may be charged with every offence, or any of the different offences, which he may have committed; but he must not receive for such offences, collectively, a punishment more severe than that which might have been inflicted for any one of such offences.

Illustrations.

to paragraph I—

(a) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be separately charged with, convicted of, and punished for, offences under sections 225 and 333 of the Indian Penal Code.

(b) A has in his possession several seals knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Indian Penal Code. A may be separately charged with, convicted of, and punished for, the possession of each seal, under section 473 of the Indian Penal Code.

(c) A, with intent to cause injury to B, institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding. A also falsely accuses B of having committed an offence, knowing that there is no just or lawful ground for such charge. A may be separately charged with, convicted of, and punished for, two offences under section 211 of the Indian Penal Code.

(d) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with, convicted of, and punished for, offences under sections 211 and 194 of the Indian Penal Code.

(e) A, knowing that B, a female minor, has been kidnapped in order that she may be subjected to grievous hurt, wrongfully confines her and detains her against her will as a slave. A may be separately charged with, convicted of, and punished for, offences under sections 368 (read with 367) and 370 of the Indian Penal Code.

(f) A, with six others, commits the offences of rioting, grievous hurt, and of assaulting a public servant endeavouring, in the discharge of his duty as such, to suppress the riot. A may be separately charged with, convicted of, and punished for,

offences

offences under sections 147 and 325 and 152 of the Indian Penal Code.

(g) A threatens B, C and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, convicted of, and punished for, each of the three offences, under section 506 of the Indian Penal Code.

(h) A intentionally causes the death of three persons by upsetting a boat. A may be separately charged with, convicted of, and punished for, each of the three offences under section 302 of the Indian Penal Code.

The separate charges referred to in illustrations (a) to (h) respectively may be tried at the same time.

to paragraph II—

(i) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code; but the Presidency Magistrate who tries him may not inflict a more severe punishment than if he had convicted him under section 323 only.

(j) A wrongfully kills a buffalo worth sixty rupees belonging to B, and then moves the carcass in order to take it dishonestly out of B's possession without B's consent. A may be separately charged with, and convicted of, offences under sections 429 and 379 of the Indian Penal Code; but the Presidency Magistrate who tries him may not inflict a more severe punishment than if he had convicted him under section 429 only.

(k) Several stolen sacks of corn are made over to A and B who know they are stolen property. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414 of the Indian Penal Code; but the Presidency Magistrate who tries them may not inflict a severer punishment than if he had convicted them under one of those sections only.

(l) A dishonestly uses a forged document as genuine evidence, in order to convict B, a public servant, of an offence under section 167 of the Indian Penal Code. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code; but the Presidency Magistrate who tries him may not inflict a severer punishment than if he had convicted him under one of those sections only.

to paragraph III—

(m) A commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with B's wife. A may be separately charged with, and convicted

victed of, offences under sections 454 and 497 of the Indian Penal Code; but the Presidency Magistrate who tries him may not inflict a severer punishment than if he had convicted him under section 497 only.

(n) A commits robbery on B, and, in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code; but the Presidency Magistrate who tries him may not inflict a severer punishment than if he had convicted him under section 392 or 394 only.

(o) A entices B, the wife of C, away from C, with intent to commit adultery with B, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497 of the Indian Penal Code; but the Presidency Magistrate who tries him may not inflict a severer punishment than if he had convicted him under section 497 only.

Where it is doubtful what offence has been committed.

108. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused person may be charged with having committed all or any of such offences; and any number of such charges may be tried at once, or he may be charged in the alternative with having committed some one of the said offences.

Illustration.

A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust, or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust, and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust, or cheating.

When a person is charged with one offence, he can be convicted of another.

109. If, in the case mentioned in the last preceding section, one charge only is brought against an accused person, and it appears in evidence that he committed a different offence, for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

Illustration.

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods.

goods. He may be convicted of criminal breach of trust, or of receiving stolen goods (as the case may be), though he was not charged with such offence.

110. When a person is charged with an offence, and part of the charge is not proved, but the part which is proved amounts to a different offence, he may be convicted of the offence which he is proved to have committed, though he was not charged with it.

When offence proved included in offence charged.

Illustrations.

(a) A is charged, under section 407 of the Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(b) A is charged with murder. He may be convicted of culpable homicide, or of causing death by negligence.

111. When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together, or separately, as the Presidency Magistrate thinks fit, and the provisions contained in the former part of this chapter shall apply to all such charges.

What persons may be charged and tried jointly or separately.

Illustrations.

(a) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(b) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(c) A and B are both charged with a theft, and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

112. When more charges than one are made against the same person, and when a conviction has

been

Withdrawal of remaining charges on conviction on one of several charges.

been had on one or more of them, the complainant, or the Government Solicitor or other officer conducting the prosecution, may, with the consent of the Presidency Magistrate, withdraw, or such Magistrate of his own accord may suspend the inquiry into, or trial of, the remaining charge or charges.

Previous Acquittals or Convictions.

Person once convicted or acquitted not to be tried for same offence.

113. A person who has once been tried for an offence and convicted or acquitted of such offence, shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 108, or for which he might have been convicted under section 109.

A person convicted or acquitted of any offence may be afterwards tried for any offence for which a separate charge might have been made against him on the former trial under section 107, paragraph one.

A person acquitted or convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that for which he was acquitted or convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was acquitted or convicted.

A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts, which he may have committed, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Illustrations.

(a) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(b) A

(b) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed: he may afterwards be charged with, and tried for, robbery.

(c) A is tried for an assault and convicted. The person assaulted afterwards dies. A may be tried again for culpable homicide.

(d) A is tried, under section 270 of the Indian Penal Code, for malignantly doing an act likely to spread the infection of a disease dangerous to life, and is acquitted. The act so done afterwards causes a person permanently to lose his eyesight. A may be charged, under section 325 of the same Code, with voluntarily causing grievous hurt to that person.

(e) A is charged by a Presidency Magistrate with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B, on the same facts, unless the case comes within paragraph three of this section.

(f) A is charged by a Presidency Magistrate with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(g) A, B and C are charged by a Presidency Magistrate with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity on the same facts.

CHAPTER X.—OF THE TRIAL OF CASES BY PRESIDENCY MAGISTRATES.

114. The following procedure shall be observed Procedure in
trial of cases. in the trial of cases by Presidency Magistrates.

In every such case the Magistrate shall record the following particulars:

- (a) the serial number,
- (b) the date of the commission of the offence,
- (c) the name of the complainant,
- (d) the name of the accused person,
- (e) the offence complained of or proved,
- (f) the prisoner's plea,

(g) the

- (g) the final order;
- (h) the date of such order.

Record of evidence.

115. No Presidency Magistrate shall impose a fine exceeding two hundred rupees or imprisonment for a term exceeding six months, unless he has recorded the evidence of the witnesses.

Sentences passed under section 13 on the same occasion shall, for the purposes of this section, be considered as one sentence.

Where the Magistrate records such evidence, it shall be sufficient either to take it down with his own hand or to cause it to be taken down in writing from his dictation in open Court. All evidence so taken down shall be signed by the Magistrate and shall be part of the record.

Evidence so taken down shall ordinarily be taken in the form of a narrative, but the Magistrate may in his discretion take down, or cause to be taken down, any particular question or answer.

Every Magistrate recording the evidence of a witness shall record such remarks as he thinks material respecting the demeanour of such witness while under examination.

Charge when dispensed with.

116. In cases punishable with fine only, or with imprisonment for a term not exceeding six months, or with both, no formal charge need be made against the accused person; and the Magistrate may convict him of any offence punishable with fine only or with imprisonment for a term not exceeding six months, or with both, and which, from the facts proved, he appears to have committed.

Charge when necessary.

In cases in which the Magistrate has power to impose imprisonment for a term exceeding six months, there shall be a formal charge against the accused person.

All charges under this section shall be drawn up by the Magistrate in accordance with the provisions of chapter IX.

117. Neither

117. Neither the complaint nor the process issued thereon shall be regarded otherwise than as notice to the accused person of the facts to be inquired into. No defect in the complaint or process shall invalidate the proceedings, unless it appears that the accused person was actually misled by such defect; and, in considering whether or not he was so misled, the Magistrate shall have regard to the manner in which the accused person conducted his defence.

Effect on proceedings of defect in complaint or process.

118. If upon the day appointed for the appearance of the accused person, or any day subsequent thereto on which the case may be called on, the complainant does not appear, the Magistrate shall dismiss the complaint, unless he thinks fit to adjourn the hearing of the same to some other day. Such adjournment shall be made upon such terms as the Magistrate thinks fit.

Dismissal or adjournment on non-appearance of complainant.

119. On the appearance of both parties on the day fixed for the trial, the substance of the complaint shall be stated to the accused person, and he shall be asked if he has any cause to show why he should not be convicted.

Procedure on appearance of parties.

120. If the accused person admit the truth of the complaint, his admission shall be recorded, and if he shows no sufficient cause why he should not be convicted, the Magistrate may convict him accordingly.

Conviction on admission of truth of complaint.

121. If the accused person does not admit the truth of the complaint, the Magistrate shall proceed to hear the complainant and such witnesses as he produces in support of his complaint, and also to hear the accused person and such witnesses as he produces in his defence.

Procedure when no such admission is made.

122. Whenever any charge is drawn up under this Act, it shall be drawn up as soon as the Magistrate is of opinion that a *prima facie* case has been established against the accused person, and shall be read and explained to the accused person, and he shall be asked whether he is guilty or has any defence to make.

Charge when drawn up.

123. If the accused person be examined, the procedure prescribed in section 84 shall be followed.

Procedure on examining accused.

124. Before

Adjournment.

124. Before or during the hearing of any complaint, the Magistrate may, in order to secure the attendance of witnesses or for any other reason, adjourn the hearing, on such terms as he thinks fit, to a day to be then appointed and stated in the presence of the parties.

If on the day to which such hearing or such further hearing has been so adjourned, the accused person does not appear, the Magistrate may issue his warrant for the arrest of such person.

If on such day the complainant does not appear, the Magistrate may dismiss the complaint.

Withdrawal of complaint.

125. If a complainant, at any time before a final order is passed in any case punishable with fine only or with imprisonment for a term not exceeding six months, or with both, satisfies the said Magistrate that there are sufficient grounds for permitting him to withdraw his complaint, the Magistrate may permit him to do so.

The withdrawal under this section of a complaint shall operate as an acquittal of the accused person.

Acquittal.

126. If the Magistrate, in any case tried under this chapter, finds the accused person not guilty, he shall record an order of acquittal.

Sentence.

If the accused person is convicted, the Magistrate shall pass sentence upon him; and, in all cases in which the Magistrate inflicts imprisonment, or fine exceeding two hundred rupees, or both, he shall add to the final order mentioned in section 114, clause (g), a, brief statement of the reasons for the conviction.

When the personal attendance of the accused person during the trial has been dispensed with, the sentence of the Magistrate shall be pronounced in his presence, except where the sentence is for fine only, in which case it may be pronounced in the presence of the accused person's advocate, attorney or pleader.

Procedure when, after commencement of trial, Magistrate finds case beyond his jurisdiction.

127. If in the course of any trial before a Presidency Magistrate, it appears that the case is one which he has not jurisdiction to try, or one which, in his opinion, ought to be tried by the High Court, he shall

shall stop further proceedings under this chapter, and shall either forward the case to the Magistrate having jurisdiction, or commit the accused person, in accordance with the provisions of chapter VIII, to the High Court for trial.

128. Whoever, having been convicted of an offence punishable under chapter XII or chapter XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall ordinarily, if the Presidency Magistrate considers him an habitual offender, be committed to the High Court.

Trial of persons previously convicted of offences against coinage, stamp-law or property.

General Provisions as to Inquiries and Trials.

129. A Presidency Magistrate inquiring into or trying any case may permit any person to conduct the case as prosecutor; but no person other than the Advocate-General, Standing Counsel, Government Solicitor or other officer generally or specially empowered by the Local Government in this behalf shall be entitled to do so without such permission.

Permission to conduct prosecution.

Any person conducting the case may do so personally or by an advocate, attorney or pleader.

130. Every person accused before a Presidency Magistrate of an offence, may of right be defended by any advocate, attorney or pleader.

Right of accused to be defended.

131. If an accused person, though not insane, cannot be made to understand the proceedings, the Magistrate may proceed with the inquiry or trial; and if such inquiry results in a committal, or if such trial results in a conviction, the proceedings shall be forwarded to the High Court, with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

Procedure where accused does not understand proceedings.

132. The place in which the Court of a Presidency Magistrate is held for the purpose of inquiring into or trying any offence, shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them :

Presidency Magistrates' Courts to be open.

Provided

Provided that the Magistrate may, if he thinks fit, order at any stage of any inquiry into or trial of any particular case, that the public generally, or any particular person, shall not have access to, or be, or remain in, the room or building used by the Magistrate.

Compound-
ing offences.

133. In the case of offences which may lawfully be compounded, the injured person may compound the offence out of Court, or in Court with the permission of the Presidency Magistrate. Such composition shall have the effect of an acquittal of the accused.

CHAPTER XI.—OF EVIDENCE.

A.—Of securing the Attendance of Witnesses.

Power to
summon ma-
terial witness
or examine
person
present.

134. Any Presidency Magistrate may, at any stage of any proceeding, inquiry or trial under this Act, summon, in manner provided by chapter VI, any witness, or examine any person in attendance though not summoned as a witness; and the Magistrate shall summon and examine such person if his evidence appears essential to the just decision of the case.

When war-
rant of ar-
rest may
issue in first
instance.

135. If a Presidency Magistrate has reason to believe that any witness whose attendance is required will not attend to give evidence without being compelled to do so, he may, instead of issuing a summons, issue a warrant of arrest in the first instance.

Arrest of
person dis-
obeying
summons.

136. If any person summoned under this Act to give evidence neglects or refuses to appear at the time and place appointed by the summons, and no reasonable excuse is offered for such neglect or refusal, the Presidency Magistrate, upon proof of the summons having been duly served, may issue a warrant under his hand to bring such person before him to testify as aforesaid.

Procedure
when war-
rant cannot
be served.

137. If such warrant cannot be executed, and the Magistrate has reason to believe that the witness absconds or conceals himself for the purpose of preventing the execution thereof, he may issue a notice, requiring the attendance of such witness to give evi-
dence

dence at a time and place to be named therein, and such notice shall be affixed to some conspicuous part of such witness' ordinary place of abode, or, if he has no such abode, of the Magistrate's Court.

If the witness does not attend at the time and place so named, the Magistrate may order the attachment of any moveable property belonging to such witness, equal in value, as nearly as may be, to the amount of the costs of attachment and of any fine to which the witness may be liable under the provisions of section 172 of the Indian Penal Code.

138. The provisions of section 68 and section 69, as to the attachment, sale and restoration of moveable property, shall apply to all property ordered to be attached under section 137.

Attachment, &c., of property ordered to be attached under section 137. Power to order prisoner in jail to be brought up for examination.

139. Notwithstanding anything contained in the Prisoners' Testimony Act, 1869, any Presidency Magistrate desirous of examining, as a witness or accused person, in any case pending before him, any person confined in any jail within the local limits of his jurisdiction, may issue an order to the officer in charge of the said jail requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Magistrate for examination.

The officer so in charge, on receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from the jail for the purpose aforesaid.

140. The Presidency Magistrate may require complainants and witnesses for the prosecution and defence whose attendance before him is necessary, to execute recognizances, in the form (F) given in the third schedule to this Act, or to the like effect, to be in attendance when called upon to prosecute or give evidence, as the case may be.

Power to require complainants, &c., to execute recognizances.

141. If any witness summoned or brought before a Presidency Magistrate refuses to answer such questions as are put to him, without offering any reasonable excuse for such refusal, such Magistrate may sentence him to simple imprisonment, or commit him

Imprisonment or committal of person refusing to answer.

to

to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section 205 or 206.

B.—Of Witnesses.

Production of witnesses in cases triable upon summons.

142. In the case of offences punishable with fine only or with imprisonment for a term not exceeding six months, or with both, it shall ordinarily be the duty of the complainant and accused to produce their own witnesses. But the Presidency Magistrate may in his discretion—

- (a) summon any person who appears to him likely to give material evidence on behalf of the complainant or the accused;
- (b) summon any witness named by the complainant or the accused:

Provided that the Magistrate may, before summoning a witness, require that his reasonable expenses incurred in attending for the purposes of the trial be deposited in Court.

In cases triable upon warrant.

143. In the case of all other offences, the Magistrate shall ascertain from the complainant, or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before him such of them as he thinks necessary.

The Magistrate shall also summon any witness, and take any evidence that may be offered, in behalf of the accused person, to answer or disprove the evidence against him.

C.—Of Securing Documentary Evidence.

Summons to produce document required as evidence.

144. Whenever a Presidency Magistrate considers that the production of any document or other thing is necessary or desirable for the purposes of any inquiry, trial, or other proceeding under this Act, he may issue a summons to the person in whose possession

sion or power such document or thing is believed to be, requiring him to attend and produce it at the time and place stated in the summons.

145. Where there is reason to believe that the person to whom the summons is addressed will not produce the document or other thing as directed in the summons, the Magistrate may issue a warrant to search for such document or thing in the first instance.

Issue of search-warrant in first instance.

146. If any letter in the custody of the Postal Department is wanted for the purpose of any inquiry or trial by a Presidency Magistrate, the Magistrate may, if he is the Chief Magistrate, direct the postal authorities to deliver such letter to such person as the Magistrate directs, and if he is not the Chief Magistrate, may apply to the Chief Magistrate, who may, if he thinks fit, give such direction.

Procedure as to letters in custody of Postal Department.

The letter referred to in any direction given under this section shall be delivered accordingly.

147. Any Presidency Magistrate may, if he thinks fit, impound any document or other thing produced before him, or may, at the conclusion of the proceedings, order it to be returned to the person who produced it.

Power to impound document produced.

D.—Of the Examination of Accused Persons.

148. At any stage of any inquiry or trial under this Act, the Magistrate may, without previously warning the accused person, put such questions to him as he considers necessary.

Examination of accused.

The accused person shall not render himself liable to punishment for refusal to answer such questions, or for giving false answers to them, but the Magistrate shall draw such inference as may to him seem just from such refusal or false answers.

EXPLANATION.—The answer given by an accused person may be put in evidence against him, not only in such inquiry or trial, but also in any other inquiry into, or trial for, any other offence which such answer may tend to show he has committed.

149. Except

No influence to be used to induce disclosures.

149. Except as is provided in section 150, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

Tender of pardon to accomplice.

150. A Presidency Magistrate may, with the view of obtaining the evidence of any persons supposed to have been directly or indirectly concerned in, or privy to, any offence specified in column seven of the second schedule hereto annexed as triable exclusively by the High Court, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances, within his knowledge, relative to such offence and to every other person concerned in the perpetration thereof.

Every person accepting a tender under this section shall be examined as a witness in the case.

Such person, if not on bail, shall be detained in custody until the termination of the trial.

Commitment of person to whom pardon has been tendered.

151. When a pardon has been tendered under section 150, if before the trial it appears to the Presidency Magistrate that any person who has accepted such tender has, either by wilfully concealing anything essential, or by giving false evidence, not complied with the conditions under which the tender was made, such Magistrate may commit him for trial for the offence in respect of which the pardon was so tendered, or for any other offence of which he may appear to have been guilty in connection with the same matter.

The statement made by a person under pardon, which pardon has been withdrawn under this section, may be put in evidence against him.

E.—Special Rules of Evidence.

Deposition of medical witness.

152. The deposition of a Civil Surgeon or other Medical witness, taken and duly attested by a Magistrate, may be given in evidence in any inquiry or trial under this Act, although the deponent is not called as a witness.

The

The Presidency Magistrate may, if he thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

Power to summon medical witness.

153. Any document purporting to be a report from the Chemical Examiner or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report, in the course of any inquiry or trial under this Act, or in any preliminary inquiry relating thereto, may, if it bears his signature, be used as evidence in any inquiry or trial under this Act.

Report of Chemical Examiner.

The Presidency Magistrate may presume that the signature to any such document is genuine, and that the person signing it held the office which he professed to hold at the time when he signed it.

Genuineness of signature may be presumed.

The Presidency Magistrate may, if he thinks fit, summon and examine such Chemical Examiner or Assistant Chemical Examiner as to the subject-matter of his said report.

Power to summon Chemical Examiner.

154. A previous conviction or acquittal may be proved (a) by an extract certified, under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had, to be a copy of the sentence or order, or (b), in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered.

Previous conviction or acquittal how proved.

155. If an accused person abscond, and after due pursuit cannot be arrested, the Presidency Magistrate may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions; and any such deposition may, on the arrest of such person, be put in on his trial for the offence with which he is charged, if the attendance of the deponent cannot be procured.

Record of evidence in absence of accused.

156. Whenever any Presidency Magistrate, after having heard the whole or any part of the evidence in an inquiry or trial, ceases to exercise jurisdiction

Convictions on evidence partly recorded by

therein,

one Magistrate and partly by another.

therein, and is succeeded by another Magistrate who has and who exercises such jurisdiction, the Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself, or he may resummon the witnesses and recommence the inquiry or trial :

Provided that the accused person may, when the second Magistrate commences his proceedings, demand that the witnesses be resummoned and reheard, in which case the inquiry or trial shall be recommenced :

Provided also that the High Court may set aside any conviction passed on evidence not wholly recorded by the Magistrate before whom the conviction was had, if such Court is ^{of} opinion that the accused person has been materially prejudiced thereby ; and may order a new inquiry or trial.

When attendance of witness may be dispensed with.

157. Whenever in the course of a trial or inquiry under this Act it appears that the attendance of a witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, the Presidency Magistrate may dispense with such attendance.

Issue of commission and procedure thereunder.

158. Such Magistrate may direct a commission to any Magistrate of the District, or Magistrate of the first class, within the local limits of whose jurisdiction such witness may be.

The Magistrate to whom the commission is directed, or, if he be the Magistrate of the District, such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where such witness is, or shall summon such witness before himself, and shall take his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under the Code of Criminal Procedure.

If

If the witness is within the local limits of the jurisdiction of any Presidency Magistrate, other than the Magistrate dispensing with his attendance, the latter Magistrate may direct a commission to the former Magistrate, who thereupon shall have the like power to compel the attendance of, and to examine, such witness as he possesses for that purpose in cases pending before himself.

Commission in case of witness being within other Presidency-town.

The complainant and the accused person may respectively forward interrogatories in writing, upon which the Magistrate to whom the commission is directed shall examine the witness,

Complainant and accused may examine witness.

or the complainant and the accused person (if on bail) may appear before such Magistrate,

or the complainant and the accused person may so appear respectively by advocate, attorney or pleader,

and may examine, cross-examine and re-examine (as the case may be) the said witness.

After any commission issued under this section has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Magistrate by whom it was issued; and the commission, the return thereto, and the deposition of such witness, may be used as evidence in the case and shall form part of the record.

Return of commission.

F.—Of Search-warrants.

159. When a Presidency Magistrate considers that the production of any thing is essential to the conduct of an inquiry into an offence known or suspected to have been committed or to the discovery of the offender,

Search-warrant when grantable.

or when he considers that such inquiry or discovery will be furthered by a general search or inspection,

he may grant his search-warrant; and the officer charged with the execution of such warrant may search or inspect any place within the local limits of the jurisdiction of such Magistrate.

The

The Magistrate may, if he thinks fit, specify in the warrant the particular place, building or part thereof to which only the search or inspection shall extend; and the officer charged with the execution of such warrant shall then search or inspect only the place, building or part so specified.

Nothing in this section or in section 145 shall authorize a Magistrate to grant a warrant to search for a letter or telegram in the custody of the Postal Department or of a telegraph officer.

Search of house suspected to contain stolen property, forged documents, &c.

160. If a Presidency Magistrate, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property, or of property which has been fraudulently obtained,

or for the deposit or sale or manufacture of forged documents, or counterfeit Government stamps, or counterfeit coin, or instruments or materials for counterfeiting coin, or for forging,

or that any forged documents, or counterfeit stamps, or false seals, or counterfeit coin, or instruments or materials used for counterfeiting coin, or for forging, are kept or deposited in any place,

he may by his warrant authorize any Police-officer above the rank of a constable—

(a) to enter, with such assistance as may be required, and by force if necessary, such place, and

(b) to search the same as specified in the warrant, and

(c) to take possession of any property, documents, stamps, seals or coins therein found, which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also any such instruments and materials as aforesaid, and

(d) to convey such property, documents, stamps, seals, coins, instruments or materials before a Presidency Magistrate, or to guard the same on the spot until the offender is taken before a Presidency Magistrate, or otherwise to dispose thereof in some place of safety, and

(e) to

(e) to take into custody and carry before the said Magistrate every person found in such place, who appears to have been privy to the deposit, sale or manufacture or keeping of any such property, documents, stamps, seals, coins, instruments or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, stamps, seals, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or for forging.

161. The provisions of sections 59, 60 and 61 shall apply to all search-warrants issued under this chapter.

Direction,
&c., of
search-war-
rants.

162. Whenever any place liable to search or inspection under this chapter is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant, allow such officer or other person free ingress thereto, and afford all reasonable facilities for a search therein.

Persons in
charge of
closed place
to allow
search.

163. A Police-officer or other person authorized by a warrant to search any place may break open any outer or inner door or window of such place, in order to execute the warrant, if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance.

Place to be
searched
may be
broken open.

164. If the place ordered to be searched is an apartment in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the officer or other person charged with the execution of the warrant shall, unless a warrant of arrest has been issued against her, give her notice that she is at liberty to withdraw.

Search of
zanáná.

After giving such notice and allowing a reasonable time for such woman to withdraw, and affording her every reasonable facility for withdrawing, such officer or person may enter such apartment for

the

the purpose of making the search, using at the same time every precaution consistent with this section for preventing the clandestine removal of the thing mentioned in the warrant.

Search to be made in presence of witnesses.

165. Before making a search under this chapter the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search.

The search shall be made in their presence, but they shall not be required to attend the Court of the Magistrate as witnesses, unless especially summoned by him.

Occupant of place searched may attend.

The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search.

Mode of searching women.

166. Whenever it is necessary to cause a woman to be searched, the search shall be made with strict regard to the customs of the country.

CHAPTER XII.—OF APPEALS.

Appeal by person convicted.

167. Any person convicted on a trial held by a Presidency Magistrate, may appeal to the High Court if the Magistrate has sentenced him to imprisonment for a term exceeding six months, or to fine exceeding two hundred rupees :

Provided that, where an accused person has been convicted on his own plea, no such appeal shall lie except as to the extent or legality of the sentence.

Sentences passed under section 13 on the same occasion shall, for the purposes of this section, be considered as one sentence.

For the purposes of the Indian Limitation Act, 1871, all appeals under this section and all applications to the High Court for the exercise of the powers given by Act No. X of 1875, section 147, shall be deemed to be appeals under the Code of Criminal Procedure.

168. The

168. The Local Government may direct the Public Prosecutor or other officer specially or generally appointed in this behalf to present an appeal to the High Court from a Presidency Magistrate's order of acquittal or of dismissal, or of discharge; but in no other case shall there be an appeal by the prosecution from any order under this Act.

Appeal by Government from order of acquittal.

No appeal shall be presented under this section after two months from the date of the order complained of.

When an appeal is presented under this section, the High Court may order the accused person to be arrested and brought before it, and may commit him to prison pending the disposal of the appeal, or (if the offence of which he is accused be bailable) admit him to bail.

The High Court may, in any case so appealed, direct a new trial by any Presidency Magistrate, or may pass such order as may be warranted by law.

169. Every petition of appeal under this Act shall be accompanied by a copy of the order appealed against.

Copy of order to accompany petition.

170. If any person affected by an order passed under this Act desires to have a copy of such order or of any deposition or other part of the record, he shall, on applying for such copy, be furnished therewith; provided that he pay for the same, unless the Magistrate, for some special reason, thinks fit to furnish it free of cost.

Copies of proceedings.

171. If the appellant be in jail, he shall be at liberty to present his petition of appeal, and the copy of the order appealed against, to the officer in charge of the jail, who shall thereupon forward such petition and copy to the High Court.

Procedure when appellant in jail.

172. On receiving the petition of appeal and the copy of the order appealed against, the High Court shall peruse the same, and may fix a reasonable time for hearing the appellant or his advocate or pleader, or if he be present may hear him at once.

Procedure on receiving petition of appeal.

Power to re-
ject appeal
summarily.

The High Court may, if it considers that there is no sufficient ground for altering or revising the order appealed against, reject the appeal summarily.

Power to call
for record.

Before rejecting an appeal under this section, the High Court may call for the record of the case, but shall not be bound to do so.

Sentence not
to be enhanced
when appeal
rejected under
this section.

In rejecting under this section an appeal by a person convicted, the High Court shall not enhance the sentence.

Notice of day
for hearing
appeal.

173. If the High Court does not reject the appeal summarily, it shall cause notice to be given to the appellant and the Public Prosecutor, Government Solicitor, or other officer empowered by Government in that behalf, of the day on which such appeal will be heard,

and in case of appeals under section 168, the High Court shall also cause a like notice to be given to the respondent.

Service of
notice.

All such notices shall be served in manner provided by this Act for serving a summons, unless in the case of persons present in court, to whom they may be given orally.

Powers of
High Court
in dealing
with appeal.

174. The High Court shall send for the record of the case, and after perusing the same, and hearing the appellant or his advocate or pleader, if he appears, and the Government Solicitor or other officer empowered by Government in this behalf, if he appears, may—

(a) alter or reverse the order of such Court, or

(b) enhance any punishment which has been awarded, but not so as to inflict a greater punishment for the offence which, in the opinion of the High Court, he has committed, than the Presidency Magistrate could have inflicted for such offence, or

(c) order the appellant to be re-tried before any Presidency Magistrate or before the High Court, or

(d) if it considers that there is no sufficient ground for interfering with the sentence or order appealed against, reject the appeal.

175. Pending

175. Pending any appeal under section 167, the High Court may direct that the execution of the order appealed against be suspended, and, if the appellant be in confinement for a bailable offence, may order that he be released on bail.

Suspension of execution of order pending appeal.
Release of appellant on bail.

Where the appellant is ultimately sentenced to imprisonment, the time during which he is so released shall be excluded in calculating the term of his imprisonment.

176. In dealing with any appeal under this chapter, the High Court, if it thinks additional evidence upon any point bearing upon the guilt or innocence of the accused person to be necessary, may either take such evidence itself, or may direct it to be taken by a Presidency Magistrate.

High Court may make or direct further inquiry.

When the additional evidence is taken by the Presidency Magistrate, he shall certify such evidence to the High Court, and the High Court shall thereupon proceed to dispose of the appeal.

Unless the High Court otherwise directs, the accused person or his advocate, attorney or pleader, shall be present when the additional evidence is taken.

The provisions of this Act relating to summoning and enforcing the attendance of witnesses and their examination shall, so far as may be, apply to witnesses examined before a Magistrate under this section.

177. No order passed by a Presidency Magistrate shall be reversed or altered on appeal on account of any error or defect, either in the charge or in the proceedings, or on account of the improper admission or rejection of any evidence, unless such error or defect has occasioned a failure of justice, either by affecting the due conduct of the prosecution, or by prejudicing the accused person in his defence.

Order when reversible by reason of error or defect in charge or proceedings.

178. No irregularity in the proceedings prior to the commencement of the trial is a sufficient ground for reversing or altering any order passed in a trial properly held.

Irregularity before trial properly held.

179. When

Procedure in case of sentence by Magistrate not having jurisdiction.

179. When a Presidency Magistrate has passed an order inflicting punishment on any person for an offence not triable by such Magistrate, the High Court shall cancel the order, and either try the case itself or direct it to be tried by a Court of competent jurisdiction.

Unless otherwise provided, no appeal to lie from order of Presidency Magistrate.

180. No appeal shall lie from any order of a Presidency Magistrate, except in the cases provided for by this Act or by any other law for the time being in force.

Illustrations.

(a.) There is no appeal against an order refusing to grant compensation, in case of a groundless complaint.

(b.) There is no appeal against an order requiring a person to furnish security to keep the peace.

(c.) There is no appeal against an order requiring a person to furnish security to be of good behaviour.

(d.) There is no appeal against an order of maintenance.

Notice to Public Prosecutor of application under Act X of 1875, s. 147.

181. Whenever an application is made to the High Court for the exercise of the powers conferred by the High Courts' Criminal Procedure Act, 1875, section 147, the applicant shall give to the Public Prosecutor, Government Solicitor, or such other officer as the Local Government appoints in this behalf, notice in writing of the application, together with a copy of the grounds on which it is to be made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

Statement by Magistrate of grounds of his decision, to be considered by High Court.

182. When the decision of any Presidency Magistrate is called in question in the High Court, the Magistrate may submit with the record of the case a statement setting forth the grounds of his decision and any facts which he thinks material to the issue; and the Court shall consider such statement before overruling or setting aside the said decision.

CHAPTER XIII.—OF EXECUTION.

Court to send accused with warrant for

183. In cases tried by a Presidency Magistrate, the Magistrate passing any order inflicting imprisonment

ment or whipping shall forward the accused person with a warrant for the execution of the sentence to the officer in charge of the jail of the Presidency-town in which the trial was held,

execution of sentence to officer in charge of jail.

or where there are more such jails than one, to the officer in charge of such of them as the Local Government from time to time directs in this behalf.

The warrant shall state the offence of which the accused person has been convicted, the nature of the punishment to which he has been sentenced, and if he has been sentenced to imprisonment, the term for which he is to be imprisoned.

184. Every such warrant shall be in writing under the hand of the Magistrate who issues it, and shall be directed to the officer in charge of the jail aforesaid, and shall be in the form (G) given in the third schedule to this Act or to the like effect.

Form and direction of warrant for execution.

185. Whenever a Presidency Magistrate imposes a fine under this or any other Act for the time being in force, he may issue a warrant for the levy of the amount of the fine by distress and sale of any moveable property belonging to the offender, although the sentence directs that, in default of payment of the fine, the offender shall be imprisoned.

Levy of fine.

Such warrant may be executed within the local limits of such Magistrate's jurisdiction, and it shall authorize the distress and sale of any such property without such limits when endorsed by the Magistrate of the District in which it is found.

This section shall not apply to cases in which any special procedure is laid down by any special or local law in force for the time being for the recovery of any fine, but shall apply to cases in which no such procedure is laid down, and to all fines not levied when this Act comes into force, but which might have been levied under this section if it had been in force when they were imposed.

Section to what cases applicable.

When a warrant is issued under this section, the Presidency Magistrate may order the offender to be imprisoned until return can be conveniently made to

Detention of offender until return made to distress-warrant.

such

such warrant, unless the offender enter into a recognizance, with or without sureties, as the Magistrate thinks fit, conditioned for his appearance before the Magistrate on the day appointed for such return, such day not being more than eight days from the time of taking the recognizance. But if, before issuing such warrant of distress, it appears to the Magistrate, by the admission of the offender or otherwise, that no sufficient distress can be had within the local limits of his jurisdiction whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant.

Distress not illegal, nor distrainer a trespasser, for defect of form in proceedings.

Who may issue distress-warrant.

No distress made under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto.

The said warrant may be issued either by the Magistrate who imposes the fine, or by his successor in office.

Payment of fine in compensation.

186. Whenever a Presidency Magistrate imposes a fine under any law in force for the time being, he may order the whole or any part of the fine to be paid in compensation—

(a) for expenses properly incurred in the prosecution;

(b) for the injury complained of, where such injury can, in the opinion of such Magistrate, be compensated by money.

Such payment shall be made, as the Magistrate thinks fit, to or for the benefit of the complainant, or the person injured, or both.

If the fine be imposed in a case which is subject to appeal, no such payment shall be made until the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, until after the decision of the appeal.

At the time of awarding damages in any subsequent civil suit relating to the same matter, the Court shall take into consideration any sum which may have been paid under this section.

187. When

187. When the punishment of whipping is imposed, in addition to imprisonment, in a case which is subject to appeal, the whipping shall not be inflicted until fifteen days from the date of such sentence, or, if an appeal be made within that time, until the sentence is confirmed by the High Court: but the whipping shall be inflicted immediately on the expiry of the fifteen days, or, in case of an appeal, immediately on the receipt of the order of the High Court confirming the sentence.

Whipping, it imposed in addition to imprisonment in appealable case, when to be inflicted.

188. In the case of a person of or over sixteen years of age, the punishment of whipping shall be inflicted with such instrument, in such mode, and on such part of the person, as the Local Government directs; and, in the case of a person under sixteen years of age, it shall be inflicted in the way of school-discipline with a light ratan.

Mode of inflicting punishment of whipping.

In no case, if the cat-of-nine-tails be the instrument employed, shall the punishment of whipping exceed one hundred and fifty lashes, or, if the ratan be employed, shall such punishment exceed thirty stripes.

The punishment of whipping shall be inflicted in the presence of the officer in charge of the jail: provided that, in the case of a person under sixteen years of age, the Magistrate may order it to be inflicted in his own presence.

189. The punishment of whipping shall not be inflicted unless a medical officer, if present, certifies, or, if there is not a medical officer present, unless it appears to the officer or Magistrate present, that the offender is in a fit state of health to undergo such punishment.

Punishment not to be inflicted if offender not in fit state of health.

If, during the execution of a sentence of whipping, a medical officer certifies, or it appears to the officer or Magistrate present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

Stay of execution.

190. No sentence of whipping shall be executed by instalments.

Not to be executed by instalments.

191. In

Procedure if punishment be prevented under section 189.

191. In any case in which, under section 189, a sentence of whipping is, wholly or partially, prevented from being executed, the offender shall be kept in custody till the Magistrate who passed the sentence can revise it; and the said Magistrate may, at his discretion, either remit such sentence, or sentence the offender, in lieu of whipping, or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any period, which may be in addition to any other punishment to which he may have been sentenced for the same offence:

Provided that the whole period of imprisonment to which such offender is sentenced shall not exceed that to which he is liable by law, or that which the Magistrate is competent to inflict.

Currency of sentence on escaped convicts.

192. When sentence is passed under this Act on an escaped convict, such sentence, if of fine or whipping, shall take effect immediately, and, if of imprisonment, shall take effect after he has undergone the portion of his former sentence which remained unexpired at the time of his escape.

Commencement of sentence on offender already sentenced for other offence.

193. When a person already under sentence of imprisonment or transportation is sentenced under this Act to imprisonment, such imprisonment shall commence at the expiration of the imprisonment or transportation to which such person has been previously sentenced.

PART III.

CHAPTER XIV.—OF LUNATICS.

Procedure when accused is a lunatic.

194. When any person accused before a Presidency Magistrate of an offence appears to such Magistrate to be of unsound mind and incapable of making his defence, the Magistrate shall enquire into the fact of such unsoundness, and shall cause the accused person to be examined by such medical officer as the Local Government directs, and thereupon shall examine such officer as a witness, and shall reduce the examination into writing.

If

If such Magistrate is of opinion that the accused person is of unsound mind, he shall stay further proceedings in the case.

195. When, from the evidence given before a Presidency Magistrate, there appears to be sufficient ground for believing that an accused person committed an act which, if he had been of sound mind, would have been an offence, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of such act or that he was doing what was contrary to law, the Presidency Magistrate shall, if such accused person appears to be of sound mind at the time of the inquiry or trial, proceed with the case.

When accused appears to have been insane.

196. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Presidency Magistrate, if the offence of which such person is accused be bailable, may release him on sufficient bail being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or such officer as the Magistrate appoints in this behalf.

Release of lunatic on bail.

If the offence be non-bailable, or if sufficient bail be not given, the Magistrate shall report the case for the order of the Local Government, and the accused person shall be kept in safe custody in such place as the Local Government directs.

Custody when bail not given.

197. Whenever proceedings are stayed under section 194, the Presidency Magistrate may at any time resume the inquiry or trial, and require the accused person to appear or to be brought before him.

Resumption of inquiry or trial.

When the accused person has been released under section 196, and the sureties for his appearance produce him to the officer whom the Magistrate appoints in this behalf, the certificate of such officer that the accused person is capable of making his defence shall be receivable as evidence.

198. If

Procedure on accused appearing before Magistrate.

198. If, when the accused person appears or is again brought before the Magistrate, such Magistrate considers him capable of making his defence, the inquiry or trial shall proceed.

If the Magistrate considers the accused person to be still incapable of making his defence, the Magistrate shall again act according to section 194.

Finding in case of acquittal on ground of being lunatic.

199. Whenever any person is acquitted by a Presidency Magistrate upon the ground that, at the time at which such person is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence complained of, or that he was doing what was contrary to law, the order of acquittal shall state specially whether he committed the act or not.

Procedure when lunatic committed the act alleged.

200. Whenever such order states that the accused person committed the act alleged, the Presidency Magistrate before whom the trial was held shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody, in such place and manner as the Magistrate thinks fit, and shall report the case for the order of the Local Government.

The Local Government may order such person to be kept in safe custody in a lunatic asylum or other suitable place of safe custody.

Visiting of lunatic prisoners.

201. When any person is confined under the provisions of section 196 or 200, the Inspector General of Prisons, if such person is confined in a jail, or the visitors of the lunatic asylums, or any two of them, if he is confined in a lunatic asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such visitors as aforesaid; and such Inspector General or visitors shall make a special report to the Local Government as to the state of mind of such person.

202. The

202. If such person is confined under section 196, and such Inspector General or visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Presidency Magistrate at such time as such Magistrate appoints, and such Magistrate shall deal with such person under the provisions of section 198; and the certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic prisoner reported capable of making defence.

203. If such person is confined under the provisions of section 200, and such Inspector General or visitors as aforesaid certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon either order him to be discharged, or to be detained in custody, or to be transferred to a public lunatic asylum, if he has not been already sent to such an asylum; and may appoint a commission, consisting of a judicial officer and two medical officers, whereof the chief medical officer attached to the lunatic asylum shall be one.

Procedure where lunatic confined under section 200 is declared capable of being discharged.

The said commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government, who may order his discharge or detention as it thinks fit.

204. Whenever any relative or friend of any person detained under the provisions of section 200 is desirous that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person so detained shall be properly taken care of and shall be prevented from doing injury to himself or another, may order such person to be delivered to such relative or friend.

Delivery of lunatic to care of relative.

Whenever such person is so delivered over, it shall be upon condition that he shall be produced for the inspection of such officer as the Local Govern-

ment

ment appoints; and at such times as such Government directs.

The provisions of sections 201 and 203 shall, *mutatis mutandis*, apply to persons detained under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be dealt with as a certificate of the Inspector General of Prisons, or the visitors of lunatic asylums, under the said sections.

CHAPTER XV.—OF CONTEMPTS OF COURT.

Procedure in certain cases of contempt.

205. When any such offence as is described in section 175, 178, 179, 180 or 228 of the Indian Penal Code is committed in the view or presence of a Presidency Magistrate, he may cause the offender to be detained in custody; and, at any time before the Magistrate leaves his Court on the same day, he may take cognizance of the offence, and sentence the offender to punishment by fine not exceeding two hundred rupees, and, in default of payment, by imprisonment in the civil jail for a period not exceeding one month, unless such fine be sooner paid.

In every such case, the Magistrate shall record the acts constituting the offence, with the statement (if any) made by the offender as well as the finding and sentence.

If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Magistrate interrupted or insulted was sitting, and the nature of the insult or interruption.

Procedure where Court considers that accused should be imprisoned, or fined more than 200 rupees.

206. If the Presidency Magistrate considers that a person accused of any of the offences referred to in section 205 should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, such Magistrate, after recording the facts constituting the offence and the statement of the accused person, shall forward the case to another Presidency Magistrate, and shall require bail to be given for the appearance

appearance of such accused person before such other Magistrate, or, if sufficient bail be not given, shall forward such person under custody to such Magistrate.

Such other Magistrate shall proceed to try the accused person in the manner provided by this Act for trials before a Presidency Magistrate; and may sentence the offender to punishment, as provided in the section under which he is charged.

207. When any Presidency Magistrate has sentenced an offender to punishment, or forwarded him to another Magistrate for trial, for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the former Magistrate may discharge the offender, or remit the punishment, on his submission to the order or requisition of such Magistrate, or on apology being made to his satisfaction.

Discharge of offender on submission or apology.

CHAPTER XVI.—OF SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR.

A.—Security for keeping the Peace.

208. Whenever a person accused of rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such offence before a Presidency Magistrate,

Personal recognizance to keep the peace in cases of conviction.

and such Magistrate is of opinion that it is necessary to require such person to execute a personal recognizance for keeping the peace,

he may, in addition to any other order passed in the case, order the person so convicted to execute a personal recognizance for keeping the peace during such period as the Magistrate thinks fit to fix, not exceeding one year.

209. Whenever a Presidency Magistrate is of opinion that it is necessary to require sureties for keeping the peace, in addition to the personal recognizance

Sureties for keeping the peace.

nizance of the person so convicted, such Magistrate may require him to give such sureties, and may fix the penalties which the sureties shall be respectively bound to discharge, and may direct that, if such bail be not given, he shall be imprisoned for such term not exceeding one year as the Magistrate thinks fit.

Commence-
ment of period
during which
person may be
bound to keep
peace.

210. If the person so convicted be sentenced to imprisonment, the period so fixed, and the term of imprisonment in default of executing the recognizance, shall commence on the expiration of his sentence.

Where the order to execute such recognizance is not made at the time of signing, or by the Magistrate who signs the judgment, the person so convicted must be produced before the Magistrate making such order.

Extension of
time for
which person
is bound.

211. Whenever it appears to a Presidency Magistrate that it is necessary for the preservation of the peace that the term for which any person is so bound should be extended, he may, before the expiration of the first year, record his opinion to that effect and the grounds thereof, and may refer the case for the orders of the High Court.

Such Court, after examining the proceedings of the Magistrate and making such further inquiry as it thinks necessary, may, if it see cause, authorize him to extend such term for a further period not exceeding one year from the expiration of the first year.

EXPLANATION.—When the subject of dispute, or ground for apprehension, is the same as that on which the first order was passed, the Magistrate must proceed under this section if the first bond is still in force, and not under section 215.

B.—Security for Good Behaviour.

When
Magistrate
may require
security for
good

212. Whenever it is proved before a Presidency Magistrate that any person is lurking within the local limits of his jurisdiction, or that there is within such limits a person who has no ostensible means of subsistence,

subsistence, or who cannot give a satisfactory account of himself, the Magistrate may require such person to enter into such recognizance, with sureties, for his good behaviour for a period not exceeding six months, as the Magistrate thinks sufficient.

behaviour
for six
months.

213. Whenever it is proved before a Presidency Magistrate that any person is by repute

When
Magistrate
may require
security for
good
behaviour
for one year.

a robber, house-breaker or thief,

or a receiver of stolen property, knowing the same to have been stolen,

or of notoriously bad livelihood,

or of a dangerous character,

such Magistrate may require similar security for the good behaviour of such person for a period not exceeding one year.

214. Whenever it is proved before a Presidency Magistrate that any person is

Procedure
where
security
required for
more than
one year.

an habitual robber, house-breaker or thief,

or an habitual receiver of stolen property, knowing the same to have been stolen,

or of a dangerous character,

and that his release without security, at the expiration of the limited period of one year, would be hazardous to the community,

the Magistrate shall record his opinion to that effect, and make an order requiring similar security for the good behaviour of such person for a period not exceeding three years.

If such person does not comply with the order, the Magistrate shall issue a warrant directing his detention pending the orders of the High Court.

C.—Provisions as to both Kinds of Security.

215. Whenever a Presidency Magistrate receives information that any person is likely to commit a breach of the peace, or to do any act that may probably occasion a breach of the peace, or that he is one of the persons referred to in sections 212, 213

Summons to
person to
show cause
why he
should not
give bond to
keep peace or
for good
behaviour.

time

and 214, he may summon such person to attend at a time and place mentioned in the summons, to show cause why he should not be required to execute a recognizance to keep the peace or for good behaviour, as the case may be.

EXPLANATION I.—A summons calling on a person to show cause why he should not execute such recognizance, may be issued on any report or other information which the Magistrate believes; but the Magistrate shall not require any person to execute such recognizance until the Magistrate has adjudicated on evidence before him.

EXPLANATION II.—A Magistrate may, if he thinks fit, recall any summons issued under this section.

Contents of
summons.

216. Such summons shall set forth the substance of the report or information on which it is issued, the penalty to be specified in the recognizance, and the term for which it is to be in force, and, if bail are to be taken, their number, the penalties which they shall be respectively bound to discharge, and the time and place at which the person summoned is required to attend.

When the person believed to be likely to commit a breach of the peace or to be one of the persons referred to in sections 212, 213 and 214, is present in Court, no summons is necessary, but the Magistrate may at once require him to show cause why he should not be required to execute the recognizance.

When
warrant of
arrest may
issue.

217. If the person summoned does not attend on the day appointed at the hour and place named in the summons, the Presidency Magistrate, if satisfied that the summons has been duly served, may issue a warrant for his arrest:

Provided that, whenever it appears to such Magistrate, upon the report of a Police-officer or upon other credible information (the substance of which report or information shall be recorded by the Magistrate on the warrant), that there is reason to fear the commission of a breach of the peace, which may probably be prevented by the immediate arrest of any person, or
that

that there is reason to think that any person is one of the persons so referred to, the Magistrate may at any time issue a warrant for his arrest.

218. The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of the person informed against under section 215, and may permit him to appear and execute the required recognizance, or show cause against such requisition, by an advocate, attorney or pleader.

Magistrate may dispense with personal attendance of person informed against.

219. If on the appearance of the person so informed against or, if his attendance is dispensed with, of his advocate, attorney or pleader, the Magistrate is not satisfied that there is occasion to bind over such person to keep the peace, or to be of good behaviour, the Magistrate shall direct his discharge.

Discharge of person informed against.

220. If the Magistrate is satisfied that it is necessary for the preservation of the peace or the maintenance of good behaviour that such person shall execute a recognizance, the Magistrate shall make an order accordingly.

Order to give bond and consequence of non-compliance.

The penalty specified in every recognizance executed under this chapter shall be fixed with due regard to the circumstances of the case and the means of the person bound.

The penalty which the sureties shall be jointly and severally bound to discharge shall not exceed the penalty which the principal debtor is bound to discharge.

221. If a person required to furnish security under section 214 does not furnish the same, or offers sureties whom the Magistrate rejects, the proceedings shall be laid, as soon as conveniently may be, before the High Court.

Proceedings to be laid before High Court.

Such Court, after examining such proceedings and requiring any further information or evidence which it thinks necessary, may pass such orders on the case as it thinks fit, provided that the period (if any) for which it may direct the security to be taken shall not exceed three years.

222. Whenever

Contents of order for security.

222. Whenever security is required under this chapter, the amount of the security, the number and description of sureties, and the period of time for which the recognizance is to remain in force, shall be stated in the order, and the recognizance shall be in the form (H) or (I), as the case may be, given in the third schedule hereto annexed or to the like effect.

Form of recognizance.

Imprisonment in default of security.

223. In the event of any person required to give security under the provisions of this chapter failing to furnish the security so required, he shall be committed to prison until he furnish the same :

Term of imprisonment.

Provided that no such person shall be kept in prison for a longer period than that for which the security has been required from him.

Imprisonment under this section may be rigorous or simple, as the High Court or Magistrate in each case directs.

Binding of sentenced person.

224. If any person required under this chapter to enter into a recognizance is under sentence of imprisonment, he shall, on or after the expiration of his sentence, be brought up before the Magistrate for the purpose of entering into such recognizance.

Release of prisoners under requisition of security.

225. A Presidency Magistrate may at any time release any person imprisoned for failing to furnish security for good behaviour, whether by his own order or that of his predecessor in office, provided that the Magistrate is of opinion that such person may be released without hazard to the community.

Release of prisoner under requisition of security by order of High Court.

Whenever a Presidency Magistrate is of opinion that any person imprisoned for failing to furnish security for good behaviour, as ordered by the High Court, may be safely released without such security, such Magistrate shall make an immediate report of the case for the orders of the High Court.

Discharge of sureties.

226. A surety for the peaceable conduct or good behaviour of another person may at any time apply to a Presidency Magistrate to discharge his recognizance.

On such application being made, the Magistrate shall issue his summons or warrant requiring the person

son

son for whom such surety is bound to appear or be brought before him.

When such person appears or is brought before the Magistrate, such Magistrate shall discharge the recognizance of the surety, and shall order such person to give a fresh surety.

227. The commission, or attempt to commit, or the abetment of, any offence whatever, and wherever it may be committed, is a breach of the recognizance. Commission, &c., of offence, a breach.

228. Whenever it is proved before a Presidency Magistrate that any recognizance entered into under this chapter has been forfeited, he shall record the grounds of such proof, and call upon the person bound by such recognizance to pay the penalty thereof, or to show cause why it should not be paid. Recovery of penalty from principal.

If sufficient cause be not shown and the penalty be not paid, the Magistrate shall proceed to recover the same by issuing a warrant for the attachment and sale of any moveable property belonging to the person bound by such recognizance.

Such warrant may be executed within the local limits of the jurisdiction of the Magistrate who issued it; and it shall authorize the distress and sale of any moveable property belonging to the person so bound without such limits, when endorsed by the Magistrate of the district in which such property is found.

If such penalty be not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable to imprisonment by order of the Presidency Magistrate in the civil jail for a period not exceeding six months.

The penalty shall not be enforced until the person so bound has had an opportunity of showing cause against the enforcement, and until the breach of the condition of the recognizance has been proved.

229. Whenever it is proved before a Presidency Magistrate that any recognizance entered into under this chapter by a surety has been forfeited, the Magistrate may give notice to the surety to pay the Recovery of penalty from surety.

penalty

penalty to which he has thereby become liable, or to show cause why it should not be paid,

If no sufficient cause is shown, and such penalty is not paid, the Magistrate may proceed to recover the penalty from such surety in manner provided by the last preceding section.

And in case such penalty cannot be so recovered, the Magistrate may sentence the surety to imprisonment in the civil jail for a period not exceeding six months.

Proof of previous conviction.

230. Any previous conviction of the person to be bound may, in proceedings under this chapter, be proved in the manner prescribed in section 154.

Where proceedings under this chapter may be taken.

231. Proceedings under this chapter may be taken in any district in which the breach of the peace is apprehended, or in which an offence has been committed in breach of the bond, or in which the person whom it is desired to bind may be.

Provisions of chapter not applying to European vagrants.

232. The provisions of this chapter relating to security for good behaviour do not apply to European British subjects in cases where they may be dealt with under the European Vagrancy Act, 1874.

CHAPTER XVII.—OF RESTORING POSSESSION OF IMMOVEABLE PROPERTY.

Power to restore possession of immoveable property.

233. Whenever any person is convicted by a Presidency Magistrate of an offence attended with criminal force, and it appears to such Magistrate that, by such criminal force, any person has been dispossessed of any immoveable property, the Magistrate may order such person to be restored to possession.

No such order shall prejudice any right over such immoveable property which any person may be able to show in a civil suit.

CHAPTER XVIII.—OF THE MAINTENANCE OF WIVES AND FAMILIES.

Order for maintenance of wives and children.

234. If any person, having sufficient means, neglects or refuses to maintain his wife, or his legitimate

or

or illegitimate child unable to maintain itself, a Presidency Magistrate may, upon due proof thereof by evidence, order such person to make a monthly allowance for the maintenance of his said wife, or child, or both, at such monthly rate not exceeding fifty rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate from time to time directs.

Such allowance shall be payable from the date of the order.

If any person so ordered wilfully neglects to comply with the order, a Presidency Magistrate may, for every breach of the order, issue a warrant for levying the amount due in manner hereinbefore provided for levying fines; and may sentence such person, for each month's allowance remaining unpaid, to imprisonment for any term not exceeding one month:

Enforcement
of order.

Provided that, if such person offers to maintain his wife on condition of her living with him, and his wife refuses to live with him, such Magistrate may consider any grounds of refusal stated by such wife; and may make the order allowed by this section notwithstanding such offer, if he is satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

Proviso.

No wife shall be entitled to receive an allowance from her husband under this section, if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

235. On the application of any person receiving, or ordered to pay, a monthly allowance under the provisions of section 234, and on proof of a change in the circumstances of such person, his wife or child, the Magistrate may make such alteration in the allowance ordered as he thinks fit, provided the monthly rate of fifty rupees be not exceeded.

Alteration in
allowance.

236. A copy of the order of maintenance shall be given without fee to the person in whose favour it is made, or to his guardian (if any); and such order shall

Enforcement
of order.

be

be enforceable by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

PART IV.

CHAPTER XIX.—MISCELLANEOUS.

Procedure in miscellaneous criminal cases and proceedings.

237. The procedure prescribed by this Act shall be followed, so far as it can be, in all miscellaneous criminal cases and proceedings which are instituted in any Presidency Magistrate's Court.

Offences against Railway, Telegraph, Post-office and Arms Acts.

238. All offences against the provisions of any law for the time being in force relating to Railways, Telegraphs, the Post-office, and Arms and Ammunition may be enquired into by a Presidency Magistrate and may be tried according to the provisions of this Act.

Extent of jurisdiction.

239. The powers conferred on a Presidency Magistrate by section 238 may be exercised whether the offence is stated to have been committed within the local limits of his jurisdiction or not; but such powers shall only be exercised if the witnesses necessary for the prosecution of the offender are to be found within such limits.

Reference to High Court.

240. A Presidency Magistrate may, if he thinks fit, refer for the opinion of the High Court any question of law which may arise in the hearing of any case in which he has jurisdiction; or may give judgment in any such matter, subject to the decision of the High Court on such reference; and, pending such decision by the High Court, may either commit the accused person to jail or release him on bail to appear for judgment when called upon.

Disposal of case according to decision of High Court.

241. When a question has been so referred, the High Court shall pass such order thereon as it thinks fit, and shall cause a copy of such order to be sent to the Magistrate by whom the reference was made, who shall proceed to dispose of the case conformably to the said order.

Direction as to costs.

The High Court may direct by whom the costs of the reference shall be paid.

Compensation to per-

242. Whenever any person causes a Police-officer to arrest another person,

or

and whenever a complaint of any offence is made before any Presidency Magistrate,

son ground-
lessly given
in charge or
complained
against.

if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest or for making such complaint, the Magistrate may award such compensation, not exceeding fifty rupees, to be paid by the person so causing the arrest or making the complaint, to the person so arrested or complained against, for his loss of time and expenses in the matter, as the Magistrate thinks fit.

In such cases, if more persons than one are arrested or complained against, the Magistrate may, in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit.

All compensation awarded under this section may be recovered as if it were a fine.

243. When the inquiry or trial before any Presidency Magistrate is concluded, he may make such order as he thinks fit for the disposal of any moveable property produced before him regarding which any offence appears to have been committed.

Order for
disposal of
property
regarding
which offence
committed.

EXPLANATION.—In this section the term ‘property’ includes not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

244. If any property alleged to be stolen or fraudulently obtained is in the custody of any Police-officer by virtue of any warrant of a Presidency Magistrate, or in prosecution of any complaint of an offence in regard to the obtaining thereof, and the person accused of such offence is not found, or has been summarily dealt with and discharged, or has been tried and acquitted,

Power to
order disposal
of property
connected
with charge,
in Police-
custody.

or if such person has been tried and found guilty, but the property so in custody has not been included in the charge upon which he has been found guilty,

OR

or if any property has been seized by a Police-officer under section 160,

any Presidency Magistrate may make an order for the delivery of such property to the person appearing to be the rightful owner thereof; or, in case the owner cannot be ascertained, may make such order with respect to the property as the Magistrate thinks fit:

Provided that no such order shall bar the right of any person to sue the person to whom the property is delivered, and to recover such property from him, so that the suit be instituted within six months next after such order has been made.

Expenses of complainants and witnesses.

245. Subject to any rules that may be made by the Local Government, with the previous sanction of the Governor General in Council, a Presidency Magistrate may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purpose of any trial under this Act.

All persons to give information of certain offences.

246. Every person aware of the commission within the local limits of the jurisdiction of a Presidency Magistrate of any offence made punishable under sections 121, 121A, 122, 123, 124, 124A, 125, 126, 130, 302, 303, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459 or 460 of the Indian Penal Code, shall, in the absence of reasonable excuse, the burthen of proving which shall lie upon such person, give information of the same to the nearest Police-officer or Presidency Magistrate.

All persons to assist Magistrate and Police in certain cases.

247. Within such local limits every person is bound to assist a Presidency Magistrate or Police-officer demanding his aid

in the prevention of a breach of the peace,

or in the suppression of a riot or an affray,

or in the taking of any other person whom such Magistrate or Police-officer is authorized to arrest.

SCHEDULE I.**ACTS REPEALED.**

(SEE SECTION 2.)

No. and year.	Title or subject.	Extent of repeal.
XIII of 1856 ...	Presidency Towns Police.	<p>In the preamble, the words "and the administration of justice in the Police Courts."</p> <p>In section one, the words and figures "sections II and IV of Act XXII of 1837 and."</p> <p>Sections twenty-two, twenty-three, twenty-six to thirty-one (both inclusive), thirty-six, thirty-seven, forty-one, forty-two, forty-four, forty-five, eighty-three, eighty-four, eighty-seven, ninety-five to ninety-eight (both inclusive), one hundred to one hundred-and-four (both inclusive), one hundred-and-six, one hundred-and-eight to one hundred-and-eleven (both inclusive).</p> <p>In section twenty-four, the words "or by any Magistrate of Police."</p> <p>In section thirty-five, clause two, the words "on oath."</p> <p>In section ninety-three, the words "or to a Magistrate," "or the Magistrate," and "or Magistrate."</p>
XLVIII of 1860	Amending Act XIII 1856.	Sections four, five, six, eight, ten, twenty-four, twenty-five and twenty-six.
LII of 1860 ...	Trials for breach of Railway Police Regulations.	The whole.
XXI of 1864 ...	An Act for the extension of the jurisdiction of the Magistrates of Police in Calcutta.	The whole.

SCHEDULE I—(continued).

No. and year.	Title or subject.	Extent of repeal.
Madras Act VIII of 1867.	Madras Town Police and Police Magistrates.	<p>In the preamble, the words "and to extend the jurisdiction of the Town Police Magistrates."</p> <p>Sections ten, twelve to sixteen (both inclusive), nineteen, twenty-one, twenty-two, fifty-two, fifty-three, sixty to seventy (both inclusive), seventy-two to seventy-four (both inclusive).</p> <p>In section fifty-eight, the words "or to a Magistrate," "or the Magistrate," and "or Magistrate."</p>
Bengal Act IV of 1866.	The Calcutta Police Act, 1866.	<p>Sections twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-eight, thirty, thirty-one, sixty-nine, seventy-three, eighty-two to ninety-four (both inclusive), ninety-six to ninety-eight (both inclusive).</p> <p>In section seventy-nine, the words "or to a Magistrate," "or the Magistrate," and "or Magistrate."</p>
Bengal Act VIII of 1866.	Amending Bengal Act IV of 1866.	The whole.
Bombay Act IV of 1866.	Court of Petty Sessions, Bombay.	The whole.

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

(SEE SECTION 4.)

EXPLANATORY NOTES.—*1st.*—The entries in the second and sixth columns of the schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

2nd.—The term "Whether bailable or not," in column 5, is to be taken in connection with the provisions of sections 70 and 71 of this Act.

3rd.—The High Court may try an offence entered in column 7 as triable by a Magistrate.

4th.—The last part of the schedule, headed "Offences against other Laws," shall not be taken to alter or affect any special provision contained in such laws regarding the procedure to be followed in the case of offences made punishable thereby.

5th.—The direction in column 4 is meant to indicate to Presidency Magistrates the manner in which the discretion vested in them by sections 34 and 35 is commonly to be used.

CHAPTER V.—OF ABETMENT.

1	2	3	4	5	6	7
Section.	OFFENCE.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.

CHAPTER V.—OF ABETMENT—(continued.)

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
111	When one act is abetted and a different act is done, subject to the proviso.	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence intended to be abetted.	Ditto.
113	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence committed.	Ditto.
114	If abettor is present when offence is committed.	Ditto ...	Ditto.	Ditto ...	Ditto ...	Ditto.

Presidency Magistrates.

[ACT IV

115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	Not bailable.	Imprisonment of either description for 7 years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Imprisonment extending to quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant, whose duty is to prevent the offence.	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto ...	Ditto ...	Not bailable.	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation.	Ditto ...	Ditto ...	Not bailable.	Imprisonment of either description for 10 years.	Ditto.

CHAPTER V.—OF ABETMENT—(concluded.)

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not	6 Punishment under the Indian Penal Code.	7 By what Court triable.
120	<p>If the offence be not committed.</p> <p>Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.</p> <p>If not committed.</p>	<p>May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.</p> <p>Ditto ...</p> <p>Ditto ...</p>	<p>According as a warrant or summons may issue for the offence abetted.</p> <p>Ditto ...</p> <p>Ditto ...</p>	<p>According as the offence abetted is bailable or not.</p> <p>Ditto ...</p> <p>Ditto ...</p>	<p>Imprisonment extending to quarter part of the longest term, and of any description, provided for the offence, or fine, or both.</p> <p>Imprisonment extending to quarter part of the longest term, and of the description, provided for the offence, or fine, or both.</p> <p>Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or both.</p>	<p>By the Court by which the offence abetted is triable.</p> <p>Ditto.</p> <p>Ditto.</p>

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1877.]

Presidency Magistrates.

N	121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Death, or transportation for life, and forfeiture of property.	High Court.
	121A	Conspiring to commit certain offences against the State.	Ditto ...	Ditto ...	Ditto ...	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Ditto.
	122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and forfeiture of property.	Ditto.
	123	Concealing with intent to facilitate a design to wage war.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 7 years and fine.	Ditto.
	124A	Exciting, or attempting to excite, disaffection.	Ditto ...	Ditto ...	Ditto ...	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	Ditto.
	125	Waging war against any Asiatic Power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...	Ditto ...	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.
	126	Committing depredation on the territories of any Power in alliance or at peace with the Queen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	Ditto.

CHAPTER VI.—OFFENCES AGAINST THE STATE—(concluded).

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
127	Receiving property taken by war or depre- dation, mentioned in sections 125 and 126.	Shall not arrest with- out war- rant.	Warrant ...	Not bailable.	Imprisonment of either descrip- tion for 7 years and fine, and forfeiture of certain property.	High Court.
128	Public servant voluntarily allowing pris- oner of State or War in his custody to escape.	Ditto ...	Ditto ...	Ditto ..	Transportation for life, or im- prisonment of either descrip- tion for 10 years and fine.	Ditto.
129	Public servant negligently suffering pris- oner of State or War in his custody to escape.	Ditto ...	Ditto ...	Bailable ...	Simple imprisonment for 3 years and fine.	High Court or Magis- trate.
130	Aiding escape of, rescuing, or harbouring, such prisoner, or offering any resistance to the re-capture of such prisoner.	Ditto ...	Ditto ...	Not bailable	Transportation for life, or im- prisonment of either descrip- tion for 10 years and fine.	High Court.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny, or attempting to seduce an officer, soldier or sailor from his allegi- ance or duty.	May arrest with out warrant.	Warrant ...	Not bailable	Transportation for life, or im- prisonment of either descrip- tion for 10 years and fine.	High Court.
132	Abetment of mutiny, if mutiny is commit- ted in consequence thereof.	Ditto ...	Ditto ...	Ditto ...	Death or transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.

133	Abetment of an assault by an officer, soldier or sailor on his superior officer when in the execution of his office.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
134	Abetment of such assault, if the assault is committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	High Court.
135	Abetment of the desertion of an officer, soldier or sailor.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.
136	Harbouring such an officer, soldier or sailor, who has deserted.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ...	Ditto ...	Fine of 500 rupees ...	Ditto.
138	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being member of an unlawful assembly ...	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY—(concluded).

Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
147	Rioting	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.
148	Rioting armed with a deadly weapon ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	The same as for the offence ...	By the Court by which the offence is triable.
150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged, or employed.	Ditto ...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.

151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto	--	Summons	--	Bailable	...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto	...	Warrant	--	Ditto	--	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto	...	Ditto	...	Ditto	--	Imprisonment of either description for 1 year, or fine, or both.	Magistrate.
	If not committed	Ditto	...	Summons	...	Ditto	...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.		Ditto	--	Ditto	--	Fine of 1,000 rupees	Ditto.
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto	...	Ditto	...	Ditto	...	Fine	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto	...	Ditto	--	Ditto	...	Ditto	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.		Ditto	...	Ditto	...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto	...	Ditto	--	Ditto	...	Ditto	Ditto.
	Or to go armed.	Ditto	...	Warrant	...	Ditto	...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray	Shall not arrest without warrant.		Summons	...	Ditto	...	Imprisonment of either description for one month, or fine of 100 rupees, or both.	Ditto.

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	By what Court triable.
161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Magistrate.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ..	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.

167	Public servant framing an incorrect document with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
168	Public servant unlawfully engaging in trade	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Magistrate.
169	Public servant unlawfully buying or bidding for property.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant ...	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—(continued).

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation. If summons, &c., require attendance in person, &c., in a Court of Justice.	Shall not arrest without warrant. Ditto ...	Summons ... Ditto ...	Bailable ... Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both. Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Magistrate. Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority. If the order require personal attendance, &c., in a Court of Justice.	Ditto ... Ditto ...	Ditto ... Ditto ...	Ditto ... Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both. Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto. Ditto.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter XXXII of the Code of Criminal Procedure, or if not committed in a Court, a Magistrate.

Presidency Magistrates.

[ACT IV

	If the document is required to be produced in or delivered to a Court of Justice.	Ditto --	Ditto ...	Ditto --	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto --	Ditto --	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate.
	If the notice or information required respects the commission of an offence, &c.	Ditto ...	Ditto --	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto --	Ditto ...	Ditto ...	Ditto ...	Ditto.
	If the information required respects the commission of an offence, &c.	Ditto ...	Ditto --	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
178	Refusing oath when duly required to take oath by a public servant.	Ditto ...	Ditto --	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter XXXII of the Code of Criminal Procedure, or if not committed in a Court, a Magistrate.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—*continued.*

901

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	By what Court triable.
179	Being legally bound to state truth, and refusing to answer questions.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter XXXII of the Code of Criminal Procedure, or if not committed in a Court, a Magistrate.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate.

Presidency Magistrates.

[ACT IV

183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding, by a person under a legal incapacity to purchase it, for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	If such disobedience causes danger to human life, health or safety, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—*concluded.*

108

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 7 years and fine.	High Court or Magistrate.
	Giving or fabricating false evidence in any other case.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto ...	Not bailable	Transportation for life, or rigorous imprisonment for 10 years and fine.	High Court.
	If innocent person be thereby convicted and executed.	Ditto ...	Ditto ...	Ditto ...	Death, or as above ...	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto ...	Ditto ...	Ditto ...	The same as for the offence ...	Ditto.

Presidency Magistrates.

[ACT IV

196	Using, in a judicial proceeding, evidence known to be false or fabricated.	Ditto ...	Ditto ...	According as the offence of giving such evidence is bailable or not.	The same as for giving or fabricating false evidence.	High Court or Magistrate.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...	Bailable ...	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
200	Using as true any such declaration known to be false.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	High Court.
	If punishable with transportation, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
	If punishable with less than 10 years' imprisonment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Magistrate or by the Court by which the offence is triable.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*continued.*

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate.
203	Giving false information respecting an offence committed.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.

111

Presidency Magistrates.

[ACT IV

207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
209	False claim in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years and fine.	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
211	False charge of offence made with intent to injure.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	High Court.
212	Harbouring an offender, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	High Court or Magistrate.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*continued.*

112

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If punishable with transportation for life, or with imprisonment for 10 years.	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
	If punishable with imprisonment for 1 year, and not for 10 years,	Ditto ...	Ditto ...	Ditto ...	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Magistrate or by the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	High Court.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Magistrate or by the Court by which the offence is triable.

Presidency Magistrates.

[ACT IV

214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	High Court.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Magistrate or by the Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May a r r e s t w i t h o u t w a r r a n t.	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	High Court or Magistrate.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
	If with imprisonment for 1 year, and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for quarter of the longest term, and of the description, provided for the offence, or fine, or both.	By a Magistrate or by the Court by which the offence is triable.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*continued.*

111

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	High Court.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital. If punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine. Imprisonment of either description for 3 years, with or without fine.	Ditto. High Court or Magistrate.

Presidency Magistrates.

[ACT IV

	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, with or without fine.	Magistrate.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	High Court.
	If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
223	Escape from confinement negligently suffered by a public servant.	Ditto ...	Summons ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Not bailable	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
	If charged with a capital offence ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine.	High Court.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—*concluded.*

116

Section.	1 OFFENCE.	2 Whether the Police may arrest without warrant or not.	3 Whether a warrant or a summons shall ordinarily issue in the first instance.	4 Whether bailable or not.	5 Punishment under the Indian Penal Code.	6 By what Court triable.
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 10 years or upwards.	May arrest without warrant.	Warrant ...	Not bailable	Imprisonment of either description for 7 years, or fine.	High Court.
	If under sentence of death ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
225A	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour,	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for one year, or fine, or both.	Magistrate.
226	Unlawful return from transportation ...	Ditto ...	Ditto ...	Not bailable	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	High Court.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons ...	Ditto ...	Punishment of original sentence, or, if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.

Presidency Magistrates.

[ACT I.]

228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ...	Bailable ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions contained in chapter XXXII of the Code of Criminal Procedure.
229	Personation of a juror or assessor ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting, or performing any part of the process of counterfeiting, coin.	May arrest without warrant.	Warrant ...	Not bailable	Imprisonment of either description for 7 years and fine.	High Court.
232	Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Transportation for life or imprisonment of either description for 10 years and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	High Court.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—*continued.*

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bail-able or not.	6 Punishment under the Indian Penal Code.	By what Court triable.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	May arrest without warrant.	Warrant ...	Not bailable	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
	If Queen's coin	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	High Court.
236	Abetting in India the counterfeiting out of British India of coin.	Ditto ...	Ditto ...	Ditto ...	The punishment provided for abetting the counterfeiting of such coin within British India.	Ditto.
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	High Court.
239	Having any counterfeit coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	High Court or Magistrate.
240	The same with respect to the Queen's coin	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.

Presidency Magistrates.

[ACT IV

241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Magistrate.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
243	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
244	Persons employed in a mint causing coin to be of a different weight or composition from that fixed by law.	Ditto ...	Ditto ...	Ditto ...	Ditto	High Court.
245	Unlawfully taking from a mint any coining instrument.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
247	Fraudulently diminishing the weight or altering the composition of the Queen's coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
249	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
250	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—*concluded.*

120

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
251	Delivery of Queen's coin possessed with the knowledge that it is altered.	May arrest without warrant.	Warrant ...	Not bailable	Imprisonment of either description for 10 years and fine.	High Court or Magistrate.
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.
254	Delivery to another of coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	Magistrate.
255	Counterfeiting a Government stamp.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 10 years and fine.	High Court.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.

Presidency Magistrates.

[ACT IV.]

257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
258	Sale of counterfeit Government stamp ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	High Court or Magistrate.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
262	Using a Government stamp known to have been before used.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.
263	Erasure of mark denoting that stamp has been used.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

121	264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate.
	265	Fraudulent use of false weight or measure	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES—concluded.

122	1	2	3	4	5	6	
Section.	OFFENCE.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.	
266	Being in possession of false weights or measures for fraudulent use.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate.	
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.	

Presidency Magistrates.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

[ACT IV

271	Knowingly disobeying any quarantine-rule	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
272	Adulterating food or drink for man, intended for sale, so as to make the same noxious.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink for man, knowing the same to be noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
274	Adulterating any drug or medical preparation intended for sale, so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
278	Making atmosphere noxious to health ...	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of 500 rupees ...	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—*continued.*

124	1	2	3	4	5	6	
Section.	OFFENCE.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.	
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate.	
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.	
281	Exhibition of a false light, mark, or buoy	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	High Court.	
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate.	
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto ...	Ditto ...	Ditto ...	Fine of 200 rupees ...	Ditto.	
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.	

Presidency Magistrates.

[ACT IV

285	Dealing with fire or any combustible matter, so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
286	So dealing with any explosive substance ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
287	So dealing with any machinery ...	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.		Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
290	Committing a public nuisance ...	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of 200 rupees ...		Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine, or both.		Ditto.
292	Sale, &c., of obscene books, &c. ...	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 3 months, or fine, or both.		Ditto.
293	Having in possession obscene book, &c., for sale or exhibition.	Ditto ...	Ditto ...	Ditto ...	Ditto ...		Ditto.
294	Obscene songs ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...		Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—*concluded.*

126	1	2	3	4	5	6	
	Section.	OFFENCE.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
	294A	Keeping a lottery-office	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate.
		Publishing proposals relating to lotteries ...	Ditto ...	Ditto ...	Ditto ...	Fine of 1,000 rupees.	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in a place of worship or sepulchre, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.

298	Uttering any word or making any sound in the hearing, or making any gesture or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
-----	---	-----------------------------------	-----------	-----------	-----------	-----------	--------

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences affecting life.

302	Murder	May arrest without warrant.	Warrant ...	Not bailable	Death, transportation for life and fine.	High Court.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...	Ditto ...	Death	Ditto.
304	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
304A	Causing death by rash or negligent act ...	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for two years, or fine, or both.	High Court or Magistrate.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Ditto ...	Ditto ...	Not bailable	Death, or transportation for life, or imprisonment for 10 years and fine.	High Court.

CHAPTER XVI. OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Offences affecting life—concluded.

128	1	2	3	4	5	6	7
Section.		OFFENCE.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
306		Abetting the commission of suicide ...	May arrest without warrant.	Warrant ...	Not bailable	Imprisonment of either description for 10 years and fine.	High Court.
307		Attempt to murder ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
		If such act cause hurt to any person ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
308		Attempt to commit culpable homicide ...	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
		If such act cause hurt to any person ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
309		Attempt to commit suicide ...	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year and fine.	Magistrate.
311		Being a thug ...	Ditto ...	Ditto ..	Not bailable	Transportation for life and fine.	High Court.

Presidency Magistrates.

[ACT IV

Of the causing of Miscarriage; of Injuries to unborn Children; of the Exposure of Infants; and of the Concealment of Births.

1877.]

Presidency Magistrates.

R	312	Causing miscarriage	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	High Court.
		If the woman be quick with child	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
	313	Causing miscarriage without woman's consent	Ditto ...	Ditto ...	Not bailable	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
	314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
		If act done without woman's consent ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
	315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
	316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	317	Exposure of a child under twelve years of age, by parent or person having care of it, with intention of wholly abandoning it.	May arrest without warrant.	Ditto ...	Bailable ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
129	318	Concealment of birth by secret disposal of dead body.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	High Court or Magistrate.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Hurt.

130

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
323	Voluntarily causing hurt	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 1 year, or fine, of 1,000 rupees, or both.	Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
325	Voluntarily causing grievous hurt ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Not bailable	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 10 years and fine.	High Court.

Presidency Magistrates.

[ACT IV

328	Administering stupefying drug with intent to cause hurt.	Ditto ...	Ditto ...	Ditto ...	Ditto -- ...	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Ditto ...	Ditto --	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 7 years and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable	Imprisonment of either description for 10 years and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Not bailable	Imprisonment of either description for 10 years and fine.	High Court.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto ...	Summons ...	Bailable ...	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Magistrate.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	High Court or Magistrate.
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto --	Ditto ...	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Magistrate.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Hurt—concluded.

132 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
337	Causing hurt by an act which endangers human life, &c.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Magistrate.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.

Of wrongful Restraint and wrongful Confinement.

341	Wrongfully restraining any person ...	May arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate.
342	Wrongfully confining any person ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.

Presidency Magistrates.

[ACT IV.]

343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret ...	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.

Of Criminal Force and Assault.

133	352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Magistrate.
	353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—*continued.*

Of Criminal Force and Assault—concluded.

134	1	2	3	4	5	6	7
Section.	OFFENCE.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.	
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.	
355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto ...	Ditto.	
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...	Not bailable	Ditto ...	Ditto.	
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.	
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.	

Presidency Magistrates.

[ACT IV

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour.

363	Kidnapping	May arrest without warrant.	Warrant ...	Not bailable	Imprisonment of either description for 7 years and fine.	High Court or Magistrate.
364	Kidnapping or abducting in order to murder.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	High Court.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Ditto ...	Bailable ...	Ditto	Ditto.
371	Habitual dealing in slaves	May arrest without warrant.	Ditto ...	Not bailable	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.

1877.]

Presidency Magistrates.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—concluded.

Of Kidnapping, Forcible Abduction, Slavery and forced Labour—concluded.

186

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
372	Selling or letting to hire a minor for the purpose of prostitution.	May arrest without warrant.	Warrant ...	Not bailable	Imprisonment of either description for 10 years and fine.	High Court or Magistrate.
373	Buying or obtaining possession of a minor for the same purpose.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
374	Unlawful compulsory labour.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate.

Presidency Magistrates.

Of Rape.

376	Rape	May arrest without warrant.	Warrant ...	Not bailable	Transportation for life, or imprisonment of either description for 10 years and fine.	High Court.
-----	-------------	-----------------------------	-------------	--------------	---	-------------

[ACT IV

Of Unnatural Offences.

377	Unnatural offences	May arrest without warrant.	Warrant ...	Not bailable	Transportation for life, or imprisonment of either description for 10 years and fine.	High Court.
-----	--------------------	-----	-----	-----------------------------	-------------	--------------	---	-------------

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft ...	...	...	May arrest without warrant.	Warrant ...	Not bailable	Imprisonment of either description for 3 years, or fine, or both.	Magistrate.
380	Theft in a building, tent or vessel	...	...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
381	Theft, by clerk or servant, of property in possession of master or employer.	...	...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	High Court or Magistrate.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	...	...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years and fine.	High Court.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—*continued.*

Of Extortion.

133

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
384	Extortion	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto ...	Ditto ...	Not bailable	Imprisonment of either description for 10 years and fine.	High Court.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.

Presidency Magistrates.

[ACT IV

389	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence be an unnatural offence ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life ...	Ditto.

Of Robbery and Dacoity.

392	Robbery	May arrest without warrant.	Warrant ...	Not bailable	Rigorous imprisonment for 10 years and fine.	High Court or Magistrate.
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 14 years and fine.	Ditto.
393	Attempt to commit robbery	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	Ditto.
395	Dacoity	Ditto ...	Ditto ...	Ditto ...	Ditto	High Court.
396	Murder in dacoity	Ditto ...	Ditto ...	Ditto ...	Death, transportation for life, or rigorous imprisonment for 10 years and fine.	Ditto.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for not less than 7 years.	Ditto.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—*continued.*

Of Robbery and Dacoity—concluded.

140	1	2	3	4	5	6	7
Section.	OFFENCE.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.	
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	May arrest without warrant.	Warrant.	Not bailable.	Rigorous imprisonment for not less than 7 years.	High Court.	
399	Making preparation to commit dacoity ...	Ditto ...	Ditto ...	Ditto	Rigorous imprisonment for 10 years and fine.	Ditto.	
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.	
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years and fine.	Ditto.	
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto,	

Presidency Magistrates.

[ACT IV

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
	If by clerk or person employed by deceased,	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust	May arrest without warrant.	Warrant ...	Not bailable	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
407	Criminal breach of trust by a carrier, wharfinger, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
409	Criminal breach of trust by public servant, or by banker, merchant or agent, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.

1877.]

Presidency Magistrates.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY —*continued.*

Of the Receiving of Stolen Property.

142	1	2	3	4	5	6	7
Section.	OFFENCE.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.	
411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.	
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years and fine.	High Court.	
413	Habitually dealing in stolen property ...	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.	
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.	

Presidency Magistrates.

[ACT IV

Of Cheating.

417	Cheating ...	Shall not arrest without warrant.	Warrant ...	Bailable.	Imprisonment of either description for 1 year, or fine, or both.	Magistrate.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
419	Cheating by personation ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	High Court or Magistrate.

Of Fraudulent Deeds and Dispositions of Property.

421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.

1877.]

Presidency Magistrates.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—*continued.*

Of Fraudulent Deeds and Dispositions of Property—concluded.

144

1	2	3	4	5	6	7
Section.	OFFENCE.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Shall not arrest without warrant.	Warrant.	Bailable.	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.

Of Mischief.

426	Mischief ...	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 3 months, or fine, or both.	Magistrate.
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
428	Mischief by killing, poisoning, maiming or rendering useless, any animal of the value of 10 rupees or upwards.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto.

429	Mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, or fine, or both.	High Court or Magistrate.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
431	Mischief by injury to public road, bridge, river or navigable channel, and rendering it impassable or less safe for travelling, or conveying property.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
432	Mischief by causing inundation or obstruction to public drainage, attended with damage.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	High Court.
434	Mischief by destroying or moving, &c., a land-mark fixed by public authority.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate.
435	Mischief by fire or explosive substance, with intent to cause damage to amount of 100 rupees or upwards.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	High Court.
436	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Ditto ...	Ditto ...	Not bailable	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of twenty tons burden.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.

1

145

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—*continued.*

Of Mischief—concluded.

146	1	2	3	4	5	6	7
Section.	OFFENCE.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.	
438	The mischief described in the last section, when committed by fire or any explosive substance.	May arrest without warrant.	Warrant.	Not bailable	Transportation for life, or imprisonment of either description for 10 years and fine.	High Court.	
439	Running vessel ashore with intent to commit theft, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.	
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years and fine.	Ditto.	

Of Criminal Trespass.

447	Criminal trespass... ..	May arrest without warrant.	Summons.	Bailable ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Magistrate.
448	House-trespass	Ditto ...	Warrant.	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.

Presidency Magistrates.

[ACT IV

449	House-trespass in order to the commission of an offence punishable with death.	Ditto ...	Ditto ...	Not bailable	Transportation for life, or rigorous imprisonment for 10 years and fine.	High Court.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 2 years and fine.	Magistrate.
	If the offence is theft ...	Ditto ...	Ditto ...	Not bailable	Imprisonment of either description for 7 years and fine.	High Court or Magistrate.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto ...	Ditto ..	Ditto ...	Ditto ...	Ditto.
453	Lurking house-trespass or house-breaking	Ditto ...	Ditto --	Ditto --	Imprisonment of either description for 2 years and fine.	Magistrate.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto --	Ditto --	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
	If the offence is theft ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years and fine.	Ditto.
455	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.	Ditto --	Ditto ...	Ditto ...	Ditto ...	Ditto.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years and fine.	Ditto.

CHAPTER XVII.—OF OFFENCES AGAINST PROPERTY—concluded.

Of Criminal Trespass—concluded.

148	1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment. If the offence is theft	May arrest without warrant. Ditto ...	Warrant ... Ditto ...	Not bailable. Ditto ...	Imprisonment of either description for 5 years and fine. Imprisonment of either description for 14 years and fine.	High Court or Magistrate. Ditto.
	458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
	459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	High Court.
	460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
	461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 2 years; or fine, or both.	Magistrate.

Presidency Magistrates.

[ACT IV

462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.
-----	---	-----------	-----------	-----------	---	---------------------------

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

465	Forgery	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	High Court.
466	Forgery of a record of a Court of Justice or of a register of births, &c., kept by a public servant.	Ditto ...	Ditto ...	Not bailable	Imprisonment of either description for 7 years and fine.	Ditto.
467	Forgery of a valuable security, will or authority to make or transfer any public security, or to receive any money, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto ...	Ditto.
468	Forgery for the purpose of cheating	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ...	Ditto ...	Punishment for forgery	Ditto.

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—*continued.*

150

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Warrant ...	Not bailable	Punishment for forgery.	High Court.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code; or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine. If the document is a valuable security or will.	Ditto ...	Ditto ...	Ditto ...	Ditto ... Transportation for life, or as above ...	Ditto. Ditto.

Presidency Magistrates.

[ACT IV

475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.

Of Trade and Property-Marks.

482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto ...	Summons ...	Ditto	Imprisonment of either description for 3 years and fine.	High Court or Magistrate.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.

CHAPTER XVIII.—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS—concluded.

Of Trade and Property-Marks—concluded.

153	1	2	3	4	5	6	7
Section.	OFFENCE.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.	
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate.	
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	High Court or Magistrate.	
488	Making use of any such false mark ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.	
489	Removing, destroying, or defacing, any property-mark with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate.	

Presidency Magistrates.

CHAPTER XIX.—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Magistrate.
-----	---	-----------------------------------	-------------	--------------	---	-------------

[ACT IV

c

491	Being bound to attend on, or supply the wants of, a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto --	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX.—OF OFFENCES RELATING TO MARRIAGE.

153

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable	Imprisonment of either description for 10 years and fine.	High Court.
494	Marrying again during the lifetime of a husband or wife.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 7 years and fine.	Ditto.
495	Same offence, with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto ...	Ditto ...	Not bailable	Imprisonment of either description for 10 years and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years and fine.	Ditto.
497	Adultery	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 5 years, or fine, or both.	Ditto.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.

CHAPTER XXI.—OF DEFAMATION.

154	1	2 ^a	3	4	5	6	7
Section.	OFFENCE.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.	
500	Defamation	Shall not arrest without warrant.	Warrant ...	Bailable ...	Simple imprisonment for 2 years, or fine, or both.	High Court or Magistrate.	
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.	
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.	

Presidency Magistrates.

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate.
-----	---	-----------------------------------	-------------	--------------	---	-------------

[ACT IV

505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto ...	Ditto ...	Not bailable	Ditto ...	Ditto.
506	Criminal intimidation ... If threat be to cause death or grievous hurt, &c.	Ditto ...	Ditto ...	Bailable ...	Ditto ...	Ditto. High Court or Magistrate.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto. Imprisonment of either description for 2 years, in addition to the punishment under above section.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Magistrate. Imprisonment of either description for 1 year, or fine, or both.
509	Uttering any word or making any gesture intended to insult the modesty of a woman	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto. Simple imprisonment for 1 year, or fine, or both.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto. Simple imprisonment for 24 hours, or fine of 10 rupees, or both.

CHAPTER XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Transportation, or imprisonment not exceeding half of the longest term, and of the description, provided for the offence, or fine, or both.	By the Court by which the offence attempted is triable.
-----	--	---	--	---	---	---

OFFENCES AGAINST OTHER LAWS.

156

1 Section.	2 OFFENCE.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If punishable with death, transportation, or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant ...	Not bailable.	.....	High Court.
	If punishable with imprisonment for three years and upwards, but less than seven.	Ditto ...	Ditto ...	Ditto ...	.....	High Court or Magistrate.
	If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons ...	Bailable ...	.....	Magistrate.
	If punishable with fine only	Ditto ...	Ditto ...	Ditto ...	.....	Ditto.

Presidency Magistrates.

[ACT IV

SCHEDULE III.

FORMS OF SUMMONS, WARRANTS, BONDS AND RECOGNIZANCES.

A.

FORM OF SUMMONS (section 47).

To *A. B.*, of

Whereas complaint has this day been made before the undersigned Presidency Magistrate for the Town of _____ that you on the _____ day of _____ 187_____ at _____ (*state shortly the offence complained*), contrary to section _____ of the Indian Penal Code [*or of Act No. _____ of 18 _____, as the case may be*]: You are hereby required to appear in person [*or by advocate, attorney or pleader, as the case may be*] on the _____ day of _____ 187_____, at _____ o'clock in the forenoon [*or afternoon*] at the Court of _____ before such Magistrate as may then be present, to answer to the said complaint and to be further dealt with according to law.

Dated the _____ day of _____

(Signed) *C. D.*,
Presidency Magistrate.

B.

FORM OF WARRANT OF ARREST (section 56).

To _____ (*name and designation of the person who is to execute the warrant*).

Whereas _____ of _____ is accused of the offence of (*state the offence*): You are hereby directed to apprehend the said _____ and produce him at the Court of _____ before such Magistrate as may then be present.

(Signature.)

Dated _____

[*This warrant may be endorsed as follows:—*]

If the said _____ shall give bail, himself in the sum of _____, with one surety in the sum of _____ (*or two sureties each in the sum of _____*), to appear before me on the _____ day of _____, he may be released.

(Signature.)

Dated _____

C.

FORM OF WARRANT OF COMMITMENT FOR INTERMEDIATE CUSTODY
(*section 71*).

To the officer in charge of the
Whereas of is accused of () you are hereby required to receive the said into your custody and to produce him before by whom [*or which*] the offence of which he is accused is to be tried [*or enquired into*] from time to time when so required.

D.

FORM OF RECOGNIZANCE (*section 72*).

We, *A. B.* of , *C. D.* of and *E. F.* of , do hereby bind ourselves jointly and severally that the said *A. B.* will attend on the day of 187 at the Court of the Presidency Magistrate of and continue so to attend until otherwise directed by the said Magistrate, and will, if required, appear when called upon at the High Court of Judicature at to answer the charge of , and in case of the said *A. B.* making default herein, we the said *A. B.*, *C. D.* and *E. F.* bind ourselves jointly and severally to forfeit to Her Majesty, her heirs and successors, the sum of rupees.

(*Signatures.*)

Dated the day of 187

E.

FORM OF WARRANT OF COMMITMENT FOR INTERMEDIATE CUSTODY
PENDING TRIAL BEFORE THE HIGH COURT (*section 89*).

To , the officer in charge of the Jail.
Whereas of is charged with (*state the offence in respect of which the prisoner is charged*) and has been committed to take his trial before the Court of

You are hereby required to receive the said into your custody and to produce him before the said Court when so required.

(*Signature.*)

(*Office and powers.*)

Dated

F.

F.

FORM OF RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE
(sections 93, 140).

I, _____, of _____, do hereby bind myself to appear at _____, in the Court of _____, at _____ o'clock on the _____ day of _____ next, and then and there to prosecute (or, as the case may be, to prosecute and give evidence, or to give evidence) in the matter of a charge of _____ against one A. B., and to attend at the said Court from day to day, or as I may be otherwise directed by the presiding officer; and in case of my making default herein, I bind myself to forfeit to Her Majesty, her heirs and successors, the sum of _____ rupees.

(Signature.)

Dated

G.

FORM OF WARRANT OF COMMITMENT AFTER SENTENCE
(section 184).

To _____, the officer in charge of the _____ Jail.

Whereas _____ of _____ was convicted before me (name and official designation) of the offence of (mention the offence, quoting Act and section), and was sentenced to (state the punishment fully and distinctly, mentioning its nature and extent): You are hereby required to receive the said _____ into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

(Signature.)

Dated _____ day of _____

H.

FORM OF RECOGNIZANCE TO KEEP THE PEACE (section 222).

Whereas I, A. B. [or we, A. B., C. D., etc.], of _____, have been called upon to enter into a bond to keep the peace for the term of _____, I hereby bind myself [or each of us hereby binds himself] not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term; and in case of my [or any of us] making default therein, I bind myself [or he binds himself] to forfeit to Her Majesty, her heirs and successors, the sum of _____ rupees.

(Signature.)

Dated

FORM

159

FORM OF SECURITY TO BE SUBJOINED TO THE RECOGNIZANCE OF THE PRINCIPAL.

I, *E. P.*, of _____, hereby declare myself surety for the above-mentioned *A. B.*, that he shall not commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty, her heirs and successors, the sum of _____ rupees.

(Signature.)

Dated _____

I.

FORM OF RECOGNIZANCE FOR GOOD BEHAVIOUR (section 222).

Whereas I, _____, inhabitant of _____, have been called upon to enter into a bond to be of good behaviour to Her Majesty and to all Her subjects, for the term of _____, I hereby bind myself to be of good behaviour to Her Majesty, and to all her subjects, during the said term, and in case of my making default therein, I bind myself to forfeit to Her Majesty, her heirs and successors, the sum of _____ rupees.

(Signature.)

Dated _____

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

I hereby declare myself surety for the above-said _____ that he shall be of good behaviour to Her Majesty and to all her subjects during the said term; and in case of his making default therein, I hereby bind myself to forfeit to Her Majesty, her heirs and successors, the sum of _____ rupees.

(Signature.)

Dated _____

CHARGES.

(See section 97.)

(1).—CHARGES WITH ONE HEAD.

(a.) I [*name and office of Magistrate, &c.*], hereby charge you, [*name of accused person*], as follows:—

(b.) That you, on or about the _____ day of _____, at _____, waged war against the Queen, and thereby committed an offence punishable under section 121 of the _____ the

1877.]

Presidency Magistrates.

the Indian Penal Code, and within the cognizance of the High Court.

(c.) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature of the Magistrate.*]

[*To be substituted for (b).*]

(2.) That you, on or about the _____ day of _____, at _____, with the intention of inducing the Honourable *A. B.*, Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the High Court. On section 124.

(3.) That you, being a public servant in the _____ Department, directly accepted from [*state the name*] for another party [*state the name*] a gratification, other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the High Court. On section 161.

(4.) That you, on or about the _____ day of _____, at _____, committed culpable homicide not amounting to murder, causing the death of _____, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the High Court. On section 304.

(5.) That you, on or about the _____ day of _____, at _____, abetted the commission of suicide by *A. B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the High Court. On section 306.

(6.) That you, on or about the _____ day of _____, at _____, voluntarily caused grievous hurt to _____, and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the High Court. On section 325.

(7.) That you, on or about the _____ day of _____, at _____, committed robbery, an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the High Court. On section 392.

(8.) That you, on or about the _____ day of _____, at _____, committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the High Court. On section 395.

(9.) That

On section 166.

(9.) That you, on or about the _____ day of _____, at _____, did (or omitted to do, as the case may be) _____, such conduct being contrary to the provisions of Act _____, section _____, and was known by you to be prejudicial to _____, and thereby committed an offence punishable under section 166 of the Indian Penal Code, and within the cognizance of the High Court.

On section 193.

(10) That you, on or about the _____ day of _____, at _____, in the course of the trial of _____ before _____ stated in evidence that " _____ " which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the High Court.
 [In cases tried by Magistrates, substitute " within my cognizance," for " within the cognizance of the High Court." In (c), omit " by the said Court."]

(II.)—CHARGES WITH TWO OR MORE HEADS.

(a.) I, [name and office of Magistrate, &c.], hereby charge you, [name of accused person], as follows:—

On Penal Code sections 241 and 242.

(b.) *First.*—That you, on or about the _____ day of _____, at _____, knowing a coin to be counterfeit, delivered the same to another person, by name A. B., as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the High Court.

Secondly.—That you, on or about the _____ day of _____, at _____, knowing a coin to be counterfeit, attempted to induce another person, by name A. B., to receive it as genuine, and thereby committed an offence punishable under section 242 of the Indian Penal Code, and within the cognizance of the High Court.

(c.) And I hereby commit you to the said Court to be tried on the said charges.

[Signature of the Magistrate.]

On sections 302 and 304.

(For b.) *First.*—That you, on or about the _____ day of _____, at _____, committed murder by causing the death of _____, and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the High Court.

Secondly.—That you, on or about the _____ day of _____, at _____, by causing the death of _____, committed culpable homicide, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the High Court.

For

THE STRAITS SETTLEMENTS EMIGRATION ACT, 1877.

CONTENTS.

PREAMBLE.

I.—PRELIMINARY.

SECTION.

1. Short title.
Local extent.
Commencement.
2. Interpretation-clause.
3. From what port emigration lawful.

II.—EMIGRATION AGENTS.

4. Appointment of Emigration Agents.

III.—PROTECTORS OF EMIGRANTS.

5. Appointment of Protector of Emigrants.
6. General duties of Protector.
Inspection of vessels with return-emigrants.

IV.—EMIGRATION DEPÔT.

7. Establishment and licensing of depôt.
Fee for license.
8. Inspection by Protector.
Agent and his subordinates to afford facilities for inspection.
9. Supply of medical aid and comforts.

V.—RECRUITERS OF LABOURERS.

10. Protector to license recruiters.
11. Duration and cancelment of license.
12. Form of license.
Fee for license.
13. Recruiter to obtain Magistrate's countersignature to license.

VI.—CONTRACTS WITH EMIGRANTS.

14. Conditions of validity of emigration-contracts.
15. Contents of such contracts.
16. Certain agreements declared void.

17. Medical

[*Price five annas and nine pies.*]

SECTION.

17. Medical examination of intending emigrants.
Dependents.
Form of certificates.
18. Recruit and dependent to appear before Magistrate,
and be examined.
Registration when to be refused.
19. Examination of dependents.
20. Copies of registered matters.
21. Copy of entry in register to be sent to Emigration Agent
and Protector.
22. Registration before Protector.
23. Fee for registration.

VII.—ARRIVAL AT DEPÔT AND PROCEDURE THEREON.

24. Arrival at depôt to be reported.
25. Duty of Protector on arrival of emigrants.
26. Countersignature of register.
Grant of embarkation-pass.
27. When emigrant to be sent back to place of registration.
Payment of expenses of sending him back.
28. Payment of expenses of dependent accompanying emigrant.
29. Effect of such dependent's unfitness from ill-health to
return to Straits.
30. Compensation to emigrant or dependent for ill-treatment
on journey to depôt.
31. Failure of Emigration Agent, &c., to pay such expenses.
32. Suits against Emigration Agent for breach of contract.

VIII.—EMIGRANT VESSELS.

33. Emigrants not to be received on board vessels not licensed
under Native Passengers Act,
or without Protector's certificate.
Protector not to grant certificate unless satisfied that
vessel has been licensed and has provisions on board.
34. Emigrant to give his pass to Master.
35. Emigration Agent to be present at embarkation.
36. Master to deliver list of emigrants.

IX.—SUPPLEMENTARY POWERS.

37. Power to prohibit emigration to the Straits Settlements.
38. Revocation of prohibition.

X.—OFFENCES.

39. Making unlawful contract of labour.
Recruiting without being licensed.
Recruiter omitting to take engaged labourers before
Magistrate or Protector.

40. Use

SECTION.

40. Use of force, fraud, &c., to cause a Native to emigrate.
41. False representation of Government authority.
42. Receiving emigrants on board without license or certificate.
43. Failure to comply with requirements of sections 34 and 36.
44. Penalty for landing emigrant or dependent at other than specified port.
45. Taking on board, after clearance, emigrants not entered in list.
46. Prosecutions under Act by whom instituted.
47. Customs-officers may search and detain for purposes of Act.

XI.—MISCELLANEOUS.

48. Act not to apply to certain vessels.
 49. or to contracts with Native seamen and menial servants.
 50. Emigration Agent and his subordinates and Protector of Emigrants to be deemed public servants.
 51. Indian Emigration Act, 1871, not to apply to Straits Settlements.
 52. Repeal of Act XIV of 1872.
-

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

ACT No. V of 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th March 1877).

An Act to regulate the Emigration of Native Labourers from the Presidency of Fort Saint George to the Straits Settlements.

WHEREAS it is expedient to regulate emigration under engagements to labour from the Presidency of Fort Saint George to the Straits Settlements; It is hereby enacted as follows:—

I.—PRELIMINARY.

1. This Act may be called “The Straits Settlements Emigration Act, 1877:”

It extends only to the territories under the government of the Governor of Fort Saint George in Council;

And it shall come into force on such date as the Governor of Fort Saint George in Council, with the previous sanction of the Governor General in Council, may, by notification in the *Fort Saint George Gazette*, direct.

2. In this Act, unless there be something repugnant in the subject or context—

“Emigrate” denotes the departure of any Native of India out of the said territories, under an engagement to labour in the said Settlements:

“Emigrant” means a person who “emigrates” within the meaning of the above definition:

“Magistrate” means a Magistrate of a District, a Magistrate of a division of a district, or any other person appointed by the Governor of Fort Saint George

in Council to perform the functions of a Magistrate under this Act :

“Vessel.”

“Vessel” includes anything made for the conveyance by water of human beings or property.

From what port emigration lawful.

3. It shall not be lawful to emigrate except from such ports as may from time to time be declared by the Governor of Fort Saint George in Council, by a notification in the *Fort Saint George Gazette*, to be ports from which emigration under this Act shall be lawful.

The Local Government may at any time, by a like notification, revoke any such notification.

II.—EMIGRATION AGENTS.

Appointment of Emigration Agents.

4. The Government of the Straits Settlements may, from time to time, appoint such persons as the Governor of Fort Saint George in Council approves, to act as Emigration Agents at such ports as aforesaid.

Any Emigration Agent so appointed may be suspended or removed by the Government of the Straits Settlements.

III.—PROTECTORS OF EMIGRANTS.

Appointment of Protector of Emigrants.

5. The Governor of Fort Saint George in Council shall direct such persons as he thinks fit to act as Protectors of Emigrants under this Act at such ports and for such local areas as may be assigned to them respectively, and may, with the sanction of the Governor General in Council, assign to such persons such establishment as the Governor of Fort Saint George in Council thinks fit.

General duties of Protector.

6. Every Protector of Emigrants, in addition to any special duties assigned to him by this Act, shall, so far as is in his power, protect and aid all emigrants with his advice or otherwise, and cause all the provisions of this Act to be duly complied with.

Inspection of vessels with return-emigrants.

He may also inspect on arrival all vessels bringing return-emigrants to the port at which he is Protector, and inquire into the treatment received by such emigrants both during the period of their service in the

Straits

Straits Settlements and also during the voyage, and shall make a report thereon to the Governor of Fort Saint George in Council.

Such Protector shall also aid and advise such return-emigrants, so far as he reasonably can, when called upon by them to do so.

IV.—EMIGRATION DEPOT.

7. Every Emigration Agent shall establish a suitable depôt for emigrants at the port at which he is Agent. Such depôt may be licensed by the local Protector of Emigrants after being inspected and approved of by him.

Establishment and licensing of depôt.

For every such license the Emigration Agent shall pay to the Protector of Emigrants a fee of fifteen rupees.

Fee for license.

8. The Protector of Emigrants may, at any time, examine into the state of the depôt and the manner in which the emigrants are therein lodged, fed, clothed and otherwise provided for and attended to, and shall do so at least once a year.

Inspection by Protector.

And he may at any time cancel the license, if he considers that the depôt for which it was granted is unhealthy, or has in any respect become unsuitable for the purpose for which it was established, or if the local Emigration Agent fails to comply with any of the requirements of this Act.

The Emigration Agent and all persons in charge of, or employed in, the depôt, shall give the Protector every facility for making such inspections as he may deem necessary or proper, and shall afford him all such information respecting the depôt and the emigrants as he may require.

Agent and his subordinates to afford facilities for inspection.

9. The Emigration Agent shall provide at the depôt such medical aid and comforts as the Protector may from time to time direct.

Supply of medical aid and comforts.

V.—RECRUITERS OF LABOURERS.

10. Each Protector of Emigrants shall license so many fit persons as he deems necessary, to be

Protector to license recruiters.

recruiters

recruiters of labourers for the Straits Settlements ; and no person shall engage or attempt to engage any Native of India to emigrate, or shall otherwise act or be employed as a recruiter of labourers, except under a license from a Protector of Emigrants.

Duration and
cancelment
of license.

11. No such license shall be in force for a longer period than one year ; and in case of misconduct on the part of any recruiter, the Protector of Emigrants who granted it may cancel his license before the expiration of the period for which it was granted.

Form of
license.

12. Every such license shall specify the local limits within which the person licensed may recruit labourers, and shall be in the form set forth in the first schedule hereto annexed.

Fee for
license.

For every such license the recruiter shall pay to the Protector a fee of five rupees.

Recruiter to
obtain Magis-
trate's coun-
tersignature
to license.

13. No recruiter shall engage, or attempt to engage, labourers in any district without having first exhibited his license to a Magistrate in such district, and obtained the countersignature of such Magistrate thereupon.

No Magistrate shall countersign a recruiter's license unless and until he has satisfied himself, by such enquiry as he thinks fit, that the licensee is not by character or from any other cause unfitted to be a recruiter under this Act.

If any Magistrate who has countersigned a license afterwards finds reason to think that the licensee is by character or other cause unfitted to be a recruiter under this Act, he may require the licensee to produce the license and may cancel his signature ; or he may, if he thinks fit, impound the license and send it to the Emigration Agent for cancellation.

Every Magistrate refusing to countersign a recruiter's license or cancelling his signature as aforesaid, shall, without delay, report his refusal or cancellation and the grounds of it to the Protector of Emigrants who has authority to cancel the recruiter's license.

VI.—CONTRACTS

VI.—CONTRACTS WITH EMIGRANTS.

14. No contract made by a recruiter with a Native of India to emigrate shall be enforceable by the recruiter or his principal unless it

Conditions of validity of emigration-contracts.

(a) is expressed in writing;

(b) is executed by the recruiter on behalf of some principal in the Straits Settlements;

(c) states the terms, if any, agreed on as to the redemption of the recruit's engagement for employment, or of the unexpired term of such engagement;

and unless

(d) the term of the recruit's employment, the nature of the services to be performed by him, and the rate of wages to be paid in respect of the same are registered in the manner provided in section eighteen.

But nothing contained in this section shall be deemed to prevent such Native from insisting, if he thinks fit, that such contract shall be performed.

15. Every such contract shall

Contents of such contracts.

(a) contain an engagement for employment to be provided by such principal for a definite term not exceeding three years; and

(b) specify the nature of the services to be performed by such recruit and the rates of wages (not less than twelve cents a day for an able-bodied male adult) payable in respect of the same.

16. Save as provided by section fourteen, clause (c), every agreement entered into by a Native of India in the territories subject to the Governor of Fort Saint George in Council, to pay money to any person in the Straits Settlements, in consideration of pecuniary or other assistance given to such Native to emigrate, shall be illegal and void.

Certain agreements declared void.

Every contract not containing the particulars required by section fifteen shall be illegal and void.

17. Every recruit who has entered into such a contract as aforesaid shall be brought by the recruiter before

Medical examination of intending emigrants.

before the Civil Surgeon of the district or such other medical officer as the Local Government appoints in this behalf or, in default of such appointment, before such medical officer as the Magistrate directs.

The medical officer shall thereupon examine the recruit, and shall either reject him or shall certify that he is in a fit state of health and able in point of physical condition to proceed to the Straits Settlements and to work there.

Dependents. If it is intended that any persons shall accompany the recruit as his dependents, the recruiter shall also bring them before the medical officer for the purpose of obtaining certificates that they are in a fit state of health and able in point of physical condition to perform the journey to the Straits Settlements; and the medical officer shall examine such persons and shall give or refuse certificates according to his opinion as to their fitness and ability.

Form of certificates. Certificates shall be in the form set forth in the second schedule hereto annexed; and the recruiter shall pay to the medical officer such fee for each person so examined as the Local Government may from time to time prescribe.

Recruit and dependent to appear before Magistrate, 18. Every certified recruit and every accompanying dependent shall appear with the recruiter before a Magistrate in the district within which the contract with the recruit was entered into.

and be examined. The Magistrate shall thereupon inspect the instrument of contract and the medical certificate of the recruit, and shall, apart from the recruiter, examine the recruit with reference to his contract.

If it appears on such examination that the recruit understands the nature of the contract he has entered into, and that he is willing to fulfil the same, the Magistrate shall register

(a) the name, the father's name and the age of such recruit :

(b) the name of the village or place in which he resides ;

(c) the

(c) the port of embarkation to which it is intended he shall proceed :

(d) the name of his employer :

(e) the term of his employment, the nature of the services to be performed by him and the rate of wages to be paid in respect of the same.

The recruit shall thereupon be deemed an emigrant under this Act.

If the Magistrate thinks that the recruit does not understand the nature of the contract into which he has entered, or has been induced to enter into it by fraud or misrepresentation, or finds that the contract is not in accordance with section fifteen, he shall refuse to register the particulars specified as aforesaid, and record his reasons for such refusal.

Registration when to be refused.

19. On the appearance of any person claiming to be dependent on an emigrant, the Magistrate, after inspecting the medical certificate, shall, apart from the recruiter, examine such person if able to give intelligent answers to questions as to his dependence upon the emigrant whom he is about to accompany, and as to his willingness to accompany such emigrant.

Examination of dependents.

If the Magistrate is satisfied that such dependence and willingness exist, he shall register the dependent as a dependent on such emigrant.

But if the Magistrate sees reason to doubt the existence of such dependence or willingness, he may refuse to register the alleged dependent, and, if so, shall record his reasons for such refusal.

20. The Magistrate shall furnish to every emigrant an authenticated copy on substantial paper of the matters registered under sections 18 and 19.

Copies of registered matters.

21. A copy of every entry made in the registry-book by a Magistrate, shall be forthwith forwarded by such Magistrate to the Emigration Agent and to the Protector of Emigrants.

Copy of entry in register to be sent to Emigration Agent and Protector.

22. The registration required by sections 18 and 19 shall, in the case of emigrants recruited in any

Registration before protector.

local

local area for which a Protector of Emigrants has been appointed, be effected before him instead of a Magistrate; and such Protector shall furnish to the emigrant one copy of the matters so registered, and another copy of the same matters to the Emigration Agent.

Fee for registration. **23.** For the registration of every recruit under section 18, the recruiter shall pay to the Magistrate or to the Protector of Emigrants, as the case may be, such fee not exceeding one rupee, as may be from time to time directed by the Local Government.

VII.—ARRIVAL AT DEPÔT AND PROCEDURE THEREON.

Arrival at depôt to be reported. **24.** The arrival of each emigrant at the depôt shall immediately be reported by the person in charge of the depôt to the Emigration Agent, and by such Agent to the Protector of Emigrants.

The Emigration Agent may institute such examination of the emigrants as he thinks fit in order to satisfy himself of their fitness to emigrate.

Duty of Protector on arrival of emigrants. **25.** The Protector of Emigrants shall, within forty-eight hours after the arrival at the depôt of each emigrant not registered by himself, question such emigrant as to the mode in which he has been treated on his journey to the depôt, and shall at the same time examine the emigrant's contract and the copy of the register furnished to him under section 20.

If for any reason further enquiry is necessary, he shall make such enquiry forthwith.

Countersignature of register. Grant of embarkation-pass. **26.** If in the opinion of the Protector of Emigrants the examination and enquiry made under section 25 disclose no valid reason against the fulfilment of the contract, and the emigrant has not become physically unfit for emigration, the Protector and the Emigration Agent shall countersign the emigrant's copy of the register, and the Emigration Agent shall make out and deliver to the emigrant an embarkation-pass signed by the Emigration Agent, and countersigned by the Protector, stating the name and the age of the emigrant and the name of his father, certifying

certifying that he has been duly registered for emigration to the Straits Settlements and mentioning the port of debarkation.

27. If the Protector of Emigrants considers that any emigrant is physically unfit to emigrate, and that he has not dishonestly represented himself as physically fit;

When emigrant to be sent back to place of registration.

or that any such irregularity has occurred in the recruitment of any such emigrant, as makes it just to vacate the contract;

or if the Emigration Agent refuses without the consent of the Protector to countersign the emigrant's copy of the register as required by section 26, or to be bound by the contract;

the Protector of Emigrants may order the Emigration Agent, or the recruiter with whom the contract was made, forthwith to pay to him such reasonable sum as is necessary to enable such emigrant to return to the place where his name was registered under section 18; and may take any steps he thinks necessary for the conveyance of such emigrant to such place;

Payment of expenses of sending him back.

and any emigrant who from his state of health is in the opinion of the Protector of Emigrants physically unfit to undertake such return, shall be entitled to be fed, lodged and attended to at the port of embarkation at the expense of the Emigration Agent until he is reported by the Protector of Emigrants fit to undertake such return to such place.

28. If a dependent has accompanied such emigrant, the Protector of Emigrants may order the Emigration Agent or recruiter to pay such sum as is necessary to enable him to return to the place at which his name was registered under section 19, as well as to feed or lodge him during the detention (if any) of the emigrant at the depôt.

Payment of expenses of dependent accompanying emigrant.

29. If the Protector of Emigrants has reason to think that any dependent is in such a state of health that his journey to the Straits Settlements, or his detention in the depôt, would be dangerous to himself

Effect of such dependent's unfitness from ill-health to

or

return to
the Straits.

or others, he shall so certify to the Emigration Agent, and thereupon the emigrant to whom such dependent is attached shall be entitled, if he so wishes, to return as if he himself had been found under section 27 to be physically unfit to emigrate.

If the emigrant still desires to emigrate, then the dependent shall be kept and returned to the place at which he was registered as if he were an emigrant falling under section 27.

Compensation to emigrant or dependent for ill-treatment on journey to depôt.

30. If upon the arrival of any emigrant or dependent at the depôt, it appear that, during the journey thither, he has suffered any ill-treatment, or the recruiter has failed to provide him with proper and sufficient food and lodging, the Protector of Emigrants may order the Emigration Agent to pay him a reasonable sum by way of compensation.

Failure of Emigration Agent, &c., to pay such expenses.

31. On failure of the Emigration Agent or of such recruiter for twenty-four hours to comply with an order of the Protector for the payment of any sum ordered to be paid under any of the four last preceding sections, the Protector may pay the same to, or on behalf of, the emigrant.

Every sum so paid shall be recoverable by the Protector, with six per cent. per annum interest from the date of payment, from the Emigration Agent, or from such recruiter.

No further proof shall be required by any Court in any such case than that the Protector gave such Emigration Agent or recruiter an order to pay such money, and that the Emigration Agent or recruiter for a space of twenty-four hours made default in complying therewith.

Suits against Emigration Agent for breach of contract.

32. Whenever the Emigration Agent refuses, without the consent of the Protector, to countersign an emigrant's copy of the register as required by section 26, or is chargeable with a breach of any duty which any contract with an emigrant expressly or by implication imposes upon him, the Protector may, if he thinks fit, institute a suit on behalf of the emigrant

grant against the Emigration Agent for the recovery of damages for the breach of such contract.

In every such suit the contract entered into by the recruiter shall be deemed to have been entered into by, and to be binding on, the Emigration Agent.

VIII.—EMIGRANT VESSELS.

33. No Master or other person in charge of a vessel shall receive on board any emigrant unless such vessel has been licensed, under the law for the time being in force relating to the carriage by sea of Native passengers, to carry passengers for the intended voyage, and unless the Master of such vessel has obtained a certificate from the Protector of Emigrants authorizing him to receive on board the number of emigrants specified therein.

Emigrants not to be received on board vessels not licensed under Native Passengers Act, or without Protector's certificate.

No such certificate shall be granted by the Protector of Emigrants unless he has satisfied himself that the vessel has been licensed as aforesaid, and that provisions and water for the number of emigrants to be specified in the certificate according to the scale prescribed under such law have been actually put on board such vessel.

Protector not to grant certificate unless satisfied that vessel has been licensed and has provisions on board.

34. On embarkation, every emigrant shall deliver to the Master of the vessel the embarkation-pass granted to him under section 26, and the Master shall not receive any emigrant on board unless he delivers up such pass.

Emigrant to give his pass to Master.

35. The Emigration Agent shall be personally present at the embarkation of all emigrants, and shall see that the Master duly examines the passes of the emigrants, and shall himself also examine such passes.

Emigration Agent to be present at embarkation.

The Emigration Agent shall not permit any emigrant to remain on board who has not a pass.

36. The Master of every vessel carrying emigrants shall, after the embarkation of the emigrants, and before the departure of the vessel, give to the Emigration Agent a list of all emigrants on board, signed by himself and mentioning the port of debarkation,

Master to deliver list of emigrants.

and

and shall retain a counterpart of such list signed by the Emigration Agent.

A copy of such list signed by the Emigration Agent and Master shall be sent by the Emigration Agent to the Protector of Emigrants before the vessel sails.

IX.—SUPPLEMENTARY POWERS.

Power to prohibit emigration to the Straits Settlements.

37. Whenever the Governor General in Council has reason to believe that proper measures have not been taken for the protection of emigrants and the enforcement of the engagements entered into with them immediately upon their arrival at the Straits Settlements, or during their residence therein, the Governor General in Council may, by a notification published in the *Gazette of India*, declare that emigration under this Act to the said Settlements shall cease from a day to be specified in such notification.

When any notification has been published under this section, emigration under this Act and the making of contracts to emigrate to the Straits Settlements shall be unlawful from the day specified in such notification.

Revocation of prohibition.

38. Such notification may be revoked in like manner by the Governor General in Council, and thereupon emigration to the said Settlements shall again be allowed from a day to be specified in the revocation.

From the day so specified all the provisions of this Act authorizing emigration to the said Settlements shall be revived and have the same effect as if such emigration had not been suspended, except as to acts done, offences committed, and proceedings commenced, during the time of such suspension.

X.—OFFENCES.

Making unlawful contract of labour.

39. Whoever, except under and in conformity with the provisions of this Act, engages or attempts to engage any Native of India to emigrate,

or whoever engages, or attempts to engage, any Native of India to enter into any such contract as is hereby declared illegal,

or,

or, not being a recruiter duly licensed under this Act, acts or is employed as a recruiter of labourers for the Straits Settlements,

Recruiting without being licensed.

or, being a recruiter duly licensed under this Act, removes, or attempts to remove, any person whom he engages in any district from such district until the particulars required by section 18 have been duly registered,

Recruiter omitting to take engaged labourers before Magistrate or Protector.

shall be punished with imprisonment, which may extend to six months, or with fine not exceeding five hundred rupees, or with both.

40. Whoever, by means of intoxication, violence, fraud or false pretences, causes or induces, or attempts to cause or induce, any Native of India to emigrate or to enter into any contract to emigrate, or into any such contract as is hereby declared illegal, or to proceed to the said Settlements without having entered into any contract, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both; and any police-officer may for such offence arrest him without warrant.

Use of force, fraud, &c., to cause a Native to emigrate.

41. Whoever, without lawful authority, issues any written order to the police to assist himself or any other person to procure labourers to proceed to the said Settlements, or falsely represents that such labourers are required by the Government, or are to be engaged on behalf of the Government, shall be liable to imprisonment for a term not exceeding six months, or to fine not exceeding five hundred rupees, or to both.

False representation of Government authority.

42. Any Master of a vessel not licensed as provided in section 33 who knowingly receives on board, for conveyance to the said Settlements, any emigrant or person who has entered into a contract hereby declared illegal,

Receiving emigrants on board without license or certificate.

and any Master of a vessel licensed as aforesaid, who knowingly receives any emigrant as aforesaid without having previously obtained a certificate under the said section, or in excess of the number specified in such certificate,

shall

shall be liable for each emigrant or person so received to imprisonment for a term which may extend to three months, or to fine not exceeding two hundred rupees, or to both, and the vessel shall be liable to be forfeited.

Failure to comply with requirements of sections 34 and 36.

43. Any Master of a vessel who receives on board such vessel any emigrant for the said Settlements and fails to comply with the requirements of sections 34 and 36, shall be liable to a fine not exceeding two hundred rupees.

Penalty for landing emigrant or dependent at other than specified port.

44. Any Master of a vessel landing any emigrant or dependent at any port other than the port of debarkation specified in embarkation-pass and list, unless in case of stress of weather or other unavoidable accident, shall be liable for every emigrant or dependent so landed to a fine not exceeding two hundred rupees, or to imprisonment for a term which may extend to one month, or to both.

Taking on board, after clearance, emigrants not entered in list.

45. Any Master of a vessel who, having cleared such vessel for the said Settlements, takes on board any emigrant not entered in the list mentioned in section 36, shall be liable to a fine not exceeding two hundred rupees for every emigrant so taken on board.

Prosecutions under Act by whom instituted.

46. All prosecutions under sections 42, 43, 44 and 45 shall be instituted by the Emigration Agent, or by the Protector of Emigrants, or by an officer appointed for the purpose by the Local Government.

Customs-officers may search and detain for purposes of Act.

47. All the powers vested by law in the officers of Customs in regard to the searching and detention of vessels, or otherwise, for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention and detection of the illegal embarkation of emigrants on board vessels bound for the said Settlements and of other offences against this Act.

XI.—MISCELLANEOUS.

Act not to apply to certain vessels,

48. Nothing in this Act shall apply to any vessels in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's vessels.

49. Nothing

49. Nothing in this Act shall apply to any contract with, or the emigration of, any Native seaman or other person who of his own free will contracts to navigate or serve on board of any vessel, or who embarks on board such vessel in pursuance of such contract, or any person who contracts to serve as a menial servant only and who embarks as such menial servant.

or to contracts with Native seamen and menial servants.

50. The Emigration Agent and all persons employed by him, and the Protector of Emigrants, shall be deemed to be public servants within the meaning of the Indian Penal Code.

Emigration Agent and his subordinates and Protector of Emigrants to be deemed public servants.

51. The Indian Emigration Act, 1871, shall not apply to the Straits Settlements, unless and until the Governor General in Council, by notification in the *Gazette of India*, declares it so to apply.

Indian Emigration Act, 1871, not to apply to Straits Settlements.

52. Act No. XIV of 1872 (*to exempt the Straits Settlements from the Indian Emigration Act, 1871*) is hereby repealed.

Repeal of Act XIV of 1872.

THE FIRST SCHEDULE.

(See section 12.)

Office of the Protector of Emigrants at the Port of

A. B. described in the Roll annexed is hereby licensed under the Straits Settlements Emigration Act, 1877, to be a recruiter of labourers.

[Here set out the local limits within which the recruiter is licensed to act.]

This license will be in force until the day of , unless previously cancelled.

(Sd.) C. D.,
Protector of Emigrants.

Dated the day of

Descriptive

Straits Settlements Emigration. [ACT V, 1877.]

Descriptive Roll.

Name.	Father's name.	AGE.		Caste.	Colour.	HEIGHT.		Distinguishing marks.	Name of vil- lage and dis- trict to which he belongs.
		Years.	Months.			Feet.	Inches.		

THE SECOND SCHEDULE.

(See section 17.)

I hereby certify that I have this day examined *A. B.*, and that he is, to the best of my belief and judgment, in a fit state of health, and able, in point of physical condition, to proceed to the Straits Settlements [and to work there*].

(Sd.) *C. D.*

(Here add designation of examining officer.)

* These words to be omitted in case of women and children not engaging for labour.

ACT No. VI OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th March 1877).

An Act for postponing the day on which the Opium Act, 1876, is to come into force.

WHEREAS the Opium Act, No. XXIII of 1876, section one, enacts that the said Act shall come into force on the first day of April 1877 : And whereas it is expedient to postpone the day on which such Act shall come into force ; It is hereby enacted as follows :—

Preamble.

1. The said Act No. XXIII of 1876 shall come into force, not on the first day of April 1877, but on such day as the Governor General in Council may, by notification in the *Gazette of India*, direct in this behalf.

Opium Act when to take effect.

[Price one anna.]

ACT No. VII OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th March 1877).

An Act to amend the law relating to assignments from the general Provincial Fund established under the North-Western Provinces Local Rates Act, 1871.

WHEREAS it is expedient to authorise the Local Government of the North-Western Provinces to provide out of the general Provincial Fund established under the North-Western Provinces Local Rates Act, 1871, for payment of certain charges incurred or to be incurred on account of canals and railways in the North-Western Provinces; It is hereby enacted as follows:—

Preamble.

1. Section 10 of the said Act shall be repealed, and in lieu thereof the following shall be substituted:—

Substitution of new section for section 10 of Act XVIII, 1871.

“10. The Lieutenant-Governor may from time to time assign from such Fund such amount as he thinks fit, to be applied in payment of charges incurred or to be incurred on account of such canals and railways as he, with the previous sanction of the Governor General in Council, may declare to be works of general provincial utility, and he shall from time to time allot from such Fund an amount to be applied in each district for expenditure on all or any of the following purposes:—

Assignments from general fund.

(a) the construction, repair and maintenance of roads and communications;

(b) the maintenance of the rural police and district-post;

[Price one anna and three pies.]

(c) the construction and repair of school-houses, the maintenance and inspection of schools, the training of teachers, and the establishment of scholarships;

(d) the construction and repair of hospitals, dispensaries, lunatic asylums, markets, wells and tanks; the payment of all charges connected with the purposes for which such buildings or works have been constructed, and any other local works likely to promote the public health, comfort or convenience:

Proviso.

“ Provided that the amount assigned in respect of such canals and railways shall not exceed ten per cent. of the total sum levied under this Act in the year in which the assignment was made, and that the amount allotted to be applied in each district for expenditure on all or any of the purposes mentioned in clauses (a), (b), (c) and (d) of this section shall be at least ninety per cent. of the total sum levied under this Act in such district in the year in which the allotment was made.”

Amendment
of Act XVIII
of 1871, ss. 12,
13 and 14.

2. In section 12 of the said Act, for the word “assignment” in each of the places where it occurs, the word “allotment” shall be substituted, and for the word “re-assigned” the word “re-allotted” shall be substituted.

And in section 13 of the said Act, for the word “assignment” the word “allotment” shall be substituted.

And in section 14 of the same Act, for the word “amount” in each of the places where it occurs, the word “allotment” shall be substituted.

ACT No. VIII OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th March 1877.)

An Act for the licensing of certain trades and dealings in the North-Western Provinces.

WHEREAS it is expedient that persons carrying on certain trades and dealings in the North-Western Provinces should take out licenses and pay for the same; It is hereby enacted as follows:—

Preamble.

1. This Act shall be called "The North-Western Provinces License Act, 1877 :"

Short title.

It extends to the provinces under the government of the Lieutenant-Governor of the North-Western Provinces; but nothing herein contained applies to persons earning their livelihood solely by agriculture.

Local extent.

And it shall come into force at once.

Commencement.
"Collector" defined.

2. In this Act "Collector" means the chief officer in charge of the revenue-administration of a district.

3. Every person who, on and after the first day of April 1877, falls under any of the heads specified in the schedule hereto annexed, and carries on (whether on behalf of himself or any other person) his trade or dealing, shall take out a license under this Act, and shall pay for the same the annual fee mentioned in the same schedule as payable by persons of the class to which he belongs.

Annual licenses to be taken out.

4. Every license under this Act shall be granted by the Collector of the district in which the person requiring such license carries on his trade or dealing: provided that, if such person carries on his trade or dealing in more than one district in the North-Western Provinces, the license shall be granted by

Officer to grant license.

the

[Price two annas and six pies.]

North-Western Provinces License. [ACT VIII

the Collector of the district in which his principal place of business is situate.

Every such license shall be signed by the Collector granting it, or by such officer as he may appoint in this behalf.

Particulars to be specified in the license.

5. Every such license shall specify—

(a) the date of the grant thereof :

(b) the name, father's name, caste and trade or dealing of the licensee :

(c) the fee paid for the license :

(d) the place or places where the licensee intends to carry on his trade or dealing for the ensuing year ; and

(e) the term for which the license shall remain in force,

and shall be received in evidence as *prima facie* proof of all matters contained therein.

Commencement and expiration of license.

6. Every such license shall have effect and continue in force from the day of the date thereof till the first day of January next after the day of the granting thereof.

Renewal of license.

7. Every person to whom any such license has been granted and who desires to continue to carry on his trade or dealing after the expiration thereof, shall take out a fresh license for that purpose for the following year, to expire on the day appointed in the last preceding section, and shall renew the same so long as he desires to continue to carry on such trade or dealing.

List of Licensees.

Collector to prepare annual list of licensees.

8. As soon as may be after the first day of April 1877 and the first day of January in every subsequent year, the Collector shall prepare a list of the persons to be licensed under this Act in the district or place aforesaid. Such list shall state—

(a) the trade or calling of each of the persons therein named ;

(b) the class under which he is charged ; and

(c) the

(c) the fee to be paid for his license.

Such list shall be in the language of the district, shall be filed in the office of the Collector, and shall be open to public inspection at all reasonable times without any payment.

9. The Collector shall from time to time determine under which of the classes mentioned in the said schedule every person to whom a license may be granted by him as aforesaid shall be charged, and shall amend the said list accordingly.

Collector to determine class under which licensee is to be charged.

The list or such part or parts thereof as the Collector thinks fit shall be published in the principal muhallas or ganjes of all towns, and in the chaupál, or other public place, in all villages concerned, together with a notification that if any person mentioned in such list continues his trade or dealing, payment of the amount specified in the list as payable by him must be made in the year 1877 within thirty days of such publication in that year and within thirty days next after the first day of January in each succeeding year.

Publication of list and notification.

10. Any person mentioned in such list and objecting to the class under which he is charged may, within thirty days after such publication or within such further time as the Collector may in each case think fit, apply by petition to the Collector in order to establish his right to have his name transferred to another class or altogether removed from the list.

Petition of objector.

11. The Collector shall fix a day for the hearing of the petition, and on the day so fixed, or on such subsequent day as he may from time to time direct, shall hear the same and pass such order thereon as he thinks fit :

Hearing of petition. Appeal from order on petition.

Provided that if in the judgment of the Collector the nett annual earnings of the petitioner are less than two hundred rupees, the petitioner's name shall be removed from the list, and the fee, if any, paid by him shall be returned.

There shall be no appeal from an order under this section.

12. The

North-Western Provinces License. [ACT VIII

Power to remit fee.

12. The Collector may in his discretion remit the whole or any part of the fee payable under this Act by any person who has carried on his trade or dealing for a portion of the year only.

Persons carrying on several trades.

13. A person or firm carrying on several trades or businesses and coming under more than one of the designations in the said schedule shall be chargeable only under one of the said designations at the discretion of the Collector; and in the case of a firm, payment by any one of the partners shall for the purposes of this Act be considered payment by the firm.

Penalty for carrying on business without a license.

14. If after expiry of the period mentioned in the notification published under section 9, for payment of the amount specified therein, any person (whether he is or is not mentioned in the said list) carries on his trade or calling without having taken out a license as required by this Act, he shall be liable, by order of the Collector, to pay twice the fee with which he would otherwise have been chargeable under this Act, and on receipt of such payment, the Collector shall grant him a license.

All sums due under this section and all fees payable under this Act shall be recoverable as if they were arrears of land-revenue.

License to be produced on demand.

15. Every person required by this Act to take out a license, who without reasonable excuse neglects or refuses to produce and show his license when required so to do by an officer generally or specially empowered in writing by the Collector to make such requisition, shall, on conviction before a Magistrate, be liable to a fine not exceeding one hundred rupees.

Prosecution to be at instance of Collector.

No person shall be proceeded against for any such offence except at the instance of the Collector, and there shall be no appeal from any sentence under this section.

Receivers and managers chargeable.

16. Courts of Wards and receivers and managers appointed by any Court in British India, shall be chargeable under this Act in respect of any trade or dealing of which the income is officially in their possession or under their control.

17. When

17. When any trustee, guardian, curator, committee or agent is charged under this Act in such capacity, or when any Court of Wards or receiver or manager appointed by any Court is charged under this Act, every Court and person so charged may, from time to time, out of the money coming to its or his possession as such trustee, guardian, curator, committee or agent, or as such Court of Wards, receiver or manager, retain so much as is sufficient to pay the fee charged.

Power to retain assessment paid by trustee, &c.

Every such person or Court is hereby indemnified for every retention and payment made in pursuance of this Act.

Municipalities.

18. The Collector may require any Municipal Committee constituted under Act No. XV of 1873 to furnish, within a period to be specified under the orders of the Local Government, returns showing the names and numbers of persons chargeable under this Act resident within the limits of such Municipality, together with the class under which they respectively fall and the fees payable by them respectively.

Power to require returns from Municipalities.

If the Municipal Committee fails within the period prescribed to make such returns, or if it make such returns and the Collector has reason to doubt their accuracy, he may at any time cause a return showing the names, numbers, and classes aforesaid to be prepared in such manner as may be prescribed by the Local Government.

19. When the return mentioned in section 18 has been furnished or prepared, notice shall be served on the Municipality, calling on it to pay to the Collector within a period to be specified in the notice, a sum calculated on such return in accordance with the provisions of this Act.

Notice to Municipalities.

Any Municipality may appropriate any part of its revenues to the payment of the sum leviable from it under this section, or raise such further sums in addition to its existing revenue as may be needful for such

payment :

payment : provided that such further sums be raised in accordance with the said Act No. XV of 1873.

Miscellaneous.

Payment of taxes raised and penalties recovered under Act.

20. All taxes raised and penalties recovered under this Act shall be paid to the credit of the Local Government, or as such Government from time to time directs.

Powers of Collector under Act may be exercised by other officers.

21. All or any of the powers and duties conferred and imposed by this Act on a Collector may, subject to the orders of the Collector of the district, be exercised and performed by an Assistant Collector or such other officer as the Local Government from time to time appoints in this behalf.

Obligation to furnish information to Collector.

22. Every person shall be legally bound to furnish information to any officer or person exercising any of the powers of a Collector under this Act when required by him to do so.

Power to exempt and make rules.

23. The Local Government may from time to time, with the previous sanction of the Governor General in Council,

(a) exempt from the operation of this Act any portion of the territories subject to such Government, or any class of trade or dealings falling under the said schedule ;

(b) make rules consistent with this Act, (1) for regulating the time and manner of collecting the fees charged under this Act, (2) for providing in any case or class of cases for serving notices on persons charged under this Act, and (3) generally for the guidance of officers in matters connected with the enforcement of this Act.

THE SCHEDULE ABOVE REFERRED TO.

CLASS I.

Fee payable by licensee.

Bankers	} Rs. 16.
Professional money-lenders	...	...	...	...	...
Companies registered under the Indian Companies Act, 1866	..	...	...	...	...
Owners of cotton-screws	...	...	...	...	...
Persons keeping shops for the sale of European goods	...	...	...	...	...
Hotel-keepers	...	...	...	...	...
Wholesale-dealers	...	...	...	...	...
Dealers in precious stones	...	...	...	...	...

CLASS II.

Cloth-sellers	} Rs. 8.
Metal-vessel-sellers	...	...	...	...	...
Fuel-sellers (talwálas)	...	...	...	...	...
Chaudhrís	...	...	...	...	...
Letters-out of conveyances and cattle	...	...	...	...	...
Contractors (thikadárs)	...	...	...	...	...
Printers and publishers	...	...	...	...	...
Manufacturers of lac	...	...	...	...	...
Commission Agents	...	...	...	...	...
Brokers	...	...	...	...	...
Bill-brokers	...	...	...	...	...
Pawn-brokers	...	...	...	...	...
Money-changers	...	...	...	...	...
Dealers in gold and silver lace	...	...	...	...	...
Druggists	...	...	...	...	...
Harness-makers	...	...	...	...	...
Dealers in metals, not being merely artisans	...	...	...	...	...

CLASS III.

Persons carrying on any trades or dealings not above specified	} Rs. 2.
--	-----	-----	-----	-----	-----	----------

ACT No. IX of 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th March 1877.)

An Act to revive and amend Act No. XXIII of 1867.

WHEREAS Act No. XXIII of 1867 (*for the suppression of murderous outrages in certain districts of the Panjáb*) received the assent of the Governor General on the 18th day of March 1867, and by section 17 of the said Act was limited to expire in ten years from the date of passing it; And whereas it is expedient to revive the same Act and to amend it in manner hereinafter appearing; It is hereby enacted as follows:—

Preamble.

1. The said Act shall be revived and shall remain in force until the Governor General in Council otherwise directs.

Act XXIII of 1867 to be revived.

2. For the word "Commissioner" wherever it occurs in the said Act, the words "Sessions Judge or Commissioner" shall be substituted.

Amendment of Act XXIII of 1867.

[Price one anna.]

THE CODE OF CIVIL PROCEDURE.

CONTENTS.

PREAMBLE.

PRELIMINARY.

SECTIONS.

1. Short title.
Commencement.
Local extent.
2. Interpretation-clause.
3. Enactments repealed.
References in previous Acts.
Saving of procedure in suits instituted before 1st October 1877.
4. Saving of certain Acts affecting Oudh, Panjáb, Central Provinces and Burma.
5. Sections extending to Mufassal Small Cause Courts.
6. Saving of jurisdiction and procedure—
 - (a) of Military Courts of Request ;
 - (b) of officers appointed to try small suits in Bombay ;
 - (c) of village Munsifs and village Pancháyats in Madras ;
 - (d) of Recorder of Rangoon sitting as an Insolvent Court.
7. Saving of certain Bombay laws.
8. Presidency Small Cause Courts.
9. Division of Code.

PART I.

OF SUITS IN GENERAL.

CHAPTER I.

OF THE JURISDICTION OF THE COURTS AND RES JUDICATA.

10. No person exempt from jurisdiction by reason of descent or place of birth.
11. Courts to try all civil suits unless specially barred.
12. Pending suits.
13. *Res judicata*.
14. When foreign judgment no bar to suit in British India.

CHAPTER II.

[Price four rupees fifteen annas and nine pies.]

CHAPTER II.

OF THE PLACE OF SUING.

SECTIONS.

15. Court in which suit to be instituted.
16. Suits to be instituted where subject-matter situate.
17. Suits to be instituted where defendants reside or cause of action arose.
18. Suits for compensation for wrongs to person or moveables.
19. Suits for immoveable property situate in single district, but within jurisdictions of different Courts.
Suits for immoveable property situate in different districts.
20. Power to stay proceedings where all defendants do not reside within jurisdiction.
Application when to be made.
21. Remission of court-fee where suit instituted in another Court.
22. Procedure where Courts in which suit may be instituted are subordinate to the same appellate Court.
23. Procedure where they are not so subordinate.
24. Procedure where they are subordinate to different High Courts.
25. Transfer of suits.

CHAPTER III.

OF PARTIES AND THEIR APPEARANCES, APPLICATIONS AND ACTS.

26. Persons who may be joined as plaintiffs.
27. Court may substitute or add plaintiff for or to plaintiff suing.
28. Persons who may be joined as defendants.
29. Joinder of parties liable on same contract.
30. One party may sue or defend on behalf of all in same interest.
31. Suit not to fail by reason of misjoinder.
32. Court may dismiss or add parties.
Consent of person added as plaintiff or next friend.
Parties to suits instituted or defended under section 30.
Defendants added to be served.
Conduct of suit.
33. Where defendant added, plaintiff to amend.
34. Time for taking objections as to non-joinder or misjoinder.

35. Each

SECTIONS.

35. Each of several plaintiffs or defendants may authorize any other to appear, &c., for him.
Authority to be in writing signed and filed.

Recognized Agents and Pleadors.

36. Appearances, &c., may be in person, by recognized agent or by pleader.
37. Recognized agents.
Persons holding powers-of-attorney from parties out of jurisdiction.
Certificated mukhtárs.
Persons carrying on trade or business for parties out of jurisdiction.
Recognized agents in Panjáb, Oudh and Central Provinces.
38. Service of process on recognized agent.
39. Appointment of pleader.
40. Service of process on pleader.
41. Agent to receive process.
His appointment to be in writing and to be filed in court.

CHAPTER IV.

OF THE FRAME OF THE SUIT.

42. Suit how to be framed.
43. Suit to include the whole claim.
Relinquishment of part of claim.
Omission to sue for one of several remedies.
44. Only certain claims to be joined with suit for recovery of land.
Claims by or against executor, administrator, or heir.
45. Plaintiff may join several causes of action.
Court may order separation.
46. Defendant may apply to confine suit.
47. Court on hearing application may exclude some causes and order amendment.

CHAPTER V.

OF THE INSTITUTION OF SUITS.

48. Suits to be commenced by plaint.
49. Language of plaint.
50. Particulars to be contained in plaint.
In money-suits.
Where plaintiff sues as a representative.
Defendant's interest and liability to be shewn.
Grounds of exemption from limitation-law.

51. Plaints

SECTIONS.

51. Plaints to be subscribed and verified.
52. Contents of verification.
Verification to be signed and attested.
53. When the plaint may be rejected, returned for amendment, or amended.
Proviso.
Attestation of amendment.
54. When the plaint shall be rejected.
55. Procedure on rejecting a plaint.
56. When rejection of plaint does not preclude presentation of fresh plaint.
57. When the plaint shall be returned to be presented to the proper Court.
Procedure on returning plaint.
58. Procedure on admitting plaint.
Concise statements.
Register of suits.
59. Production of document on which plaintiff sues.
Delivery of document or copy.
List of other documents.
60. Statement in case of documents not in his possession or power.
61. Suits on lost negotiable instruments.
62. Production of shop-book.
Original entry to be marked and returned.
63. Inadmissibility of document not produced when plaint filed.

CHAPTER VI.

OF THE ISSUE AND SERVICE OF SUMMONS.

Issue of Summons.

64. Summons.
65. Copy or statement annexed to summons.
66. Court may order defendant or plaintiff to appear in person.
67. No party to be ordered to appear in person unless resident within 50 or, where there is a railway, 200 miles.
68. Summons to be either to settle issues or for final disposal.
69. Fixing day for appearance of defendant.
70. Summons to order defendant to produce documents required by plaintiff or relied on by defendant.
71. On issue of summons for final disposal, defendant to be directed to produce his witnesses.

Service

Service of Summons.

SECTIONS.

72. Delivery of summons for service.
73. Mode of service.
74. Service on several defendants.
75. Service to be on defendant in person, when practicable, or on his agent.
76. Service on agent by whom defendant carries on business.
77. Service on agent in charge, in suits for immoveable property.
78. When service may be on male member of defendant's family.
79. Person served to sign acknowledgment.
80. Procedure when defendant refuses to accept service, or cannot be found.
81. Endorsement of time and manner of service.
82. Examination of serving-officer.
Substituted service.
83. Effect of substituted service.
84. When service is substituted, time for appearance to be fixed.
85. Service of summons when defendant resides within jurisdiction of another Court and has no agent to accept service.
86. Service within Presidency-towns and Rangoon, of process issued by Mufassal Courts.
87. Service on defendant in jail.
88. Procedure if jail be in a different district.
89. Service when defendant resides out of British India and has no agent to accept service.
90. Service through British Resident or agent of Government.
91. Substitution of letter for summons.
92. Mode of sending such letter.

Service of Process.

93. Process to be served at expense of party issuing it.
Costs of service.
94. Notices and orders in writing how served.

Postage.

95. Postage.

CHAPTER VII.

OF THE APPEARANCE OF THE PARTIES AND CONSEQUENCE OF NON-APPEARANCE.

96. Parties to appear on day fixed in summons for defendant to appear and answer.

97. Dismissal

SECTIONS.

97. Dismissal of suit where summons not served in consequence of plaintiff's failure to pay fee for issuing it.
Proviso.
98. If neither party appears, suit to be dismissed.
99. In such case plaintiff may bring fresh suit; or Court may restore the suit to its file.
100. Procedure if only plaintiff appears,
(a) when summons was duly served,
(b) when summons not duly served,
(c) when summons served, but not in due time.
101. Procedure where defendant appears on day of adjourned hearing, and assigns good cause for previous non-appearance.
102. Procedure where defendant only appears.
103. Decree against plaintiff by default bars fresh suit.
104. Procedure where defendant residing out of British India does not appear.
105. Procedure in case of non-attendance of one or more of several plaintiffs.
106. Procedure in case of non-attendance of one or more of several defendants.
107. Consequence of non-attendance, without sufficient cause shewn, of party ordered to appear in person.

Of setting aside Decrees ex parte.

108. Setting aside decree *ex parte* against defendant.
109. No decree to be set aside, without notice to opposite party.

CHAPTER VIII.

OF WRITTEN STATEMENTS AND SET-OFF.

110. Written statements.
111. Particulars of set-off to be given in written statement.
Inquiry.
Effect of set-off.
112. No written statement to be received after first hearing.
Provisoes.
113. Procedure when party fails to present written statement called for by Court.
114. Frame of written statements.
115. Written statements to be subscribed and verified.

116. Power

SECTIONS.

116. Power of Court as to argumentative, prolix or irrelevant written statements.
 Attestation of amendments.
 Effect of rejection.

CHAPTER IX.

OF THE EXAMINATION OF THE PARTIES BY THE COURT.

117. Ascertainment whether allegations in plaint and written statements are admitted or denied.
 118. Oral examination of party, or companion of himself or his pleader.
 119. Substance of examination to be written.
 120. Consequence of refusal or inability of pleader to answer.

CHAPTER X.

OF DISCOVERY AND OF THE ADMISSION, INSPECTION, PRODUCTION, IMPOUNDING AND RETURN OF DOCUMENTS.

121. Power to deliver interrogatories.
 122. Service of interrogatories.
 123. Inquiry into propriety of exhibiting interrogatories.
 124. Service of interrogatories on officer of Corporation or Company.
 125. Power to refuse to answer interrogatories as irrelevant, &c.
 126. Time for filing affidavit in answer.
 127. Procedure where a party omits to answer sufficiently.
 128. Power to demand admission of genuineness of documents.
 129. Power to order discovery of document.
 Affidavit in answer to such order.
 130. Power to order production of documents during suit.
 131. Notice to produce for inspection documents referred to in plaint, &c.
 Consequence of non-compliance with such notice.
 132. Party receiving such notice to deliver notice when and where inspection may be had.
 133. Application for order of inspection.
 134. Application to be founded on affidavit.
 135. Power to order issue or question on which right to discovery depends to be first determined.
 136. Consequences of failure to answer or give inspection.
 137. Court may send for papers from its own records or from other Courts.
 138. Documentary evidence to be in readiness at first hearing.
 139. Effect of non-production of documents.

140. Documents

SECTIONS.

140. Documents to be received by Court.
 . Rejection of irrelevant or inadmissible documents.
141. No documents to be placed on record unless proved.
 Proved documents to be marked and filed.
 Entries in shop-books.
142. Rejected documents to be marked,
 and returned.
143. Court may order any document to be impounded.
144. When document admitted in evidence may be returned.
 When document may be returned before time limited.
 Certain documents not to be returned.
 Receipt to be given for returned document.
145. Provisions as to documents applied to material objects.

 CHAPTER XI.

OF THE SETTLEMENT OF ISSUES.

146. Framing of issues.
147. Allegations from which issues may be framed.
148. Court may examine witnesses or documents before framing issues.
149. Power to amend, add and strike out issues.
150. Questions of fact or law may by agreement be stated in the form of an issue.
151. Court if satisfied that the agreement was executed in good faith may pronounce judgment.

 CHAPTER XII.

DISPOSAL OF THE SUIT AT THE FIRST HEARING.

152. If parties are not at issue on any question of law or fact.
153. If one of several defendants be not at issue with the plaintiff.
154. If parties are at issue on questions of law or fact,
 Court may determine issue,
 and pronounce judgment.
155. If either party fails to produce his evidence, Court may pronounce judgment,
 or adjourn suit.

 CHAPTER XIII.

OF ADJOURNMENTS.

156. Court may grant time, and adjourn hearing.
 Costs of adjournment.

157. Procedure

SECTIONS.

157. Procedure if parties fail to appear on day fixed.
 158. Court may proceed notwithstanding either party fails to produce his evidence, &c.

CHAPTER XIV.

OF THE SUMMONING AND ATTENDANCE OF WITNESSES.

159. Summons to attend to give evidence or produce documents.
 160. Expenses of witnesses to be paid into court on applying for summons.
 Scale of expenses.
 161. Tender of expenses to witness.
 162. Procedure where insufficient sum paid in.
 Expenses if witness detained more than one day.
 163. Time, place, and purpose of attendance to be specified in summons.
 164. Summons to produce document.
 165. Power to require persons present in Court to give evidence.
 166. Summons how served.
 167. Time for serving summons.
 168. Attachment of property of absconding witness.
 169. If witness appears, attachment may be withdrawn.
 170. Procedure if witness fails to appear.
 171. Court may of its own accord summon as witnesses strangers to suit.
 172. Duty of persons summoned to give evidence or produce document.
 173. When they may depart.
 174. Consequences of failure to comply with summons.
 Procedure when witness apprehended cannot give evidence or produce documents.
 175. Procedure when witness absconds.
 176. Persons bound to attend in person.
 177. Consequence of refusal of party to give evidence when called on by the Court.
 178. Rules as to witnesses to apply to parties summoned.

CHAPTER XV.

OF THE HEARING OF THE SUIT AND EXAMINATION OF WITNESSES.

179. Statement and production of evidence by party having right to begin.
 Rules as to right to begin.
 180. Statement and production of evidence by other party.
 Reply by party beginning.

181. Witnesses

SECTIONS.

181. Witnesses to be examined in open Court.
182. How evidence shall be taken in appealable cases.
183. When deposition to be interpreted.
184. Memorandum when evidence is not taken down by Judge.
185. When evidence may be taken in English.
186. Any particular question and answer may be taken down.
187. Questions objected to and allowed by Court.
188. Remarks on demeanour of witnesses.
189. Memorandum of evidence in unappealable cases.
190. Judge unable to make such memorandum to record reason of his inability.
191. Power to deal with evidence taken down by Judge removed before conclusion of suit.
192. Power to examine witness immediately.
193. Court may recall and examine witness.

 CHAPTER XVI.

OF AFFIDAVITS.

194. Power to order any point to be proved by affidavit.
195. Power to order attendance of declarant for cross-examination.
196. Matters to which affidavits shall be confined.
197. Oath of declarant by whom to be administered.

 CHAPTER XVII.

OF JUDGMENT AND DECREE.

198. Judgment when pronounced.
199. Power to pronounce judgment written by Judge's predecessor.
200. Language of judgment.
201. Translation of judgment.
202. Judgment to be dated and signed.
203. Judgments of Small Cause Courts.
Judgments of other Courts.
204. Court to state its decision on each issue.
Exception.
205. Date of decree.
206. Contents of decree.
Power to amend decree.
207. Decree for recovery of portion of immoveable property.
208. Decree for delivery of moveable property.
209. In suits for money, decree may order certain interest to be paid on principal sum adjudged.

210. Decree

SECTIONS.

210. Decree may direct payment by instalments.
Order, after decree, for payment by instalments.
211. In suits for land, Court may decree payment of mesne profits with interest.
212. Court may determine amount of mesne profits prior to suit, or may reserve inquiry.
213. Administration-suit.
214. Suit to enforce right of pre-emption.
215. Suit for dissolution of partnership.
216. Decree when set-off is allowed.
Effect of decree as to sum awarded to defendant.
217. Certified copies of judgment and decree to be furnished.

CHAPTER XVIII.

OF COSTS.

218. Costs of applications.
219. Judgment to direct by whom costs are to be paid.
220. Power of Court as to costs.
221. Costs may be set-off against sum admitted or found to be due.
Saving of pleader's lien.
222. Interest on costs.
Payment of costs out of subject-matter.

CHAPTER XIX.

OF THE EXECUTION OF DECREES.

A.—Of the Court by which Decrees may be executed.

223. Court by which decree may be executed.
224. Procedure when Court desires that its own decree shall be executed by another Court.
225. Court receiving copies of decree, &c., to file same without proof.
226. Execution of decree or order by Court to which it is sent.
227. Execution by High Court, of decree transmitted by other Court.
228. Powers of Court in executing transmitted decree.
Appeal from orders in executing such decrees.
229. Decrees of Courts established by Government of India in Native States.

B.—Of Application for Execution.

230. Application for execution.
231. Application by joint decree-holder.
232. Application

SECTIONS.

- 232. Application by transferee of decree.
- 233. Transferee to hold subject to equities enforceable against original holder.
- 234. If judgment-debtor die before execution, application may be made against his representative.
- 235. Contents of application for execution of decree.
- 236. Application for attachment of moveable property to be accompanied with inventory.
- 237. Further particulars when application is for attachment of immoveable property.
- 238. When application must be accompanied by extract from Collector's register.

C.—Of staying Execution.

- 239. When Court may stay execution.
- 240. Power to require security from, or impose conditions upon, judgment-debtor.
- 241. Liability of judgment-debtor discharged to be retaken.
- 242. Order of Court passing decree or of appellate Court to be binding upon Court applied to.
- 243. Stay of execution pending suit between decree-holder and judgment-debtor.

D.—Questions for Court executing Decree.

- 244. Questions to be decided by Court executing decree.

E.—Of the Mode of executing Decrees.

- 245. Procedure on receiving application for execution of decree.
Procedure on admitting application.
- 246. Cross-decrees.
- 247. Cross-claims under same decree.
- 248. Notice to show cause why decree should not be executed.
Proviso.
- 249. Procedure after issue of notice.
- 250. Warrant when to issue.
- 251. Date, signature, seal and delivery.
- 252. Decree against representative of deceased for money to be paid out of deceased's property.
- 253. Decree against surety.
- 254. Decree for money.
- 255. Decree for mesne profits or other matter, amount of which to be subsequently ascertained.
- 256. Power to direct immediate execution of decree for money not exceeding rupees 1,000.
- 257. Modes of paying money under decree.
- 258. Payment of money out of court to decree-holder.

259. Decrees

SECTIONS.

- 259. Decrees for specific moveables, or recovery of wives.
- 260. Decree for specific performance or restitution of conjugal rights.
- 261. Decree for execution of conveyances, or endorsement of negotiable instruments.
- 262. Form and effect of execution of conveyance by Court.
- 263. Decree for immoveable property.
- 264. Delivery of immoveable property when in occupancy of tenant.
- 265. Partition of estate or separation of share.

F.—Of Attachment of Property.

- 266. Property liable to attachment and sale in execution of decree.
- 267. Power to summon and examine persons as to property liable to be seized.
- 268. Attachment of debt, share and other property not in possession of judgment-debtor.
- 269. Attachment of moveable property in possession of judgment-debtor.
Proviso.
Power to make rules for maintenance of attached live-stock.
- 270. Attachment of negotiable instruments.
- 271. Seizure of property in house.
Seizure of property in zanánás.
- 272. Attachment of property deposited in court or with Government officer.
Proviso.
- 273. Attachment of decree for money.
Attachment of other decrees.
Decree-holders to give information.
- 274. Attachment of immoveable property.
- 275. Order for withdrawal of attachment after satisfaction of decree.
- 276. Private alienation of property after attachment to be void.
- 277. Court may direct coin or currency-notes attached to be paid to party entitled.
- 278. Investigation of claims to, and objections to attachment of, attached property.
Postponement of sale.
- 279. Evidence to be adduced by claimant.
- 280. Release of property from attachment.
- 281. Disallowance of claim to release of property attached.
- 282. Continuance of attachment subject to claim of incumbrancer.
- 283. Saving of suits to establish right to attached property.

281. Power

SECTIONS.

284. Power to order property attached to be sold, and proceeds to be paid to person entitled.
 285. Property attached in execution of decrees of several Courts.

*G.—Of Sale and Delivery of Property.**(a). General Rules.*

286. Sales by whom conducted and how made.
 287. Proclamation of sales by public auction.
 Rules to be made by High Court.
 288. Indemnity of Judges, &c.
 289. Mode of making proclamation.
 290. Time of sale.
 291. Power to adjourn sale.
 Stoppage of sale on tender of debt and costs, or on proof of payment.
 292. Officers concerned in execution-sales not to bid for or buy property sold.
 293. Defaulting purchaser answerable for loss by re-sale.
 294. Decree-holder not to bid for or buy property without permission.
 If decree-holder purchase, amount of decree may be taken as payment.
 295. Proceeds of execution-sale to be divided rateably among decree-holders.
 Proviso where property is sold subject to mortgage.

(b). Rules as to Moveable Property.

296. Rules as to negotiable securities and shares in public Companies.
 297. Payment for other moveable property sold.
 298. Irregularity not to vitiate sale of moveable property, but any person injured may sue.
 299. Delivery of moveable property actually seized.
 300. Delivery of moveable property to which judgment-debtor is entitled subject to lien.
 301. Delivery of debts and of shares in public Companies.
 302. Transfer of negotiable instruments and shares.
 303. Vesting order in case of other property.

(c). Rules as to Immoveable Property.

304. What Courts may order sales of land.
 305. Postponement of sale of land to enable defendant to raise amount of decree.
 Certificate to judgment-debtor.

306. Deposit

SECTIONS.

- 306. Deposit by purchaser of immoveable property.
- 307. Time for payment in full.
- 308. Procedure in default of payment.
- 309. Notification on re-sale of immoveable property.
- 310. Co-sharer of share of undivided estate sold in execution to have preference in bidding.
- 311. Application to set aside sale of land on ground of irregularity.
- 312. Effect of objection being disallowed and of its being allowed.
- 313. Application to set aside sale on ground of judgment-debtor having no saleable interest.
- 314. Confirmation of sale.
- 315. If sale set aside, price to be returned to purchaser.
- 316. Certificate to purchaser of immoveable property.
- 317. Bar to suit against purchaser buying *benámí*.
- 318. Delivery of immoveable property in occupancy of judgment-debtor.
- 319. Delivery of immoveable property in occupancy of tenant.
- 320. Power to prescribe rules for transferring to Collector execution of certain decrees.
Power to prescribe rules as to transmission, execution and re-transmission of decrees.
- 321. Power of Collector as to sale of land in execution of decree.
- 322. Powers of Collector as to execution of certain money-decrees so transferred.
- 323. Procedure of Collector.
- 324. Sale by Collector.
- 325. Sale, &c., to be reported to Court by Collector.
Application of balance.
- 326. When Court may authorize Collector to stay public sale of land.
- 327. Local rules as to sales of land in execution of decrees for money.

H.—Of Resistance to Execution.

- 328. Procedure in case of obstruction to execution of decree.
- 329. Procedure in case of obstruction by judgment-debtor or at his instigation.
- 330. Procedure when obstruction continues.
- 331. Procedure in case of obstruction by claimant in good faith, other than judgment-debtor.
- 332. Procedure in case of person dispossessed of property disputing right of decree-holder to be put into possession.

333. Orders

SECTIONS.

333. Orders passed under sections 331 and 332 to have force of decrees, and to be subject to appeal.
 334. Resisting or obstructing purchasers in obtaining possession of immoveable property.
 335. Obstruction by claimant other than judgment-debtor.

I.—Of Arrest and Imprisonment.

336. Place of judgment-debtor's imprisonment.
 Arrest in houses.
 Proviso.
 337. Warrant for arrest to direct judgment-debtor to be brought up.
 338. Scales of subsistence-allowances.
 339. Judgment-debtor's subsistence-money.
 340. Subsistence-money to be costs in suit.
 341. Release of judgment-debtor.
 342. Imprisonment not to exceed six months.
 When not to exceed six weeks.
 343. Endorsement on warrant.

CHAPTER XX.

OF INSOLVENT JUDGMENT-DEBTORS.

344. Power to apply to be declared an insolvent.
 345. Contents of application.
 346. Subscription and verification of application.
 347. Service on decree-holder of copy of application and notice.
 348. Power to serve other creditors.
 349. Powers of Court as to applicant under arrest.
 350. Procedure at hearing.
 351. Declaration of insolvency and appointment of Receiver.
 352. Creditors to prove their debts.
 Schedule to be framed.
 353. Applications by unscheduled creditors.
 354. Effect of order appointing Receiver.
 355. Receiver to give security and collect assets.
 Discharge of insolvent.
 356. Duty of Receiver.
 His right to remuneration.
 Delivery of surplus.
 357. Effect of discharge.
 358. When Court may declare insolvent absolved from further liability.
 359. Procedure in case of dishonest applicant.
 360. Investment of other Courts with powers of District Courts.
 Transfer of cases.

PART II.

PART II. OF INCIDENTAL PROCEEDINGS.

CHAPTER XXI.

OF THE DEATH, MARRIAGE AND INSOLVENCY OF PARTIES.

SECTIONS.

- 361. No abatement by party's death if cause of action survive.
- 362. Procedure in case of death of one of several plaintiffs or defendants, if cause of action survive.
- 363. Procedure in case of death of one of several plaintiffs where cause of action survives to survivors and representative of deceased.
- 364. Procedure where no application made by representative of deceased plaintiff.
- 365. Procedure in case of death of sole, or sole surviving, plaintiff.
- 366. Abatement where no application by representative of deceased plaintiff.
- 367. Procedure in case of dispute as to representative of deceased plaintiff.
- 368. Procedure in case of death of one of several defendants, or of sole or sole surviving defendant.
- 369. Suit not abated by marriage of female party.
- 370. When plaintiff's bankruptcy or insolvency bars suit.
Procedure when assignee fails to continue suit or give security.
- 371. Effect of abatement or dismissal.
Application to set aside abatement or dismissal.
- 372. Procedure in case of assignment pending the suit.

CHAPTER XXII.

OF THE WITHDRAWAL AND ADJUSTMENT OF SUITS.

- 373. Power to allow plaintiff to withdraw with liberty to bring fresh suit.
- 374. Limitation-law not affected by first suit.
- 375. Compromise of suits.

CHAPTER XXIII.

OF PAYMENT INTO COURT.

- 376. Deposit by defendant of amount in satisfaction of claim.
- 377. Notice of deposit.

378. Interest

SECTIONS.

378. Interest on deposit not allowed to plaintiff after notice.
 379. Procedure where plaintiff accepts deposit as satisfaction
 in part.
 Procedure where he accepts it as satisfaction in full.

CHAPTER XXIV.

OF REQUIRING SECURITY FOR COSTS.

380. When security for costs may be required from plaintiff at
 any stage of suit.
 381. Effect of failure to furnish security.
 382. Residence out of British India.

CHAPTER XXV.

COMMISSIONS.

A.—Commissions to examine Witnesses.

383. Cases in which Court may issue commission to examine
 witness.
 384. Order for commission.
 385. When witness resides within Court's jurisdiction.
 386. Persons for whose examination commission may issue.
 Court to which commission to issue in case of resident
 within Presidency-town or Rangoon.
 387. Commission to examine witness not within British India.
 388. Court to examine witness pursuant to commission.
 389. Return of commission with depositions of witnesses.
 390. When depositions may be read in evidence.
 391. Provisions as to execution and return of commissions to
 apply to commissions issued by Foreign Courts.

B.—Commissions for Local Investigations.

392. Commission to make local investigations.
 393. Procedure of Commissioner.
 Report and depositions to be evidence in suit.
 Commissioner may be examined in person.

C.—Commissions to examine Accounts.

394. Commission to examine or adjust accounts.
 395. Court to give Commissioner necessary instructions.
 Court to receive Commissioner's proceedings or direct
 further enquiry.

D.—Commission

D.—Commission to make Partition.

SECTIONS.

396. Commission to make partition of non-revenue-paying immoveable property.
Procedure of Commissioners.

E.—General Provisions.

397. Expenses of commission to be paid into court.
398. Powers of Commissioners.
399. Attendance, examination and punishment of witnesses before Commissioner.
400. Court to direct parties to appear before Commissioner.
Procedure *ex parte*.

PART III.**OF SUITS IN PARTICULAR CASES.****CHAPTER XXVI.****SUITS BY PAUPERS.**

401. Suits may be brought *in forma pauperis*.
402. What suits excepted.
403. Application to be in writing.
Contents of application.
404. Presentation of application.
405. Rejection of application.
406. Examination of applicant.
If presented by agent, Court may order applicant to be examined by commission.
407. Rejection of application.
408. Notice of day for receiving evidence of applicant's pauperism.
409. Procedure at hearing.
410. Procedure if application admitted.
411. Costs when pauper succeeds.
Recovery of court-fees.
412. Procedure when pauper fails.
413. Refusal to allow applicant to sue as pauper to bar subsequent application of like nature.
414. Dispaupering.
415. Costs.

CHAPTER XXVII.**SUITS BY OR AGAINST GOVERNMENT OR PUBLIC OFFICERS.**

416. Suits by or against Secretary of State in Council.
417. Persons authorized to act for Government.
418. Plaints

SECTIONS.

- 418. Plaints in suits by Secretary of State in Council.
- 419. Agent of Government to receive process.
- 420. Appearance and answer by Secretary of State in Council.
- 421. Attendance of person able to answer questions relating to suit against Government.
- 422. Service on public officers.
- 423. Extension of time to enable officer to make reference to Government.
- 424. Notice previous to suing Secretary of State in Council or public officer.
- 425. Arrests in such suits.
- 426. Application where Government undertakes defence.
- 427. Procedure where no such application made.
Defendant not liable to arrest before judgment.
- 428. Exemption of public officers from personal appearance.
- 429. Procedure where decree is against Government or a public officer.

 CHAPTER XXVIII.

SUITS BY ALIENS AND BY OR AGAINST FOREIGN AND NATIVE RULERS.

- 430. When aliens may sue.
- 431. When a foreign State may sue.
- 432. Persons specially appointed by Government to prosecute or defend for Princes or Chiefs.
- 433. Suits against Sovereign Princes, &c.
Sovereign Princes, &c., exempt from arrest.
When their property may be attached.
- 434. Execution in British India of decrees of Courts of Native States.

 CHAPTER XXIX.

SUITS BY AND AGAINST CORPORATIONS AND COMPANIES.

- 435. Subscription and verification of plaint.
- 436. Service on Corporation or Company.

 CHAPTER XXX.

SUITS BY AND AGAINST TRUSTEES, EXECUTORS AND ADMINISTRATORS.

- 437. Representation of beneficiaries in suits concerning property vested in trustees, &c.
- 438. Joinder of executors and administrators.
- 439. Husband of married executrix not to join.

 CHAPTER XXXI.

CHAPTER XXXI.

SUITS BY AND AGAINST MINORS AND PERSONS OF UNSOUND MIND.
SECTIONS.

440. Minor must sue by next friend.
Costs.
441. Applications to be made by next friend or guardian *ad litem*.
442. Plaint filed without next friend to be taken off the file.
Costs.
443. Guardian *ad litem* to be appointed by the Court.
444. Order obtained without next friend or guardian may be discharged.
Costs.
445. Who may be next friend.
446. Removal of next friend.
447. Retirement of next friend.
Application for appointment of new next friend.
448. Stay of proceedings on death or removal of next friend.
449. Application for appointment of new next friend.
450. Course to be followed by minor plaintiff or applicant on coming of age.
451. Where he elects to proceed.
452. Where he elects to abandon.
Costs.
453. Making and proving applications under sections 451, 452.
454. When minor co-plaintiff coming of age desires to repudiate suit.
Costs.
455. When suit unreasonable or improper.
Costs.
456. Petition for appointment of guardian *ad litem*.
457. Who may be guardian *ad litem*.
458. Guardian neglecting his duty may be removed.
Costs.
459. Appointment in place of guardian dying *pendente lite*.
460. Guardian *ad litem* of minor representative of deceased judgment-debtor.
461. Before decree, next friend or guardian *ad litem* not to receive money without leave of Court and giving security.
462. Next friend or guardian *ad litem* not to compromise without leave of Court.
Compromise without leave voidable.
463. Application of sections 440 to 462 to persons of unsound mind.
464. Wards of Court.

CHAPTER XXXII.

CHAPTER XXXII.

SUITS BY AND AGAINST MILITARY MEN.

SECTIONS.

465. Officers or soldiers who cannot obtain leave may authorize any person to sue or defend for them.
466. Person so authorized, may act personally or appoint pleader.
467. Service on person so authorized, or on his pleader, to be good service.
468. Service on officers and soldiers.
469. Execution of warrant of arrest in cantonments, &c.

CHAPTER XXXIII.

INTERPLEADER.

470. When interpleader-suit may be instituted.
471. Complaint in such suit.
472. Payment of thing claimed into court.
473. Procedure at first hearing.
474. When agents and tenants may institute interpleader-suits.
475. Charge of plaintiff's costs.
476. Procedure where defendant is suing stakeholder.
Costs.

PART IV.

PROVISIONAL REMEDIES.

CHAPTER XXXIV.

OF ARREST AND ATTACHMENT BEFORE JUDGMENT.

A.—Arrest before Judgment.

477. When plaintiff may apply that security be taken.
478. Order to bring up defendant to show cause why he should not give security.
479. If defendant fail to show cause, Court may order him to make deposit or give security.
480. Procedure in case of application by surety to be discharged.
481. Procedure where defendant fails to give security or find fresh security.
482. Subsistence of defendants arrested.

B.—Attachment

B.—Attachment before Judgment.

SECTIONS.

483. Application before judgment for security from defendant to satisfy decree, and in default, for attachment of property.
 Contents of application.
484. Court may call on defendant to furnish security or show cause.
485. Attachment if cause not shown or security not furnished.
 Withdrawal of attachment.
486. Mode of making attachment.
487. Investigation of claims to property attached before judgment.
488. Removal of attachment when security furnished.
489. Attachment not to affect rights of strangers, or bar decree-holder from applying for sale.
490. Property attached under chapter, not to be re-attached in execution of decree.

C.—Compensation for improper Arrests or Attachments.

491. Compensation for obtaining arrest or attachment on insufficient grounds.
 Proviso.

CHAPTER XXXV.

OF TEMPORARY INJUNCTIONS AND INTERLOCUTORY ORDERS.

A.—Temporary Injunctions.

492. Cases in which temporary injunction may be granted.
493. Injunction to restrain repetition or continuance of breach.
494. Before granting injunction, Court to direct notice to opposite party.
495. Injunction to Corporation binding on its members and officers.
496. Order for injunction may be discharged, varied or set aside.
497. Compensation to defendant for issue of injunction on insufficient grounds.
 Proviso.

B.—Interlocutory Orders.

498. Power to order interim sale of perishable articles.
499. Power to make order for detention, &c., of subject-matter, and to authorise entry, taking of samples and experiments.
500. Application for such orders to be after notice.

501. When

SECTIONS.

501. When party may be put in immediate possession of land,
the subject of suit.
502. Deposit of money, &c., in court.

CHAPTER XXXVI.

APPOINTMENT OF RECEIVERS.

503. Power of Court to appoint Receivers.
Receiver's liabilities.
504. When Collector may be appointed Receiver.
505. Courts empowered under this chapter.

PART V.

OF SPECIAL PROCEEDINGS.

CHAPTER XXXVII.

REFERENCE TO ARBITRATION.

506. Parties to suit may apply for order of reference.
507. Nomination of arbitrator.
When Court to nominate arbitrator.
508. Order of reference.
509. When reference is to two or more, order to provide for
difference of opinion.
510. Death, incapacity, &c., of arbitrators or umpire.
511. Appointment of umpire by Court.
512. Powers of arbitrator appointed under sections 509, 510,
511.
513. Summoning witnesses.
Punishment for default, &c.
514. Extension of time for making award.
Supersession of arbitration.
515. When umpire may arbitrate in lieu of arbitrators.
516. Award to be signed and filed.
517. Arbitrators or umpire may state special case.
518. Court may, on application, modify or correct award in
certain cases.
519. Order as to costs of arbitration.
520. When award or matter referred to arbitration may be
remitted.
521. Grounds for setting aside award.
522. Judgment to be according to award.
Decree to follow.
523. Agreement to refer to arbitration may be filed in court.
Application to be numbered and registered.
Notice to show cause against filing it.

524. Provisions

SECTIONS.

524. Provisions of this chapter applicable to proceedings under order of reference.
525. Filing award in matter referred to arbitration without intervention of Court.
Application to be numbered and registered.
Notice to parties to arbitration.
526. Filing and enforcement of such award.

CHAPTER XXXVIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

527. Power to state case for Court's opinion.
528. When value of subject-matter must be stated.
529. Agreement to be filed and numbered as a suit.
530. Parties to be subject to Court's jurisdiction.
531. Hearing and disposal of the case.

CHAPTER XXXIX.

OF SUMMARY PROCEDURE ON NEGOTIABLE INSTRUMENTS.

532. Institution of summary suits upon bills of exchange, &c.
Payment into court of sum mentioned in summons.
533. Defendant showing defence on merits to have leave to appear.
534. Power to set aside decree.
535. Power to order bill to be deposited with officer of Court.
536. Recovery of cost of noting non-acceptance of dishonoured bill.
537. Procedure in suits under this chapter.
538. Application of chapter.

CHAPTER XL.

OF SUITS RELATING TO PUBLIC CHARITIES.

539. When suit relating to public charities may be brought.

PART VI.
OF APPEALS.

CHAPTER XLI.

OF APPEALS FROM ORIGINAL DECREES.

540. Appeal to lie from all original decrees, except when expressly prohibited.

541. Form

SECTIONS.

541. Form of appeal.
 What to accompany memorandum.
 Contents of memorandum.
542. Appellant confined to grounds set out.
543. Rejection or amendment of memorandum.
544. One of several plaintiffs or defendants may obtain reversal of whole decree if it proceed on ground common to all.

Of staying and executing Decrees under Appeal.

545. Execution of decree not stayed solely by reason of appeal.
 Stay of execution of appealable decree before time for appealing has expired.
546. Security in case of order for execution of decree appealed against.
547. No such security to be required from Government or public officers.

Of Procedure in Appeal from Decrees.

548. Registry of memorandum of appeal.
 Register of appeals.
549. Appellate Court may require appellant to give security for costs.
 When appellant resides out of British India.
550. Appellate Court to give notice to Court whose decree is appealed against.
 Transmission of papers to appellate Court.
 Copies of exhibits in Court whose decree is appealed against.
551. Power to confirm decision of lower Court without sending it notice.
552. Day for hearing appeal.
553. Publication and service of notice of day for hearing appeal.
 Appellate Court may itself cause notice to be served.
554. Contents of notice.

Procedure on Hearing.

555. Right to begin.
556. Dismissal of appeal for appellant's default.
 Hearing appeal *ex parte*.
557. Dismissal of appeal where notice not served in consequence of appellant's failure to deposit cost.
 Proviso.

558. Re-

SECTIONS.

558. Re-admission of appeal dismissed for default.
559. Power to adjourn hearing, and direct persons appearing interested to be made respondents.
560. Re-hearing on application of respondent against whom *ex parte* decree is made.
561. Upon hearing, respondent may object to decree as if he had preferred separate appeal.
Form of notice, and provisions applicable thereto.
562. Remand of case by appellate Court.
563. When further evidence barred.
564. Limit to remand.
565. When evidence on record sufficient, appellate Court shall determine case finally.
566. When appellate Court may frame issues and refer them for trial to Court whose decree is appealed against.
567. Finding and evidence to be put on record.
Objections to finding.
Determination of appeal.
568. Production of additional evidence in appellate Court.
569. Mode of taking additional evidence.
570. Points to be defined and recorded.

Of the Judgment in Appeal.

571. Judgment when and where pronounced.
572. Language of judgment.
573. Translation of judgment.
574. Contents of judgment.
Date and signature.
575. Decision when appeal is heard by two or more Judges.
576. Dissent to be recorded.
577. What judgment may direct.
578. No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction.

Of the Decree in Appeal.

579. Date and contents of decree.
Judge dissenting from judgment need not sign decree.
580. Copies of judgment and decree to be furnished to parties.
581. Certified copy of decree to be sent to Court whose decree is appealed against.
582. Appellate Court to have same powers as Courts of original jurisdiction.
583. Execution of decree of appellate Court.

CHAPTER XLII.

OF APPEALS FROM APPELLATE DECREES.

SECTIONS.

584. Second appeals to High Court.
Grounds of second appeal.
585. Second appeal on no other grounds.
586. No second appeal in certain suits.
587. Provisions as to second appeals.

CHAPTER XLIII.

OF APPEALS FROM ORDERS.

588. Orders appealable.
589. Court which shall hear appeals.
590. Procedure in appeals from orders.
591. No other appeal from orders; but error therein may be set forth in memorandum of appeal against decree.

CHAPTER XLIV.

OF PAUPER APPEALS.

592. Who may appeal as pauper.
Procedure on application for admission of appeal.
593. Enquiry into pauperism.
Proviso.

CHAPTER XLV.

OF APPEALS TO THE QUEEN IN COUNCIL.

594. 'Decree' defined.
595. When appeals lie to Queen in Council.
596. Value of subject-matter.
597. Bar of certain appeals.
598. Application to Court whose decree is complained of.
599. Time within which application must be made.
600. Certificate as to value or fitness.
601. Effect of refusal of certificate.
602. Security and deposit required on grant of certificate.
603. Admission of appeal and procedure thereon.
604. Revocation of acceptance of security.
605. Power to order further security or payment.
606. Effect of failure to comply with order.
607. Refund of balance of deposit.

608. Powers

SECTIONS.

- 608. Powers of Court pending appeal.
- 609. Increase of security found inadequate.
- 610. Procedure to enforce orders of Queen in Council.
- 611. Appeal against order relating to execution.
- 612. Power to make rules.
Publication of rules.
- 613. Legalization of existing rules.
- 614. Recorder of Rangoon.
- 615. Construction of Bengal Regulation III of 1828, section 4, clause 5.
- 616. Saving of Her Majesty's pleasure,
and of rules for conduct of business before Judicial Committee.

PART VII.

CHAPTER XLVI.**OF REFERENCE TO AND REVISION BY THE HIGH COURT.**

- 617. Reference of question to High Court.
- 618. Court may pass decree contingent upon opinion of High Court.
- 619. Judgment of High Court to be transmitted, and case disposed of accordingly.
- 620. Costs of reference to High Court.
- 621. Power to alter, &c., decrees of Court making reference.
- 622. Power to call for record of cases not appealable to High Court.

PART VIII.

CHAPTER XLVII.**OF REVIEW OF JUDGMENT.**

- 623. Application for review of judgment.
- 624. To whom applications for review may be made.
- 625. Form of applications for review.
- 626. Application when rejected.
Application when granted.
Proviso.
- 627. Application for review in Court consisting of two or more Judges.
- 628. Application when rejected.

629. Order

SECTIONS.

629. Order of rejection final.
 Objections to admission.
 630. Registry of application granted, and order for re-hearing.

PART IX.

CHAPTER XLVIII.

SPECIAL RULES RELATING TO THE CHARTERED HIGH COURTS.

631. This chapter to apply only to certain High Courts.
 632. Application of Code to High Courts.
 633. High Court to record judgments according to its own rules.
 634. Power to order execution of decree before ascertainment of costs, and execution for costs subsequently.
 635. Unauthorized persons not to address Court.
 636. Who may serve process of High Courts.
 637. Non-judicial acts may be done by Registrar.
 638. Sections not applying to High Court in original civil jurisdiction.
 Code not to affect High Court in exercise of insolvent jurisdiction.
 639. Power to frame forms.

PART X.

CHAPTER XLIX.

MISCELLANEOUS.

640. Exemption of certain women from personal appearance.
 641. Local Government may exempt certain persons from personal appearance.
 List of names of persons exempted to be kept in subordinate Court.
 Costs of commission rendered necessary by claiming privilege.
 642. Persons exempt from arrest.
 643. Procedure in case of certain offences.
 644. Use of forms in fourth schedule.
 645. Language of subordinate Courts.
 646. Power of Registrars of Small Cause Courts to state cases.
 647. Miscellaneous proceedings.
 Admission of affidavits as evidence.

648. Procedure

SECTIONS.

648. Procedure when person to be arrested or property to be attached is outside the district.
649. Rules applicable to all civil process for arrest, sale or payment.
650. Application of rules as to witnesses.
651. Penalty for resisting apprehension or escaping from custody under Code or civil process.
652. Power to make subsidiary rules of procedure. —
-

THE FIRST SCHEDULE.—*A.*—Statute repealed.

B.—Acts repealed.

C.—Regulations repealed.

THE SECOND SCHEDULE.—Chapters and sections of this Code extending to Mufassal Courts of Small Causes.

THE THIRD SCHEDULE.—Bombay Enactments.

THE FOURTH SCHEDULE.—Forms.

ACT No. X OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 30th March 1877).

An Act to consolidate and amend the Laws relating to the Procedure of the Courts of Civil Judicature.

WHEREAS it is expedient to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature; It is hereby enacted as follows:—

Preamble.

PRELIMINARY.

1. This Act may be cited as "The Code of Civil Procedure:" and it shall come into force on the first day of October 1877.

Short title.
Commencement.

This section and section 3 extend to the whole of British India. The other sections extend to the whole of British India except the Scheduled Districts as defined in Act No. XIV of 1874.

Local extent.

2. In this Act, unless there be something repugnant in the subject or context—

Interpretation-clause.

"chapter" means a chapter of this Code:

"chapter"

"district" means the local limits of the jurisdiction of a principal civil Court of original jurisdiction (hereinafter called a 'District Court'), and includes the local limits of the ordinary original civil jurisdiction of a High Court: every Court of a grade inferior to that of a District Court and every Court of Small Causes shall, for the purposes of this Code, be deemed to be subordinate to the High Court and the District Court:

"district."
"District Court."

"pleader"

- “pleader.” “pleader” means every person entitled to appear and plead for another in Court, and includes an advocate, a vakil and an attorney of a High Court :
- “Government Pleader.” “Government Pleader” includes also any officer appointed by the Local Government to perform all or any of the functions expressly imposed by this Code on the Government Pleader :
- “Collector.” “Collector” means every officer performing the duties of a Collector of land-revenue :
- “judgment.” “judgment” means the statement given by the Judge as the grounds of the order or decree by which a suit or other judicial proceeding is determined :
- “decree.” “decree” means the formal order of the Court in which the result of the decision of the suit or other judicial proceeding is embodied. An order on appeal, remanding a suit for re-trial, is not within this definition :
- “Judge.” “Judge” means the presiding officer of a Court :
- “judgment-debtor.” “judgment-debtor” means any person against whom a decree or order has been made :
- “decree-holder.” “decree-holder” means any person in whose favour a decree or any order capable of execution has been made, and includes any person to whom such decree or order is transferred :
- “written.” “written” includes printed and lithographed, and “writing” includes print and lithography :
- “signed.” “signed” includes “marked” when the person making the mark is unable to write his name :
- “foreign Court.” “foreign Court” means a Court situate beyond the limits of British India and not having authority in British India nor established by the Governor General in Council :
- “foreign judgment.” “foreign judgment” means the judgment of a foreign Court :
- “public officer.” “public officer” means a person falling under any of the following descriptions (namely) :—
- every Judge ;
- every covenanted servant of Her Majesty ;
- every

every commissioned officer in the military or naval forces of Her Majesty while serving under Government;

every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties;

every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

every officer of Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of Government, or to make any survey, assessment or contract on behalf of Government, or to execute any revenue-process, or to investigate, or to report on, any matter affecting the pecuniary interests of Government, or to make, authenticate or keep any document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government, and every officer in the service or pay of Government, or remunerated by fees or commission for the performance of any public duty.

And in any part of British India in which this Code operates, "Government" includes the Government of India as well as the Local Government. "Government."

3. The enactments specified in the first schedule hereto annexed are hereby repealed to the extent mentioned in the third column of the same schedule. Enactments repealed.

But when in any Act, Regulation or notification passed or issued prior to the day on which this Code comes References in previous Acts.

comes into force, reference is made to Act VIII of 1859, Act XXIII of 1861, or the 'Code of Civil Procedure,' or to any other Act hereby repealed, such reference shall, so far as may be practicable, be read as applying to this Code or the corresponding part thereof.

Saving of procedure in suits instituted before 1st October 1877.

Saving of certain Acts affecting Oudh, Panjáb, Central Provinces and Burma.

Nothing herein contained shall affect the procedure prior to decree in any suit instituted or appeal presented before this Code comes into force.

4. Save as provided in the second paragraph of section 3, nothing herein contained shall be deemed to affect the following enactments (namely):—

The Central Provinces Courts Act, 1865 :

The Panjáb Courts Act, 1865 :

Act No. XXVII of 1867 :

The Oudh Civil Courts Act, 1871 :

The Panjáb Appeals Act, 1873 :

The Burma Courts Act, 1875 :

or any local law prescribing a special procedure for suits between landlord and tenant,

or any local law providing for the partition of immoveable property.

And where under any of the said Acts concurrent civil jurisdiction is given to the Commissioner and the Deputy Commissioner, the Local Government may declare which of such officers shall for the purposes of this Code be deemed to be the District Court.

Sections extending to Mufassal Small Cause Courts.

5. The chapters and sections of this Code specified in the second schedule hereto annexed extend (so far as they are applicable) to Courts of Small Causes constituted under Act No. XI of 1865. The other chapters and sections of this Code do not extend to such Courts. And nothing herein contained shall be deemed to enlarge the powers which such Courts now possess for the purposes of effecting attachments or executing decrees.

6. Nothing

6. Nothing in this Code affects the jurisdiction or procedure—

(a) of Military Courts of Request ;

(b) of a single officer duly appointed in the Presidency of Bombay to try small suits in military bázárs at cantonments and stations occupied by the troops of that Presidency ; or

(c) of Village Munsifs or Village Pancháyats under the provisions of the Madras Code ;

(d) of the Recorder of Rangoon sitting as an Insolvent Court in Rangoon, Maulmain, Akyab or Bassein,

or shall operate to give any Court jurisdiction over suits of which the amount or value of the subject-matter exceeds the pecuniary limits (if any) of its ordinary jurisdiction.

7. With respect to

(a) the jurisdiction exercised by certain jágirdárs and other authorities invested with powers under the provisions of Bombay Regulation XIII of 1830 and Act XV of 1840 in the cases therein mentioned ; and

(b) cases of the nature defined in the enactments specified in the third schedule hereto annexed,

the procedure in such cases and in the appeals to the civil Courts allowed therein, shall be according to the rules laid down in this Code, except where those rules are inconsistent with any specific provisions contained in the enactments mentioned or referred to in this section.

8. Save as provided in sections 3, 25, 86, 223, 225, 386 and chapter XXXIX, this Code shall not extend to any suit or proceeding in any Court of Small Causes established in the towns of Calcutta, Madras and Bombay.

But the Local Government may, by notification published in the official Gazette, extend to any such

Court

Saving of jurisdiction and procedure—
(a) of Military Courts of Request ;

(b) of officers appointed to try small suits in Bombay ;

(c) of Village Munsifs and Village Pancháyats in Madras ;

(d) of Recorder of Rangoon sitting as an Insolvent Court.

Saving of certain Bombay laws.

Presidency Small Cause Courts.

Court this Code or any part thereof, except so far as relates to appeals and reviews of judgment.

Division of Code.

9. This Code is divided into ten Parts as follows:—

- The first Part : Suits in General.
- The second Part : Incidental Proceedings.
- The third Part : Suits in particular Cases.
- The fourth Part : Provisional Remedies.
- The fifth Part : Special Proceedings.
- The sixth Part : Appeals.
- The seventh Part : Reference to and Revision by the High Court.
- The eighth Part : Review of Judgment.
- The ninth Part : Special Rules relating to the Chartered High Courts.
- The tenth Part : Certain Miscellaneous Matters.

PART I.

OF SUITS IN GENERAL.

CHAPTER I.

**OF THE JURISDICTION OF THE COURTS AND RES-
JUDICATA.**

No person exempt from jurisdiction by reason of descent or place of birth.

10. No person shall, by reason of his descent or place of birth, be in any civil proceeding exempted from the jurisdiction of any of the Courts.

Courts to try all civil suits unless specially barred.

11. The Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is barred by any enactment for the time being in force.

Explanation.—A suit in which the right to property or to an office is contested is a suit of a civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies.

Pending suits.

12. Except where a suit has been stayed under section 20, the Court shall not try any suit in which the matter in issue is also directly and substantially in

in issue in a previously instituted suit for the same relief between the same parties, or between parties under whom they or any of them claim, pending in the same or any other Court, whether superior or inferior, in British India having jurisdiction to grant such relief, or in any Court beyond the limits of British India established by the Governor General in Council and having like jurisdiction, or before Her Majesty in Council.

Explanation.—The pendency of a suit in a foreign Court does not preclude the Courts in British India from trying a suit founded on the same cause of action.

13. No Court shall try any suit or issue in which the matter directly and substantially in issue has been heard and finally decided by a Court of competent jurisdiction, in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title. *Resjudicata.*

Explanation I.—The matter above referred to must in the former suit have been alleged by one party and either denied or confessed, expressly or impliedly, by the other.

Explanation II.—Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation III.—Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purpose of this section, be deemed to have been refused.

Explanation IV.—A decision is final within the meaning of this section when it is such as the Court making it could not alter (except on review) on the application of either party or reconsider of its own motion. A decision liable to appeal may be final within the meaning of this section until the appeal is made.

Explanation V.—Where persons litigate *boná fide* in respect of a private right claimed in common for themselves and others, all persons interested in such

right

right shall, for the purpose of this section, be deemed to claim under the persons so litigating.

Explanation VI.—Where a foreign judgment is relied on, the production of the judgment duly authenticated is presumptive evidence that the Court which made it had competent jurisdiction, unless the contrary appear on the record; but such presumption may be removed by proving the want of jurisdiction.

When foreign judgment no bar to suit in British India.

14. No foreign judgment shall operate as a bar to a suit in British India—

(a) if it has not been given on the merits of the case:

(b) if it appears on the face of the proceedings to be founded on an incorrect view of international law or of any law in force in British India:

(c) if it is in the opinion of the Court before which it is produced contrary to natural justice:

(d) if it has been obtained by fraud:

(e) if it sustains a claim founded on a breach of any law in force in British India.

CHAPTER II.

OF THE PLACE OF SUING.

Court in which suit to be instituted. Suits to be instituted where subject-matter situate.

15. Every suit shall be instituted in the Court of the lowest grade competent to try it.

16. Subject to the pecuniary or other limitations prescribed by any law, suits

" (a) for the recovery of immoveable property,

(b) for the partition of immoveable property,

(c) for the foreclosure or redemption of a mortgage of immoveable property,

(d) for the determination of any other right to or interest in immoveable property,

(e) for compensation for wrong to immoveable property,

(f) for the recovery of moveable property actually under distraint or attachment,

shall

shall be instituted in the Court within the local limits of whose jurisdiction the property is situate :

Provided that suits to obtain relief respecting, or compensation for wrong to, immoveable property held by or on behalf of the defendant may, when the relief sought can be entirely obtained through his personal obedience, be instituted either in the Court within the local limits of whose jurisdiction the property is situate, or in the Court within the local limits of whose jurisdiction he actually and voluntarily resides, or carries on business, or personally works for gain.

Explanation.—In this section ‘property’ means property situate in British India.

17. Subject to the limitations aforesaid, all other suits shall be instituted in a Court within the local limits of whose jurisdiction—

(a) the cause of action arises, or

(b) all the defendants, at the time of the commencement of the suit, actually and voluntarily reside, or carry on business, or personally work for gain ; or

(c) any of the defendants, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain : provided that either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution.

Explanation I.—Where a person has a permanent dwelling at one place and also a lodging at another place for a temporary purpose only, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary lodging.

Explanation II.—A Corporation or Company shall be deemed to carry on business at its sole or principal office in British India or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

Suits to be instituted where defendants reside or cause of action arose.

Illustrations.

Illustrations.

(a.) A is a tradesman in Calcutta. B carries on business in Dehli. B, by his agent in Calcutta, buys goods of A, and requests A to deliver them to the East Indian Railway Company. A delivers the goods accordingly in Calcutta. A may sue B for the price of the goods either in Calcutta, where the cause of action has arisen, or in Dehli, where B carries on business.

(b.) A resides at Simla, B at Calcutta, and C at Dehli. A, B and C being together at Benares, B and C make a joint promissory-note payable on demand, and deliver it to A. A may sue B and C at Benares, where the cause of action arose. He may also sue them at Calcutta, where B resides, or at Dehli, where C resides ; but in each of these cases, if the non-resident defendant objects, the suit cannot be maintained without the leave of the Court.

Suits for compensation for wrongs to person or moveables.

18. In suits for compensation for wrong done to person or moveable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain, within the local limits of the jurisdiction of another Court, the plaintiff may at his option sue in either of the said Courts.

Illustrations.

(a.) A, residing in Dehli, beats B in Calcutta. B may sue A either in Calcutta or in Dehli.

(b.) A, residing in Dehli, publishes in Calcutta statements defamatory of B. B may sue A either in Calcutta or in Dehli.

(c.) A, travelling on the line of a Railway Company whose principal office is at Howrah, is upset and injured at Allahabad by negligence imputable to the Company. He may sue the Company either at Howrah or at Allahabad.

Suits for immoveable property situate in single district, but within jurisdictions of different Courts.

19. If the suit be to obtain relief respecting, or compensation for wrong to, immoveable property situate within the limits of a single district, but within the jurisdiction of different Courts, the suit may be instituted in the Court within whose jurisdiction any portion of the property is situate ; provided that, in respect of the value of the subject-matter of the suit, the entire claim be cognizable by such Court.

Suits for immoveable property situate in

If the immoveable property be situate within the limits of different districts, the suit may be instituted in any Court, otherwise competent to try it, within whose

whose jurisdiction any portion of the property is situate. different districts.

20. If a suit which may be instituted in more than one Court is instituted in a Court within the local limits of whose jurisdiction the defendant or all the defendants does not or do not actually and voluntarily reside, or carry on business, or personally work for gain, the defendant or any defendant may, after giving notice in writing to the other parties of his intention to apply to the Court to stay proceedings, apply to the Court accordingly ; Power to stay proceedings where all defendants do not reside within jurisdiction.

and if the Court, after hearing such of the parties as desire to be heard, is satisfied that justice is more likely to be done by the suit being instituted in some other Court, it may stay proceedings either finally or till further order, and make such order as it thinks fit as to the costs already incurred by the parties or any of them.

In such case, if the plaintiff so requires, the Court shall return the plaint with an endorsement thereon of the order staying proceedings.

Every such application shall be made at the earliest possible opportunity, and in all cases before the issues are settled ; and any defendant not so applying shall be deemed to have acquiesced in the institution of the suit. Application when to be made.

21. Where the Court, under section 20, stays proceedings, and the plaintiff re-institutes his suit in another Court, the plaint shall not be chargeable with any court-fee ; provided that the proper fee has been levied on the institution of the suit in the former Court, and that the plaint has been returned by such Court. Remission of court-fee where suit instituted in another Court.

22. Where a suit may be instituted in more Courts than one, and such Courts are subordinate to the same appellate Court, any defendant, after giving notice in writing to the other parties of his intention to apply to such Court to transfer the suit to another Court, may apply accordingly ; and the appellate Court, after hearing the other parties, if they desire Procedure where Courts in which suit may be instituted are subordinate to the same appellate Court.

to

to be heard, shall determine in which of the Courts having jurisdiction the suit shall proceed.

Procedure where they are not so subordinate.

23. Where such Courts are subordinate to different appellate Courts, but are subordinate to the same High Court, any defendant, after giving notice in writing to the other parties of his intention to apply to the High Court to transfer the suit to another Court having jurisdiction, may apply accordingly. If the suit is brought in any Court subordinate to a District Court, the application, together with the objections, if any, filed by the other parties, shall be submitted through the District Court to which such Court is subordinate. The High Court may, after considering the objections, if any, of the other parties, determine in which of the Courts having jurisdiction the suit shall proceed.

Procedure where they are subordinate to different High Courts.

24. Where such Courts are subordinate to different High Courts, any defendant may, after giving notice in writing to the other parties of his intention to apply to the High Court within whose jurisdiction the Court in which the suit is brought is situate, apply accordingly.

If the suit is brought in any Court subordinate to a District Court, the application, together with the objections, if any, filed by the other parties, shall be submitted through the District Court to which such Court is subordinate;

and such High Court shall, after considering the objections, if any, of the other parties, determine in which of the several Courts having jurisdiction the suit shall proceed.

Transfer of suits.

25. The High Court or District Court may, on the application of any of the parties, after giving notice to the parties and hearing such of them as desire to be heard, or of its own motion without giving such notice, withdraw any suit whether pending in a Court of first instance or in a Court of appeal subordinate to such High Court or District Court, as the case may be, and try the suit itself, or transfer it for trial to any other such subordinate Court competent

tent to try the same in respect of its nature and the amount or value of its subject-matter.

For the purposes of this section, the Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court.

The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

CHAPTER III.

OF PARTIES AND THEIR APPEARANCES, APPLICATIONS AND ACTS.

26. All persons may be joined as plaintiffs in whom the right to any relief claimed is alleged to exist, whether jointly, severally or in the alternative, in respect of the same cause of action. And judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to, without any amendment. But the defendant, though unsuccessful, shall be entitled to his costs occasioned by so joining any person who is not found entitled to relief, unless the Court in disposing of the costs of the suit otherwise directs.

Persons who may be joined as plaintiffs.

27. Where a suit has been instituted in the name of the wrong person as plaintiff, or where it is doubtful whether it has been instituted in the name of the right plaintiff, the Court may, if satisfied that the suit has been so commenced through a *bonâ fide* mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person or persons to be substituted or added as plaintiff or plaintiffs upon such terms as the Court thinks just.

Court may substitute or add plaintiff for or to plaintiff suing.

28. All persons may be joined as defendants against whom the right to any relief is alleged to exist, whether jointly, severally or in the alternative, in respect of the same matter. And judgment may

Persons who may be joined as defendants.

be

45

be given against such one or more of the defendants as may be found to be liable, according to their respective liabilities, without any amendment.

Joinder of parties liable on same contract.

29. The plaintiff may, at his option, join as parties to the same suit all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange, hundís and promissory notes.

One party may sue or defend on behalf of all in same interest.

30. Where there are numerous parties having the same interest in one suit, one or more of such parties may, with the permission of the Court, sue or be sued, or may defend, in such suit, on behalf of all parties so interested. But the Court shall in such case give, at the plaintiff's expense, notice of the institution of the suit to all such parties either by personal service or (if from the number of parties or any other cause such service is not reasonably practicable) by public advertisement, as the Court in each case may direct.

Suit not to fail by reason of misjoinder.

31. No suit shall be defeated by reason of the misjoinder of parties, and the Court may in every suit deal with the matter in controversy so far as regards the rights and interests of the parties actually before it.

Nothing in this section shall be deemed to enable plaintiffs to join in respect of distinct causes of action.

Court may dismiss or add parties.

32. The Court may, on or before the first hearing, upon the application of either party, and on such terms as the Court thinks just, order that the name of any party, whether as plaintiff or as defendant, improperly joined, be struck out;

and the Court may at any time, either upon or without such application, and on such terms as the Court thinks just, order that any plaintiff be made a defendant or that any defendant be made a plaintiff, and that the name of any person who ought to have been joined whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to

to adjudicate upon and settle all the questions involved in the suit, be added.

No person shall be added as a plaintiff, or as the next friend of a plaintiff, without his own consent thereto.

Consent of person added as plaintiff or next friend.

Any person on whose behalf a suit is instituted or defended under section 30 may apply to the Court to be made a party to such suit.

Parties to suits instituted or defended under section 30.

All parties whose names are so added as defendants shall be served with a summons in manner hereinafter mentioned, and (subject to the provisions of the Indian Limitation Act, section 22) the proceedings as against them shall be deemed to have begun only on the service of such summons.

Defendants added to be served.

The Court may give the conduct of the suit to such plaintiff as it deems proper.

Conduct of suit.

33. Where a defendant is added, the plaint, if previously filed, shall, unless the Court direct otherwise, be amended in such manner as may be necessary, and an amended copy of the summons shall be served on the new defendant and the original defendants.

Where defendant added, plaintiff to amend.

34. All objections for want of parties, or for joinder of parties who have no interest in the suit, or for misjoinder as co-plaintiffs or co-defendants, shall be taken at the earliest possible opportunity, and in all cases before the first hearing; and any such objection not so taken shall be deemed to have been waived by the defendant.

Time for taking objections as to non-joinder or misjoinder.

35. When there are more plaintiffs than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any proceeding under this Code: and in like manner when there are more defendants than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any such proceeding.

Each of several plaintiffs or defendants may authorize any other to appear, &c., for him.

Authority to be in writing signed and filed.

The authority shall be in writing signed by the party giving it, and shall be filed in court.

Recognized Agents and Pleaders.

Appearances, &c., may be in person, by recognized agent or by pleader.

36. Any appearance, application or act in or to any Court, required or authorized by law to be made or done by a party to a suit or appeal in such Court, may, except when otherwise expressly provided by any law for the time being in force, be made or done by the party in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf :

Provided that any such appearance shall be made by the party in person if the Court so direct.

Recognized agents.

37. The recognized agents of parties by whom such appearances, applications and acts may be made or done are—

Persons holding powers-of-attorney from parties out of jurisdiction.

(a.) persons holding general powers-of-attorney from parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, authorizing them to make and do such appearances, applications and acts on behalf of such parties ;

Certificated mukhtárs.

(b.) mukhtárs duly certificated under any law for the time being in force, and holding special powers-of-attorney authorizing them to do, on behalf of their principals, such acts as may legally be done by mukhtárs ;

Persons carrying on trade or business for parties out of jurisdiction.

(c.) persons carrying on trade or business for and in the names of parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, in matters connected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, applications and acts.

Recognized agents in Panjáb, Oudh and Central Provinces.

Nothing in the former part of this section applies to the territories now administered respectively by the Lieutenant Governor of the Panjáb, and the Chief Commissioners of Oudh and the Central Provinces ; but in those territories the recognized agents of parties

by

by whom such appearances, applications and acts may be made and done shall be such persons as the Local Government may from time to time, by notification in the official Gazette, declare in this behalf.

38. Processes served on the recognized agent of a party to a suit or appeal shall be as effectual as if the same had been served on the party in person, unless the Court otherwise directs. Service of process on recognized agent.

The provisions of this Code for the service of process on a party to a suit shall apply to the service of process on his recognized agent.

39. The appointment of a pleader to make or do any appearance, application or act as aforesaid shall be in writing, and such appointment shall be filed in court. Appointment of pleader.

When so filed, it shall be considered to be in force until revoked with the leave of the Court, by a writing signed by the client and filed in court, or until the client or the pleader dies, or all proceedings in the suit are ended so far as regards the client.

No advocate of any High Court established by Royal Charter shall be required to present any document empowering him to act.

40. Processes served on the pleader of any party or left at the office or ordinary residence of such pleader, relative to a suit or appeal, and whether the same be for the personal appearance of the party or not, shall be presumed to be duly communicated and made known to the party whom the pleader represents; and, unless the Court otherwise directs, shall be as effectual for all purposes in relation to the suit or appeal as if the same had been given to or served on the party in person. Service of process on pleader.

41. Besides the recognized agents described in section 37, any person residing within the jurisdiction of the Court may be appointed an agent to accept service of process. Agent to receive process.

Such appointment may be special or general and shall be made by an instrument in writing signed by His appointment to be in writing
the

and to be
filed in court.

the principal, and such instrument, or, if the appointment be general, a duly attested copy thereof, shall be filed in court.

CHAPTER IV.

OF THE FRAME OF THE SUIT.

Suit how to
be framed.

42. Every suit shall, as far as practicable, be so framed as to afford ground for a final decision upon the subjects in dispute, and so to prevent further litigation concerning them.

Suit to in-
clude the
whole claim.

43. Every suit shall include the whole of the claim arising out of the cause of action; but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court.

Relinquish-
ment of part
of claim.

If a plaintiff omit to sue for, or intentionally relinquish, any portion of his claim, he shall not afterwards sue for the portion so omitted or relinquished.

Omission to
sue for one
of several
remedies.

A person entitled to more than one remedy in respect of the same claim may sue for all or any of his remedies; but if he omits (except with the leave of the Court obtained before the first hearing) to sue for any of such remedies, he shall not afterwards sue for the remedy so omitted.

Illustration.

A lets a house to B at a yearly rent of Rs. 1,200. The rent for the whole of the years 1874 and 1875 is due and unpaid. A sues B only for the rent due for 1875. A shall not afterwards sue B for the rent due for 1874.

Only certain
claims to be
joined with
suit for re-
covery of
land.

44. Rule a.—No cause of action shall, unless with the leave of the Court, be joined with a suit for the recovery of immoveable property, or to obtain a declaration of title to immoveable property, except—

(a) claims in respect of mesne profits or arrears of rent in respect of the property claimed,

(b) damages for breach of any contract under which the property or any part thereof is held, and

(c) claims by a mortgagee to enforce any of his remedies under the mortgage.

Rule b.—

Rule b.—No claim by or against an executor, administrator or heir as such, shall be joined with claims by or against him personally, unless the last-mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor, administrator or heir.

Claims by or against executor, administrator, or heir.

45. Subject to the rules contained in section 44, the plaintiff may unite in the same suit several causes of action, and any plaintiffs having causes of action against the same defendant or defendants, may unite such causes of action in the same suit.

Plaintiff may join several causes of action.

But if it appear to the Court that any such causes of action cannot be conveniently tried or disposed of together, the Court may, at any time before the first hearing, of its own motion or on the application of the defendant, order separate trials of any such causes of action to be had, or make such other order as may be necessary or expedient for the separate disposal thereof.

Court may order separation.

When causes of action are united, the jurisdiction of the Court as regards the suit shall depend on the amount or value of the aggregate subject-matters at the date of instituting the suit, whether or not an order has been made under the second paragraph of this section.

46. Any defendant alleging that the plaintiff has united in the same suit several causes of action which cannot be conveniently disposed of in one suit may at any time before the first hearing, or, where issues are settled, before any evidence is recorded, apply to the Court for an order confining the suit to such of the causes of action as may be conveniently disposed of in one suit.

Defendant may apply to confine suit.

47. If, on the hearing of such application, it appears to the Court that the causes of action are such as cannot all be conveniently disposed of in one suit, the Court may order any of such causes of action to be excluded, and may direct the plaint to be amended accordingly, and may make such order as to costs as may be just.

Court on hearing application may exclude some causes and order amendment.

Every amendment made under this section shall be attested by the signature of the Judge.

CHAPTER V,

OF THE INSTITUTION OF SUITS.

Suits to be commenced by plaintiff.

48. Every suit shall be instituted by presenting a plaint to the Court or such officer as it appoints in this behalf.

Language of plaint.

49. The plaint must be distinctly written in the language of the Court; provided that if such language is not English, the plaint may (with the permission of the Court) be written in English; but in such case, if the defendant so require, a translation of the plaint into the language of the Court shall be filed in court.

Particulars to be contained in plaint.

50. The plaint must contain the following particulars:—

(a) the name of the Court in which the suit is brought;

(b) the name, description and place of abode of the plaintiff;

(c) the name, description and place of abode of the defendant, so far as they can be ascertained;

(d) a plain and concise statement of the circumstances constituting the cause of action, and where and when it arose;

(e) a demand of the relief which the plaintiff claims; and

(f) if the plaintiff has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished.

In money-suits.

If the plaintiff seeks the recovery of money, the plaint must state the precise amount, so far as the case admits.

In a suit for mesne profits, and in a suit for the amount which will be found due to the plaintiff on taking unsettled accounts between him and the defendant,

defendant, the plaintiff need only state approximately the amount sued for.

When the plaintiff sues in a representative character, the plaintiff should shew, not only that he has an actual existing interest in the subject-matter, but that he has taken the steps necessary to enable him to institute a suit concerning it.

Where plaintiff sues as a representative.

Illustrations.

(a) A sues as B's executor. The plaintiff must state that A has proved B's will.

(b) A sues as C's administrator. The plaintiff must state that A has taken out administration to C's estate.

(c) A sues as guardian of D, a Muhammadan minor. A is not D's guardian according to Muhammadan law and usage. The plaintiff must state that A has been specially appointed D's guardian.

The plaintiff must shew that the defendant is or claims to be interested in the subject-matter, and that he is liable to be called upon to answer the plaintiff's demand.

Defendant's interest and liability to be shewn.

Illustration.

A dies leaving B his executor, C his legatee, and D a debtor to A's estate. C sues D to compel him to pay his debt in satisfaction of C's legacy. The plaintiff must shew that B has causelessly refused to sue D, or that B and D have colluded for the purpose of defrauding C, or other such circumstances rendering D liable to C.

If the cause of action arose beyond the period ordinarily allowed by any law for instituting the suit, the plaintiff must shew the ground upon which exemption from such law is claimed.

Grounds of exemption from limitation law.

51. The plaintiff shall be subscribed by the plaintiff and his pleader (if any), and shall be verified at the foot by the plaintiff or, with the permission of the Court, by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case.

Plaints to be subscribed and verified.

52. The verification must be to the effect that the same is true to the knowledge of the person making it, except as to matters stated on information and belief,

Contents of verification.

belief, and that as to those matters he believes it to be true.

Verification to be signed and attested.

The verification shall be signed by the person making it, and when he makes it out of court he shall sign it in the presence of a witness, who shall also sign it.

The Court shall examine such witness as to the fact of the signature, unless the person making the verification is present.

When the plaint may be rejected, returned for amendment, or amended.

53. The plaint may, at the discretion of the Court and at or before the first hearing, be rejected, returned for amendment within a time to be fixed by the Court, or amended then and there, upon such terms as to the payment of costs occasioned by the amendment as the Court thinks fit,

(a) if it does not state correctly and without prolixity the several particulars hereinbefore required to be specified therein; or

(b) if it contains any particulars other than those so required; or

(c) if it is not subscribed and verified as hereinbefore required; or

(d) if it does not disclose a cause of action; or

(e) if it is not framed in accordance with section 42; or

(f) if it is wrongly framed by reason of non-joinder or misjoinder of parties, or because the plaintiff has joined causes of action which ought not to be joined in the same suit:

Proviso.

Provided that a plaint cannot be altered so as to convert a suit of one character into a suit of another and inconsistent character.

Attestation of amendment.

When a plaint is amended, the amendment shall be attested by the signature of the Judge.

When the plaint shall be rejected.

54. The plaint shall be rejected in the following cases :—

(a) if the relief sought is undervalued, and the plaintiff, on being required by the Court to correct the

the

the valuation within a time to be fixed by the Court, fails to do so :

(b) if the relief sought is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so :

(c) if the suit appears from the statement in the plaint to be barred by any positive rule of law :

(d) if the plaint, having been returned for amendment within a time fixed by the Court, is not amended within such time.

55. When a plaint is rejected, the Judge shall record with his own hand an order to that effect with the reason for such order.

Procedure on rejecting a plaint.

56. The rejection of the plaint on any of the grounds hereinbefore mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

When rejection of plaint does not preclude presentation of fresh plaint.

57. The plaint shall be returned to be presented to the proper Court in the following cases :

When the plaint shall be returned to be presented to the proper Court.

(a) if a suit has been instituted in a Court whose grade is lower or higher than that of the Court competent to try it, where such Court exists, or where no option as to the selection of the Court is allowed by law :

(b) if, in a suit relating to immoveable property, but not coming under the proviso to section 16, it appears that no part of such property is situate within the local limits of the jurisdiction of the Court to which the plaint is presented :

(c) if, in any other case, it appears that the cause of action did not arise, and that none of the defendants are dwelling or carrying on business, or personally working for gain, within such local limits.

On returning a plaint, the Judge shall, with his own hand, endorse thereon the date of its presentation and return, the name of the party presenting it, and a brief statement of the reason for returning it.

Procedure on returning plaint.

58. The

Procedure on admitting
plaint.

58. The plaintiff shall endorse on the plaint, or annex thereto, a memorandum of the documents (if any) which he has filed along with it; and if the plaint be admitted, shall present as many copies on plain paper of the plaint as there are defendants, unless the Court by reason of the length of the plaint or the number of the defendants, or for any other sufficient reason, permits him to present a like number of concise statements of the nature of the claim made, or of the relief or remedy required, in the suit, in which case he shall present such statements.

Concise statements.

If the plaintiff sues, or the defendant or any of the defendants is sued, in a representative capacity, such statements shall show in what capacity the plaintiff or defendant sues or is sued.

The plaintiff may, by leave of the Court, amend such statements so as to make them correspond with the plaint.

The chief ministerial officer of the Court shall sign such memorandum and copies or statements if, on examination, he finds them to be correct.

Register of suits.

The Court shall also cause the particulars mentioned in section 50 to be entered in a book to be kept for the purpose and called the Register of civil suits. Such entries shall be numbered in every year according to the order in which the plaint is admitted.

Production of document on which plaintiff sues.

59. If a plaintiff sues upon a document in his possession or power, he shall produce it in Court when the plaint is presented, and shall at the same time deliver the document or a copy thereof to be filed with the plaint.

Delivery of document or copy.

List of other documents.

If he rely on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.

Statement in case of documents not in his possession or power.

60. In the case of any such document not in his possession or power, he shall, if possible, state in whose possession or power it is.

Suits on lost negotiable instruments.

61. In case of any suit founded upon a bill of exchange or other negotiable instrument, if it be proved

proved that the instrument is lost, and if an indemnity be given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon such instrument, the Court may make such decree as it would have made if the plaintiff had produced the instrument in court when the plaint was presented, and had at the same time delivered a copy of the instrument to be filed with the plaint.

62. If the document on which the plaintiff sues be an entry in a shop-book or other book in his possession or power, the plaintiff shall produce the book at the time of filing the plaint, together with a copy of the entry on which he relies.

Production of shop-book.

The Court, or such officer as it appoints in this behalf, shall forthwith mark the document for the purpose of identification; and after examining and comparing the copy with the original and attesting the copy if found correct, shall return the book to the plaintiff and cause the copy to be filed.

Original entry to be marked and returned.

63. A document which ought to be produced in court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint, and which is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

Inadmissibility of document not produced when plaint filed.

Nothing in this section applies to documents produced for cross-examination of the defendant's witnesses, or in answer to any case set up by the defendant, or handed to a witness merely to refresh his memory.

CHAPTER VI.

OF THE ISSUE AND SERVICE OF SUMMONS.

Issue of Summons.

64. When the plaint has been registered, and the copies or concise statements required by section 58 have been filed, a summons may be issued to each defendant

Summons.

defendant to appear and answer the claim on a day to be therein specified, or as soon thereafter as may be practicable,

(a) in person, or

(b) by a pleader duly instructed and able to answer all material questions relating to the suit, or

(c) by a pleader accompanied by some other person able to answer all such questions.

Every such summons shall be signed by the Judge or such officer as he appoints, and shall be sealed with the seal of the Court :

Provided that no such summons shall be issued when the defendant has appeared at the presentation of the plaint and admitted the plaintiff's claim.

Copy or statement annexed to summons.

65. Every such summons shall be accompanied with one of the copies or concise statements mentioned in section 58.

Court may order defendant or plaintiff to appear in person.

66. If the Court sees reason to require the personal appearance of the defendant, the summons shall order him to appear in person in court on the day therein specified.

If the Court sees reason to require the personal appearance of the plaintiff on the same day, it may make an order for such appearance.

No party to be ordered to appear in person unless resident within 50 or, where there is a railway, 200 miles.

67. No party shall be ordered to appear in person unless he resides

(a) within the local limits of the Court's ordinary original jurisdiction, or

(b) without such limits and at a place less than fifty, or, where there is railway-communication for five-sixths of the distance between the place where he resides and the place where the court is situate, two hundred miles from the court-house.

Summons to be either to settle issues or for final disposal.

68. The Court shall determine, at the time of issuing the summons, whether it shall be for the settlement of issues only, or for the final disposal of the suit; and the summons shall contain a direction accordingly :

Provided

Provided that, in every suit cognizable by Courts of Small Causes, the summons shall be for the final disposal of the suit.

69. The day for the appearance of the defendant shall be fixed by the Court with reference to its current business, the place of residence of the defendant and the time necessary for the service of the summons; and the day shall be so fixed as to allow the defendant sufficient time to enable him to appear and answer on such day.

Fixing day for appearance of defendant.

What shall be deemed 'sufficient time' must be determined with reference to the circumstances of the case.

70. The summons to appear and answer shall order the defendant to produce any document in his possession or power, containing evidence relating to the merits of the plaintiff's case, or upon which the defendant intends to rely in support of his case.

Summons to order defendant to produce documents required by plaintiff or relied on by defendant.

71. When the summons is for the final disposal of the suit, it shall direct the defendant to produce, on the day fixed for his appearance, the witnesses upon whose evidence he intends to rely in support of his case.

On issue of summons for final disposal, defendant to be directed to produce his witnesses.

Service of Summons.

72. The summons shall be delivered to the proper officer of the Court, to be served by him or one of his subordinates.

Delivery of summons for service.

73. Service of the summons shall be made by delivering or tendering a copy thereof signed by the Judge or such officer as he appoints in this behalf, and sealed with the seal of the Court.

Mode of service.

74. When there are more defendants than one, service of the summons shall be made on each defendant:

Service on several defendants.

Provided that, if the defendants are partners, and the suit relates to a partnership-transaction or to an actionable wrong in respect of which relief is claimable from the firm, the service may be made, unless

the

the Court directs otherwise, either (a) on one defendant for himself and for the other defendants, or (b) on any person having the management of the business of the partnership at the principal place, within the local limits of the Court's ordinary original civil jurisdiction, of such business.

Service to be on defendant in person, when practicable, or on his agent.

75. Whenever it may be practicable, the service shall be made on the defendant in person, unless he have an agent empowered to accept the service, in which case service on such agent shall be sufficient.

Service on agent by whom defendant carries on business.

76. In a suit relating to any business or work against a person who does not reside within the local limits of the jurisdiction of the Court from which the summons issues, service on any manager or agent, who, at the time of service, personally carries on such business or work for such person within such limits, shall be deemed good service.

For the purpose of this section, the master of a ship is the agent of his owner or charterer.

Service on agent in charge, in suits for immoveable property.

77. In a suit to obtain relief respecting, or compensation for wrong to, immoveable property, if the service cannot be made on the defendant in person, and the defendant have no agent empowered to accept the service, it may be made on any agent of the defendant in charge of the property.

When service may be on male member of defendant's family.

78. If in any suit the defendant cannot be found and if he have no agent empowered to accept the service of the summons on his behalf, the service may be made on any adult male member of the family of the defendant who is residing with him.

Explanation.—A servant is not a member of the family within the meaning of this section.

Person served to sign acknowledgment.

79. When the serving-officer delivers or tenders a copy of the summons to the defendant personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

80. If

80. If the defendant or other person refuses to sign the acknowledgment or to receive the copy of the summons,

Procedure when defendant refuses to accept service, or cannot be found.

or if the serving-officer cannot find the defendant, and there is no agent empowered to accept the service of the summons on his behalf, nor any other person on whom the service can be made,

the serving-officer shall affix a copy of the summons on the outer door of the house in which the defendant ordinarily resides and then return the original to the Court from which it issued, with an endorsement thereon stating that he has so affixed the copy and the circumstances under which he did so.

81. The serving-officer shall, in all cases in which the summons has been served under section 79, endorse or cause to be endorsed on the original summons, the time when and the manner in which the summons was served.

Endorsement of time and manner of service.

82. When a summons is returned under section 80, the Court shall examine the serving-officer on oath touching his proceedings and may make such further enquiry in the matter as it thinks fit; and shall either declare that the summons has been duly served or order such service as it thinks fit.

Examination of serving-officer.

Where the Court is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding the service, or that for any other reason the summons cannot be served in the ordinary way, the Court shall order the summons to be served by affixing a copy thereof in some conspicuous place in the court-house, and also upon some conspicuous part of the house, if any, in which the defendant is known to have last resided, or in such other manner as the Court thinks fit.

Substituted service.

83. The service substituted by order of the Court, shall be as effectual as if it had been made on the defendant personally.

Effect of substituted service.

84. Whenever service is substituted by order of the Court, the Court shall fix such time for the appearance of the defendant as the case may require.

When service is substituted, time for appearance to be fixed.

85. If

Service of summons when defendant resides within jurisdiction of another Court and has no agent to accept service.

85. If the defendant resides within the jurisdiction of any Court other than the Court in which the suit is instituted, and has no agent resident within the local limits of the jurisdiction of the latter Court empowered to accept the service of the summons, such Court shall send the summons, either by one of its officers or by post, to any Court, not being a High Court, having jurisdiction at the place where the defendant resides, by which it can be conveniently served, and shall fix such time for the appearance of the defendant as the case may require.

The Court to which the summons is sent shall, upon receipt thereof, proceed as if it had been issued by such Court and shall then return the summons to the Court from which it originally issued, together with the record (if any) made under this paragraph.

Service within Presidency-towns and Rangoon, of process issued by Mufassal Courts.

86. Whenever any process issued by any Court established beyond the limits of the towns of Calcutta, Madras, Bombay and Rangoon is to be served within any such town, it shall be sent to the Court of Small Causes within whose jurisdiction the process is to be served,

and such Court of Small Causes shall deal with such process in the same manner as if the process had been issued by itself,

and shall then return the process to the Court from which it issued.

Service on defendant in jail.

87. If the defendant be in jail, the summons shall be delivered to the officer in charge of the jail in which the defendant is confined, and such officer shall cause the summons to be served upon the defendant.

The summons shall be returned to the Court from which it issued, with a statement of the service endorsed thereon and signed by the officer in charge of the jail and by the defendant.

Procedure if jail be in a different district.

88. If the jail in which the defendant is confined is not in the district in which the suit is instituted, the summons may be sent by post or otherwise to the officer in charge of such jail, and such officer shall cause the summons to be served upon the defendant,

defendant, and shall return the summons to the Court from which it issued, with a statement of the service endorsed thereon, and signed as provided in section 87.

89. If the defendant resides out of British India, and has no agent in British India empowered to accept the service, the summons shall be addressed to the defendant at the place where he is residing, and forwarded to him by post if there be postal communication between such place and the place where the Court is situate.

Service when defendant resides out of British India and has no agent to accept service.

90. If there be a British Resident or Agent of Government in or for the territory in which the defendant resides, the summons may be sent to such Resident or Agent, by post or otherwise, for the purpose of being served upon the defendant; and if the Resident or Agent return the summons with an endorsement under his hand that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be conclusive evidence of the service.

Service through British Resident or Agent of Government.

91. The Court may, notwithstanding anything hereinbefore contained, substitute for the summons a letter signed by the Judge or such officer as he appoints in this behalf, when the defendant is, in the opinion of the Court, of a rank which entitles him to such mark of consideration.

Substitution of letter for summons.

The letter shall contain all the particulars required to be stated in the summons, and, subject to the provisions contained in section 92, shall be treated in all respects as a summons.

92. When a letter is so substituted for a summons, it may be sent to the defendant by post or by a special messenger selected by the Court, or in any other manner which the Court thinks fit; unless the defendant has an agent empowered to accept service of summons, in which case the letter may be delivered or sent to such agent.

Mode of sending such letter.

Service

Service of Process.

Process to be served at expense of party issuing it.

93. Every process issued under this Code shall be served at the expense of the party on whose behalf it is issued, unless the Court otherwise directs.

Costs of service.

The court-fee leviable for such service shall be levied before the process is issued.

Notices and orders in writing how served.

94. All notices and orders required by this Code to be given to or served on any person shall be in writing, and shall be served in the manner hereinbefore provided for the service of summons.

Postage.

Postage.

95. Postage, where chargeable on any notice, summons or letter issued under this Code and forwarded by post, and the fee for registering the same, shall be paid before the communication is forwarded.

CHAPTER VII.

OF THE APPEARANCE OF THE PARTIES AND CONSEQUENCE OF NON-APPEARANCE.

Parties to appear on day fixed in summons for defendant to appear and answer.

96. On the day fixed in the summons for the defendant to appear and answer, the parties shall be in attendance at the court-house in person or by their respective pleaders, and the suit shall then be heard, unless the hearing be adjourned to a future day fixed by the Court.

Dismissal of suit where "summons not served in consequence of plaintiff's failure to pay fee for issuing it.

97. If on the day so fixed for the defendant to appear and answer, it be found that the summons has not been served upon him in consequence of the failure of the plaintiff to pay the court-fee leviable for such service, the Court may order that the suit be dismissed :

Proviso.

Provided that no such order shall be passed, although the summons has not been served upon the defendant, if, on the day fixed for him to appear and answer, he attends in person or by a duly authorized agent, when he is allowed to appear by agent.

98. If

98. If on the day fixed for the defendant to appear and answer, or on any other subsequent day to which the hearing of the suit is adjourned, neither party appears, the suit shall be dismissed, unless the Judge, for reasons to be recorded under his hand, otherwise directs.

If neither party appears, suit to be dismissed.

99. Whenever a suit is dismissed under section 97 or section 98, the plaintiff may (subject to the law of limitation) bring a fresh suit; or if, within the period of thirty days from the date of the order dismissing the suit, he satisfies the Court that there was a sufficient excuse for his not paying the court-fee required within the time allowed for the service of the summons, or for his non-appearance, as the case may be, the Court shall pass an order to set aside the dismissal and appoint a day for proceeding with the suit.

In such case plaintiff may bring fresh suit;

or Court may restore the suit to its file.

100. If the plaintiff appears and the defendant does not appear, the procedure shall be as follows :

Procedure if only plaintiff appears,

(a) if it is proved that the summons was duly served, the Court may proceed *ex parte* :

when summons was duly served,

(b) if it is not proved that the summons was duly served, the Court shall direct a second summons to be issued and served on the defendant :

when summons not duly served,

(c) if it is proved that the summons was served on the defendant, but not in sufficient time to enable him to appear and answer on the day fixed in the summons, the Court shall postpone the hearing of the suit to a future day to be fixed by the Court, and shall direct notice of such day to be given to the defendant.

when summons served, but not in due time.

If it is owing to the plaintiff's default that the summons was not served in sufficient time, the Court shall order him to pay the costs occasioned by such postponement.

101. If the Court has adjourned the hearing of the suit *ex parte*, and the defendant, at or before such hearing, appears and assigns good cause for his previous non-appearance, he may, upon such terms as

Procedure where defendant appears on day of adjourned hearing, and assigns good

the

cause for previous non-appearance.

the Court directs as to costs or otherwise, be heard in answer to the suit, as if he had appeared on the day fixed for his appearance.

Procedure where defendant only appears.

102. If the defendant appears and the plaintiff does not appear, the Court shall dismiss the suit, unless the defendant admits the claim, or part thereof, in which case the Court shall pass a decree against the defendant upon such admission, and where part only of the claim has been admitted, shall dismiss the suit so far as it relates to the remainder.

Decree against plaintiff by default bars fresh suit.

103. When a suit is wholly or partially dismissed under section 102, the plaintiff shall be precluded from bringing a fresh suit in respect of the same cause of action. But he may apply for an order to set the dismissal aside; and if it be proved that he was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall set aside the dismissal upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

No order shall be made under this section unless the plaintiff has served the defendant with notice in writing of his application.

Procedure where defendant residing out of British India does not appear.

104. If, on the day fixed for the hearing of a suit against a defendant residing out of British India, who has no agent empowered to accept service of summons, or on any day to which the hearing has been adjourned, the defendant does not appear, the plaintiff may apply to the Court for permission to proceed with his suit, and the Court may direct that the plaintiff be at liberty to proceed with his suit in such manner and subject to such conditions as the Court thinks fit.

Procedure in case of non-attendance of one or more of several plaintiffs.

105. If there be more plaintiffs than one, and one or more of them appear, and the others do not appear, the Court may, at the instance of the plaintiff or plaintiffs appearing, permit the suit to proceed in the same way as if all the plaintiffs had appeared, and pass such order as it thinks fit.

106. If

106. If there be more defendants than one, and one or more of them appear, and the others do not appear, the suit shall proceed, and the Court shall, at the time of passing judgment, make such order as it thinks fit with respect to the defendants who do not appear.

Procedure in case of non-attendance of one or more of several defendants.

107. If a plaintiff or defendant, who has been ordered to appear in person under the provisions of section 66 or section 436, does not appear in person, or shew sufficient cause to the satisfaction of the Court for failing so to appear, he shall be subject to all the provisions of the foregoing sections applicable to plaintiffs and defendants, respectively, who do not appear.

Consequence of non-attendance, without sufficient cause shewn, of party ordered to appear in person.

Of setting aside Decrees ex parte.

108. In any case in which a decree is passed *ex parte* against a defendant under section 100, he may apply to the Court by which the decree was made for an order to set it aside;

Setting aside decree *ex parte* against defendant.

and if it be proved to the satisfaction of the Court that the defendant was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order to set aside the decree upon such terms as to costs, payment into court, or otherwise, as it thinks fit, and shall appoint a day for proceeding with the suit.

109. No decree shall be set aside on any such application as aforesaid, unless notice thereof in writing has been served on the opposite party.

No decree to be set aside, without notice to opposite party.

CHAPTER VIII.

OF WRITTEN STATEMENTS AND SET-OFF.

110. The parties may, at any time before or at the first hearing of the suit, tender written statements of their respective cases, and the Court shall receive such statements and place them on the record.

Written statements.

111. If in a suit for the recovery of money the defendant claims to set-off against the plaintiff's demand any ascertained sum of money legally recoverable

Particulars of set-off to be given in written statement.

able by him from the plaintiff, and if in such claim of the defendant against the plaintiff both parties fill the same character as they fill in the plaintiff's suit, the defendant may, at the first hearing of the suit, but not afterwards unless permitted by the Court, tender a written statement containing the particulars of the debt sought to be set-off.

Inquiry.

The Court shall thereupon inquire into the same, and if it finds that the case fulfils the requirements of the former part of this section, and that the amount claimed to be set-off does not exceed the pecuniary limits of its jurisdiction, the Court shall set-off the one debt against the other.

Effect of set-off.

Such set-off shall have the same effect as a plaint in a cross-suit, so as to enable the Court to pronounce a final judgment in the same suit, both on the original and on the cross-claim; but it shall not affect the lien upon the amount decreed, of any pleader in respect of the costs payable to him under the decree.

Illustrations.

(a) A bequeaths Rs. 2,000 to B, and appoints C his executor and residuary legatee. B dies and D takes out administration to B's effects. C pays Rs. 1,000 as surety for D. Then D sues C for the legacy. C cannot set-off the debt of Rs. 1,000 against the legacy, for neither C nor D fills the same character with respect to the legacy as they fill with respect to the payment of the Rs. 1,000.

(b) A dies intestate and in debt to B. C takes out administration to A's effects, and B buys part of the effects from C. In a suit for the purchase-money by C against B, the latter cannot set-off the debt against the price, for C fills two different characters, one as the vendor to B, in which he sues B, and the other as representative to A.

(c) A sues B on a bill of exchange. B alleges that A has wrongfully neglected to insure B's goods and is liable to him in compensation which he claims to set-off. The amount not being ascertained cannot be set-off.

(d) A sues B on a bill of exchange for Rs. 500. B holds a judgment against A for Rs. 1,000. The two claims being both definite pecuniary demands may be set-off.

(e) A sues B for compensation on account of a trespass. B holds a promissory note for Rs. 1,000 from A and claims to set-off

off

off that amount against any sum that A may recover in the suit. B may do so, for as soon as A recovers, both sums are definite pecuniary demands.

(f) A and B sue C for Rs. 1,000. C cannot set-off a debt due to him by A alone.

(g) A sues B and C for Rs. 1,000. B cannot set-off a debt due to him alone by A.

(h) A owes the partnership-firm of B and C Rs. 1,000. B dies leaving C surviving. A sues C for a debt of Rs. 1,500 due in his separate character. C may set-off the debt of Rs. 1,000.

112. Except as provided in the last preceding section, no written statement shall be received after the first hearing of the suit :

No written statement to be received after first hearing.

Provided that the Court may at any time require a written statement, or additional written statement, from any of the parties, and fix a time for presenting the same :

Provisoes.

Provided also that a written statement, or an additional written statement, may, with the permission of the Court, be received at any time for the purpose of answering written statements so required and presented.

113. If any party from whom a written statement is so required fails to present the same within the time fixed by the Court, the Court may pass a decree against him, or make such other order in relation to the suit as it thinks fit.

Procedure when party fails to present written statement called for by Court.

114. Written statements shall be as brief as the nature of the case admits, and shall not be argumentative, but shall be confined as much as possible to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he either admits or believes he will be able to prove.

Frame of written statements.

Every such statement shall be divided into paragraphs, numbered consecutively, and each paragraph containing as nearly as may be a separate allegation.

115. Written statements shall be subscribed and verified in the manner hereinbefore provided for subscribing

Written statements to be subscribed and verified.

scribing and verifying complaints, and no written statement shall be received unless it be so subscribed and verified.

The provisions of section 52 as to examining witnesses as to the fact of signature shall apply in the case of written statements.

Power of Court as to argumentative, prolix or irrelevant written statements.

116. If it appears to the Court that any written statement, whether called for by the Court or spontaneously tendered, is argumentative or prolix, or contains matter irrelevant to the suit, the Court may amend it then and there, or may, by an order to be endorsed thereon, reject the same, or return it to the party by whom it was made for amendment within a time to be fixed by the Court, imposing such terms as to costs or otherwise as the Court thinks fit.

Attestation of amendments.

When any amendment is made under this section, the Judge shall attest it by his signature.

Effect of rejection.

When a statement has been rejected under this section, the party making it shall not present another written statement, unless it be expressly called for or allowed by the Court.

CHAPTER IX.

OF THE EXAMINATION OF THE PARTIES BY THE COURT.

Ascertainment whether allegations in plaint and written statements are admitted or denied.

117. At the first hearing of the suit, the Court shall ascertain from the defendant or his pleader whether he admits or denies the allegations of fact made in the plaint and shall ascertain from each party or his pleader whether he admits or denies such allegations of fact as are made in the written statement (if any) of the opposite party, and as are not expressly or by necessary implication admitted or denied by the party against whom they are made. The Court shall record such admissions and denials.

Oral examination of party, or companion of himself

118. At the first hearing of the suit, or at any subsequent hearing, any party appearing in person or present in court, or any person able to answer any material questions relating to the suit by whom such party

party or his pleader is accompanied, may be examined orally by the Court ; and the Court may, if it thinks fit, put in the course of such examination questions suggested by either party.

or his
pleader.

119. The substance of the examination shall be reduced to writing by the Judge, and shall form part of the record.

Substance of
examination
to be written.

120. If the pleader of any party who appears by a pleader refuses or is unable to answer any material question relating to the suit which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the suit to a future day, and direct that such party shall appear in person on such day.

Consequence
of refusal or
inability of
pleader to
answer.

If such party fails without lawful excuse to appear in person on the day so appointed, the Court may pass a decree against him, or make such order in relation to the suit as it thinks fit.

CHAPTER X.

OF DISCOVERY AND OF THE ADMISSION, INSPECTION, PRODUCTION, IMPOUNDING AND RETURN OF DOCUMENTS.

121. Any party may at any time by leave of the Court, deliver through the Court interrogatories in writing for the examination of the opposite party, or where there are more opposite parties than one, any one or more of such parties, with a note at the foot thereof stating which of such interrogatories each of such persons is required to answer :

Power to
deliver
interrogato-
ries.

Provided that no party shall deliver more than one set of interrogatories to the same person without the permission of the Court, and that no defendant shall deliver interrogatories for the examination of the plaintiff unless such defendant has previously tendered a written statement and such statement has been received and placed on the record.

122. Interrogatories

Service of interrogatories.

122. Interrogatories delivered under section 121 shall be served on the pleader (if any) of the party interrogated, or in the manner hereinbefore provided for the service of summons, and the provisions of sections 79, 80, 81 and 82 shall, in the latter case, apply so far as may be practicable.

Inquiry into propriety of exhibiting interrogatories.

123. The Court, in adjusting the costs of the suit, shall, at the instance of any party, inquire or cause inquiry to be made into the propriety of delivering such interrogatories ; and if it thinks that such interrogatories have been delivered unreasonably, vexatiously or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be borne by the party in fault.

Service of interrogatories on officer of corporation or company.

124. If any party to a suit be a body corporate or a joint stock company, whether incorporated or not, or any other body of persons empowered by law to sue or be sued, whether in its own name or in the name of any officer or other person, any opposite party may apply to the Court for an order allowing him to deliver interrogatories to any member or officer of such corporation, company or body, and an order may be made accordingly.

Power to refuse to answer interrogatories as irrelevant, &c.

125. Any party called upon to answer interrogatories, whether by himself or by any such member or officer, may refuse to answer any interrogatory on the ground that it is irrelevant, or is not put *boná fide* for the purposes of the suit, or that the matter inquired after is not sufficiently material at that stage of the suit, or on any other like ground.

Time for filing affidavit in answer.

126. Interrogatories shall be answered by affidavit to be filed in court within ten days from the service thereof or within such further time as the Judge may allow.

Procedure where a party omits to answer sufficiently.

127. If any person interrogated omits or refuses to answer, or answers insufficiently, any interrogatory, the party interrogating may apply to the Court for an order requiring him to answer or to answer further, as the case may be. And an order may be made requiring him to answer or to answer further
either

either by affidavit or by *vivá voce* examination as the Judge may direct: Provided that the Judge shall not require an answer to any interrogatory which in his opinion need not have been answered under section 125.

128. Either party may, by a notice through the Court, within a reasonable time not less than ten days before the hearing, require the other party to admit (saving all just exceptions to the admissibility of such document in evidence) the genuineness of any document material to the suit.

Power to demand admission of genuineness of documents.

The admission shall also be made in writing, signed by the other party or his pleader and filed in court.

If such notice be not given, no costs of proving such document shall be allowed, unless the Judge otherwise orders.

If such notice is not complied with within four days after its being served, and the Judge thinks it reasonable that the admission should have been made, the party refusing shall bear the expense of proving such document, whatever may be the result of the suit.

129. The Court may, at any time during the pendency therein of any suit, order any party to the suit to declare by affidavit all the documents which are or have been in his possession or power relating to any matter in question in the suit, and any party to the suit may, at any time before the first hearing, apply to the Court for a like order.

Power to order discovery of document.

Every affidavit made under this section shall specify which, if any, of the documents therein mentioned the declarant objects to produce, together with the grounds of such objection.

Affidavit in answer to such order.

130. The Court may, at any time during the pendency therein of any suit, order the production by any party thereto of such of the documents in his possession or power relating to any matter in question in such suit or proceeding as the Court thinks right; and the Court may deal with such documents when produced in such manner as appears just.

Power to order production of documents during suit.

131. Every

Notice to produce for inspection documents referred to in plaint, &c.

131. Every party to a suit may at any time before or at the hearing thereof give notice through the Court to any other party in whose plaint, written statement or affidavits reference is made to any document, to produce such document in the presence of such officer as the Court appoints in this behalf, for the inspection of the party giving such notice or of his pleader, and to permit such party or pleader to take copies thereof.

Consequence of non-compliance with such notice.

No party failing to comply with such notice shall afterwards be at liberty to put any such document in evidence on his behalf in such suit, unless he satisfies the Court that such document relates only to his own title, or that he had some other and sufficient cause for not complying with such notice.

Party receiving such notice to deliver notice when and where inspection may be had.

132. The party to whom such notice is given shall, within ten days from the receipt thereof, deliver through the Court to the party giving the same a notice stating a time within three days from such delivery at which the documents, or such of them as he does not object to produce, may be inspected at his pleader's office or some other convenient place, and stating which, if any, of the documents he objects to produce, and on what grounds.

Application for order of inspection.

133. If any party served with notice under section 131 omits to give notice under section 132 of the time for inspection, or objects to give inspection, or names an inconvenient place for inspection, the party desiring it may apply to the Court for an order of inspection.

Application to be founded on affidavit.

134. Except in the case of documents referred to in the plaint, written statement or affidavit of the party against whom the application is made, or disclosed in his affidavit of documents, such application shall be founded upon an affidavit, shewing (a) of what documents inspection is sought, (b) that the party applying is entitled to inspect them, and (c) that they are in the possession or power of the party against whom the application is made.

Power to order issue or question

135. If the party from whom discovery of any kind or inspection is sought objects to the same or any

any part thereof, and if the Court is satisfied that the right to such discovery or inspection depends on the determination of any issue or question in dispute in the suit, or that for any other reason it is desirable that any such issue or question should be determined before deciding upon the right to the discovery or inspection, the Court may order that the issue or question be determined first and reserve the question as to the discovery or inspection.

on which right to discovery depends to be first determined.

136. If any party fails to comply with any order under this chapter, to answer interrogatories or for discovery or inspection, which has been duly served, he shall, if a plaintiff, be liable to have his suit dismissed for want of prosecution, and if a defendant, to have his defence, if any, struck out, and to be placed in the same position as if he had not appeared and answered;

Consequences of failure to answer or give inspection.

and the party interrogating or seeking discovery or inspection may apply to the Court for an order to that effect, and the Court may make such order accordingly.

Any party failing to comply with any order under this chapter, to answer interrogatories or for discovery or inspection, which has been served personally upon him, shall also be deemed guilty of an offence under section 188 of the Indian Penal Code.

137. The Court may of its own accord, and may in its discretion upon the application of any of the parties to a suit, send for, either from its own records or from any other Court, the record of any other suit or proceeding, and inspect the same.

Court may send for papers from its own records or from other Courts.

Every application made under this section shall (unless the Court otherwise directs) be supported by an affidavit of the applicant or his pleader, shewing how the record is material to the suit in which the application is made, and that the applicant cannot without unreasonable delay or expense obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires, or that the production of the original is necessary for the purposes of justice.

Nothing

Nothing contained in this section shall be deemed to enable the Court to use in evidence any document which under the Indian Evidence Act would be inadmissible in the suit.

Documentary evidence to be in readiness at first hearing.

138. The parties or their pleaders shall bring with them and have in readiness at the first hearing of the suit, to be produced when called for by the Court, all the documentary evidence of every description in their possession or power, on which they intend to rely, and which has not already been filed in court, and all documents which the Court at any time before such hearing has ordered to be produced.

Effect of non-production of documents.

139. No documentary evidence in the possession or power of any party the production of which has been called for under section 138 and which has not been produced, shall be received at any subsequent stage of the proceedings unless good cause be shewn to the satisfaction of the Court for the non-production thereof. And the Judge receiving any such evidence shall record his reasons for so doing.

Documents to be received by Court.

140. The Court shall receive the documents respectively produced by the parties at the first hearing, provided that the documents produced by each party be accompanied by an accurate list thereof prepared in such form as the High Court may from time to time direct.

Rejection of irrelevant or inadmissible documents.

The Court may at any stage of the suit reject any document which it considers irrelevant or otherwise inadmissible, recording the grounds of such rejection.

No documents to be placed on record unless proved.

141. No document shall be placed on the record unless it has been proved or admitted in accordance with the law of evidence for the time being in force. Every document so proved or admitted shall be endorsed with the number and title of the suit, the name of the person producing it, and the date on which it was produced. The Judge shall then endorse with his own hand a statement that it was proved against or admitted by (as the case may be) the person against whom it is used. The document shall then be filed as part of the record :

Proved documents to be marked and filed.

Provided

Provided that, if the document be an entry in a shop-book or other book, the party on whose behalf such book is produced may furnish a copy of the entry, which may be endorsed as aforesaid, and shall be filed as part of the record, and the Court shall mark the entry, and shall then return the book to the person producing it.

Entries in shop-books.

All documents produced at the first hearing and not so proved or admitted shall be returned to the parties respectively producing them.

142. When a document so proved or admitted is relied on as evidence by either party, but the Court considers it inadmissible, it shall be further endorsed with the addition of the word "rejected," and the endorsement shall be signed by the Judge.

Rejected documents to be marked,

The document shall then be returned to the party who produced it.

and returned.

143. Notwithstanding anything contained in sections 62, 141 and 142, the Court may, if it sees sufficient cause, direct any document or book produced before it in any suit to be impounded and kept in the custody of an officer of the Court, for such period and subject to such conditions as the Court thinks fit.

Court may order any document to be impounded.

144. In suits in which an appeal is not allowed, when the suit has been disposed of, and in suits in which an appeal is allowed, when the time for preferring an appeal from the decree has elapsed, or, if an appeal has been preferred, then after the appeal has been disposed of, any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit, and placed on the record, shall, unless the document is impounded under section 143, be entitled to receive back the same :

When document admitted in evidence may be returned.

Provided that a document may be returned at any time before either of such events, if the person applying for such return delivers to the proper officer a certified copy of such document to be substituted for the original :

When document may be returned before time limited.

Provided

Certain documents not to be returned.

Provided also that no document shall be returned which, by force of the decree, has become void or useless.

Receipt to be given for returned document.

On the return of a document which has been admitted in evidence, a receipt shall be given by the party receiving it, in a receipt-book to be kept for the purpose.

Provisions as to documents applied to material objects.

145. The provisions herein contained as to documents shall, so far as may be, apply to all other material objects producible as evidence.

CHAPTER XI.

OF THE SETTLEMENT OF ISSUES.

Framing of issues.

146. Issues arise when a material proposition of fact or law is affirmed by the one party and denied by the other.

Material propositions are those propositions of law or fact which a plaintiff must allege in order to shew a right to sue.

Each material proposition affirmed by one party and denied by the other must form the subject of a distinct issue.

Issues are of two kinds: (a) issues of fact, (b) issues of law.

At the first hearing of the suit, the Court shall, after reading the plaint and the written statements, if any, and after such examination of the parties as may appear necessary, ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues on which the right decision of the case appears to the Court to depend.

When issues both of law and of fact arise in the same suit, and the Court is of opinion that the case may be disposed of on the issues of law only, it shall try those issues first, and for that purpose may, if it thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

Nothing

Nothing in this section requires the Court to frame and record issues when the defendant at the first hearing of the suit makes no defence.

147. The Court may frame the issues from all or any of the following materials:—

Allegations from which issues may be framed.

(a) allegations made on oath by the parties, or by any persons present on their behalf, or made by the pleaders of such parties or persons;

(b) allegations made in the plaint or in the written statements (if any) tendered in the suit, or in answer to interrogatories delivered in the suit;

(c) the contents of documents produced by either party.

148. If the Court be of opinion that the issues cannot be correctly framed without the examination of some person not before the Court, or without the inspection of some document not produced in the suit, it may adjourn the framing of the issues to a future day, to be fixed by the Court, and may (subject to the rules contained in the Indian Evidence Act) compel the attendance of any person or the production of any document by the person in whose hands it may be, by summons or other process.

Court may examine witnesses or documents before framing issues.

149. The Court may at any time before passing a decree amend the issues or frame additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the controversy between the parties shall be so made or framed.

Power to amend, add and strike out issues.

The Court may also, at any time before passing a decree, strike out any issues that appear to it to be wrongly framed or introduced.

150. When the parties to a suit are agreed as to the question of fact or of law to be decided between them, they may state the same in the form of an issue, and enter into an agreement in writing

Questions of fact or law may by agreement be stated in the form of an issue.

(a) that upon the finding of the Court in the affirmative or the negative of such issue, a sum of money specified in the agreement, or to be ascertained

by

by the Court, or in such manner as the Court may direct, shall be paid by one of the parties to the other of them, or that one of them be declared entitled to some right or subject to some liability specified in the agreement,

(b) that upon such finding some property specified in the agreement and in dispute in the suit shall be delivered by one of the parties to the other of them, or as that other may direct, or

(c) that upon such finding one or more of the parties shall do or abstain from doing some particular act, specified in the agreement, and relating to the matter in dispute.

Court if satisfied that the agreement was executed in good faith may pronounce judgment.

151. If the Court be satisfied, after making such inquiry as it deems proper,

(a) that the agreement was duly executed by the parties,

(b) that they have a substantial interest in the decision of such question as aforesaid, and

(c) that the same is fit to be tried and decided,

it may proceed to record and try the issue, and state its finding or opinion thereon in the same manner as if the issue had been framed by the Court ;

and may, upon the finding or decision on such issue, pronounce judgment according to the terms of the agreement ;

and upon the judgment so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

CHAPTER XII.

DISPOSAL OF THE SUIT AT THE FIRST HEARING.

If parties are not at issue on any question of law or fact.

152. If at the first hearing of a suit it appears that the parties are not at issue on any question of law or of fact, the Court may at once pronounce judgment.

153. Where

153. Where there are more defendants than one, and any one of the defendants is not at issue with the plaintiff on any question of law or fact, the Court may at once pronounce judgment for or against such defendant, and the suit shall proceed only against the other defendants.

If one of several defendants be not at issue with the plaintiff.

154. When the parties are at issue on some question of law or of fact, and issues have been framed by the Court as hereinbefore provided, if the Court be satisfied that no further argument or evidence than the parties can at once supply is required upon such of the issues as may be sufficient for the decision of the suit, and that no injustice will result from proceeding with the suit forthwith, the Court may proceed to determine such issues,

If parties are at issue on questions of law or fact.

Court may determine issue

and if the finding thereon is sufficient for the decision, may pronounce judgment accordingly, whether the summons has been issued for the settlement of issues only or for the final disposal of the suit:

and pronounce judgment.

Provided that, where the summons has been issued for the settlement of issues only, the parties or their pleaders are present and none of them object.

If the finding is not sufficient for the decision, the Court shall postpone the further hearing of the suit, and shall fix a day for the production of such further evidence, or for such further argument as the case requires.

155. If the summons has been issued for the final disposal of the suit, and either party fails without sufficient cause to produce the evidence on which he relies, the Court may at once pronounce judgment,

If either party fails to produce his evidence, Court may pronounce judgment,

or may if it thinks fit, after framing and recording issues under section 146, adjourn the suit for the production of such evidence as may be necessary to its decision upon such issues.

or adjourn suit.

CHAPTER XIII.

CHAPTER XIII.

OF ADJOURNMENTS.

Court may grant time, and adjourn hearing.

156. The Court may, if sufficient cause be shewn, at any stage of the suit grant time to the parties, or to any of them, and may from time to time adjourn the hearing of the suit.

Costs of adjournment.

In all such cases the Court shall fix a day for the further hearing of the suit, and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

Provided that, when the hearing of evidence has once begun, the hearing of the suit shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing to be necessary for reasons to be recorded by the Judge with his own hand.

Procedure if parties fail to appear on day fixed.

157. If, on any day to which the hearing of the suit is adjourned, the parties or any of them fail to appear, the Court may proceed to dispose of the suit in one of the modes directed in that behalf by chapter VII, or make such other order as it thinks fit.

Court may proceed notwithstanding either party fails to produce his evidence, &c.

158. If any party to a suit to whom time has been granted fails to produce his evidence, or to cause the attendance of his witnesses, or to perform any other act necessary to the further progress of the suit, for which time has been allowed, the Court may, notwithstanding such default, proceed to decide the suit forthwith.

CHAPTER XIV.

OF THE SUMMONING AND ATTENDANCE OF WITNESSES.

Summons to attend to give evidence or produce documents.

159. The parties may, after the summons has been delivered for service on the defendant, whether it be for the settlement of issues only, or for the final disposal of the suit, obtain, on application to the

Court

Court or to such officer as it appoints in this behalf, before the day fixed for such settlement or disposal, as the case may be, summonses to persons whose attendance is required either to give evidence or to produce documents.

160. The party applying for a summons shall before the summons is granted and within a period to be fixed by the Court, pay into court such a sum of money as appears to the Court to be sufficient to defray the travelling and other expenses of the person summoned, in passing to and from the court in which he is required to attend, and for one day's attendance.

Expenses of witnesses to be paid into court on applying for summons.

If the Court be subordinate to a High Court, regard shall be had, in fixing the scale of such expenses, to the rules (if any) laid down by competent authority.

Scale of expenses.

161. The sum so paid into court shall be tendered to the person summoned, at the time of serving the summons if it can be served personally.

Tender of expenses to witness.

162. If it appear to the Court or to such officer as it appoints in this behalf that the sum paid into court is not sufficient to cover such expenses, the Court may direct such further sum to be paid to the person summoned as appears to be necessary on that account; and, in case of default in payment, may order such sum to be levied by attachment and sale of the moveable property of the party obtaining the summons; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.

Procedure where insufficient sum paid in.

If it be necessary to detain the person summoned for a longer period than one day, the Court may from time to time order the party at whose instance he was summoned, to pay into court such sum as is sufficient to defray the expenses of his detention for such further period, and in default of such deposit being made, may order such sum to be levied by attachment and sale of the moveable property of the party at whose instance he was summoned; or the

Expenses if witness detained more than one day.

Court

Court may discharge the person summoned without requiring him to give evidence ; or may both order such levy and discharge such person as aforesaid.

Time, place, and purpose of attendance to be specified in summons.

163. Every summons for the attendance of a person to give evidence or produce a document shall specify the time and place at which he is required to attend, and also whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes ; and any particular document which the person summoned is called on to produce, shall be described in the summons with reasonable accuracy.

Summons to produce document.

164. Any person may be summoned to produce a document, without being summoned to give evidence ; and any person summoned merely to produce a document shall be deemed to have complied with the summons, if he cause such document to be produced instead of attending personally to produce the same.

Power to require persons present in Court to give evidence.

165. Any person present in Court may be required by the Court to give evidence or to produce any document then and there in his actual possession or power.

Summons how served.

166. Every summons to a person to give evidence or produce a document shall be served as nearly as may be in manner hereinbefore prescribed for the service of summons on the defendant ; and the rules contained in chapter VI as to proof of service shall apply in the case of all summonses served under this section.

Time for serving summons.

167. The service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the person summoned, to allow him a reasonable time for preparation and for travelling to the place at which his attendance is required.

Attachment of property of absconding witness.

168. If the serving-officer certify to the Court that the summons for the attendance of a person, either to give evidence or to produce a document, cannot

be

be served, the Court shall examine the serving-officer on oath touching the non-service :

and upon being satisfied that such evidence or production is material, and that the person for whose attendance the summons has been issued is absconding or keeping out of the way for the purpose of avoiding the service of the summons, may issue a proclamation requiring him to attend to give evidence, or produce the document, at a time and place to be named therein ; and a copy of such proclamation shall be affixed on the outer door of the house in which he ordinarily resides.

If he does not attend at the time and place named in such proclamation, the Court may in its discretion, at the instance of the party on whose application the summons was issued, make an order for the attachment of the property of the person whose attendance is required, to such amount as the Court thinks fit, not exceeding the amount of the costs of attachment and of the fine which may be imposed under section 170 :

Provided that no Court of Small Causes shall make an order for the attachment of immoveable property.

169. If, on the attachment of his property, such person appears and satisfies the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property be released from attachment, and shall make such order as to the costs of the attachment as it thinks fit.

If witness appears, attachment may be withdrawn.

170. If such person does not appear, or appearing, fails to satisfy the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court may impose upon him such fine not exceeding five hundred rupees as the Court thinks fit, having regard to his condition in life and all the circumstances.

Procedure if witness fails to appear.

circumstances of the case, and may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of the said fine, if any :

Provided that if the person whose attendance is required pays into court the costs and fine as aforesaid, the Court shall order the property to be released from attachment.

Court may of its own accord summon as witnesses strangers to suit.

171. Subject to the rules of this Code as to attendance and appearance and to the provisions of the Indian Evidence Act, if the Court at any time thinks it necessary to examine any person other than a party to the suit and not named as a witness by a party to the suit, the Court may, of its own motion, cause such person to be summoned as a witness to give evidence, or to produce any document in his possession, on a day to be appointed, and may examine him as a witness or require him to produce such document.

Duty of persons summoned to give evidence or produce document.

172. Subject as last aforesaid, whoever is summoned to appear and give evidence in a suit must attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document must either attend to produce it, or cause it to be produced, at such time and place.

When they may depart.

173. No person so summoned and attending shall depart unless and until (a) he has been examined or has produced the document and the Court has risen, or (b) he has obtained the Court's leave to depart.

Consequences of failure to comply with summons.

174. If any person on whom a summons to give evidence or produce a document has been served fails to comply with the summons, or if any person so summoned and attending departs in contravention of section 173, the Court may order him to be arrested and brought before the Court :

Provided that no such order shall be made when the Court has reason to believe that the person so failing had a lawful excuse for such failure.

When

When any person so brought before the Court fails to satisfy it that he had a lawful excuse for not complying with the summons, the Court may sentence him to fine not exceeding five hundred rupees.

Explanation.—Non-payment or non-tender of a sum sufficient to defray the expenses mentioned in section 160 shall be deemed a lawful excuse within the meaning of this section.

If any person so apprehended and brought before the Court cannot, owing to the absence of the parties or any of them, give the evidence or produce the document which he has been summoned to give or produce, the Court may require him to give reasonable bail or other security for his appearance at such time and place as it thinks fit, and on such bail or security being given, may release him.

Procedure when witness apprehended cannot give evidence or produce documents.

175. If any person so failing to comply with a summons absconds or keeps out of the way, so that he cannot be apprehended and brought before the Court, the provisions of sections 168, 169 and 170 shall, *mutatis mutandis*, apply.

Procedure when witness absconds.

176. No one shall be bound to attend in person to give evidence or to be examined in Court unless he resides—

Persons bound to attend in person.

(a) within the local limits of its ordinary original jurisdiction, or

(b) without such limits and at a place less than fifty or (where there is railway-communication for five-sixths of the distance between the place where he resides and the place where the Court is situate) two hundred miles distant from the court-house.

177. If any party to a suit present in Court refuses, without lawful excuse, when required by the Court, to give evidence, or to produce any document then and there in his actual possession or power, the Court may in its discretion either pass a decree against him, or make such other order in relation to the suit as the Court thinks fit.

Consequence of refusal of party to give evidence when called on by the Court.

178. Whenever

Rules as to witnesses to apply to parties summoned.

178. Whenever any party to a suit is required to give evidence or to produce a document, the rules as to witnesses contained in this Code shall apply to him so far as they are applicable.

CHAPTER XV.

OF THE HEARING OF THE SUIT AND EXAMINATION OF WITNESSES.

Statement and production of evidence by party having right to begin.

179. On the day fixed for the hearing of the suit, or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

Rules as to right to begin.

Explanation.—The plaintiff has the right to begin unless where the defendant admits the facts alleged by the plaintiff and contends that either in point of law or on some additional facts alleged by the defendant the plaintiff is not entitled to any part of the relief which he seeks, in which case the defendant has the right to begin.

Statement and production of evidence by other party.

180. The other party shall then state his case and produce his evidence (if any).

Reply by party beginning.

The party beginning is then entitled to reply.

Where there are several issues, the burden of proving some of which lies on the other party, the party beginning may, at his option, either produce his evidence on those issues or reserve it by way of answer to the evidence produced by the other party. In the latter case the party beginning may produce evidence on those issues after the other party has produced all his evidence, and the other party may then reply specially on the evidence so produced by the party beginning; but the party beginning will then be entitled to reply generally on the whole case.

Witnesses to be examined

181. The evidence of the witnesses in attendance shall be taken orally in open Court in the presence, and

and under the personal direction and superintendence, of the Judge.

in open Court.

182. In cases in which an appeal is allowed, the evidence of each witness shall be taken down in writing, in the language of the Court, by or in the presence and under the personal direction and superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over in the presence of the Judge and of the witness, and also in the presence of the parties or their pleaders, and the Judge shall, if necessary, correct the same and shall sign it.

How evidence shall be taken in appealable cases.

183. If the evidence is taken down under section 182 in a language different from that in which it was given, and the witness does not understand the language in which it is taken down, the evidence as taken down in writing shall be interpreted to him in the language in which it was given.

When deposition to be interpreted.

184. In cases in which the evidence is not taken down in writing by the Judge, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what each witness deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record.

Memorandum when evidence is not taken down by Judge.

185. Where English is not the language of the Court, but all the parties to the suit who appear in person, and the pleaders of such as appear by pleaders, do not object to have such evidence as is given in English taken down in English, the Judge may so take it down with his own hand.

When evidence may be taken in English.

186. The Court may of its own motion or on the application of any party or his pleader take down, or cause to be taken down, any particular question and answer, or any objection to any question, if there appear any special reason for so doing.

Any particular question and answer may be taken down.

187. If any question put to a witness be objected to by a party or his pleader, and the Court allows the same to be put, the Judge shall take down

Questions objected to and allowed by Court.

the

the question, the answer, the objection and the name of the person making it, together with the decision of the Court thereon.

Remarks on demeanour of witnesses.

188. The Court may record such remarks as it thinks material respecting the demeanour of any witness while under examination.

Memorandum of evidence in unappealable cases.

189. In cases in which an appeal is not allowed, it shall not be necessary to take down the evidence of the witnesses in writing at length ; but the Judge, as the examination of each witness proceeds, shall make a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record.

Judge unable to make such memorandum to record reason of his inability.

190. If the Judge be rendered unable to make a memorandum as above required by this chapter, he shall cause the reason of such inability to be recorded, and shall cause the memorandum to be made in writing from his dictation in open Court.

Every memorandum so made shall form part of the record.

Power to deal with evidence taken down by Judge removed before conclusion of suit.

191. Where the Judge taking down any evidence, or causing any memorandum to be made under this chapter, dies or is removed from the Court before the conclusion of the suit, his successor may, if he thinks fit, deal with such evidence or memorandum as if he himself had taken it down or caused it to be made.

Power to examine witness immediately.

192. If a witness be about to leave the jurisdiction of the Court, or if other sufficient cause be shewn to the satisfaction of the Court why his evidence should be taken immediately, the Court may, upon the application of either party or of the witness, at any time after the institution of the suit, take the evidence of such witness in manner hereinbefore provided.

Where such evidence is not taken forthwith and in the presence of the parties, such notice as the Court thinks sufficient, of the day fixed for the examination, shall be given to the parties.

The

The evidence so taken shall be read over to the witness, and, if he admits it to be correct, shall be signed by him, and may then be read at any hearing of the suit.

193. The Court may at any stage of the suit recall any witness who has been examined and who has not departed in accordance with section 173, and may (subject to the provisions of the Indian Evidence Act) put such questions to him as the Court thinks fit.

Court may recall and examine witness.

CHAPTER XVI.

OF AFFIDAVITS.

194. Any Court of first instance and any appellate Court may at any time for sufficient reason order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the Court thinks reasonable:

Power to order any point to be proved by affidavit.

Provided that where it appears to the Court that either party *bonâ fide* desires the production of a witness for cross-examination, and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit.

195. Upon any application evidence may be given by affidavit, but the Court may at the instance of either party order the attendance for cross-examination of the declarant.

Power to order attendance of declarant for cross-examination.

Such attendance shall be in Court unless the declarant is exempted under this Code from personal appearance in Court, or the Court otherwise directs.

196. Affidavits shall be confined to such facts as the declarant is able of his own knowledge to prove, except on interlocutory applications, on which statements of his belief may be admitted, provided that reasonable grounds thereof be set forth.

Matters to which affidavits shall be confined.

The costs of every affidavit which shall unnecessarily set forth matters of hearsay or argumentative matter, or copies of or extracts from documents, shall

(unless

(unless the Court otherwise directs) be paid by the party producing the same.

Oath of declarant by whom to be administered.

197. In the case of any affidavit under this Code—

(a) any Court or Magistrate, or

(b) any officer whom a High Court may appoint in this behalf, or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf,

may administer the oath of the declarant.

CHAPTER XVII.

OF JUDGMENT AND DECREE.

Judgment when pronounced.

198. The Court, after the evidence has been duly taken and the parties have been heard either in person or by their respective pleaders or recognized agents, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their pleaders.

Power to pronounce judgment written by Judge's predecessor.

199. A Judge may pronounce a judgment written by his predecessor, but not pronounced, and in such case he shall not be bound by section 198, except as to giving notice.

Language of judgment.

200. The judgment shall be written in the language of the Court, or in English, or in the Judge's mother-tongue.

Translation of judgment.

201. Whenever the judgment is written in any language other than that of the Court, the judgment shall, if any of the parties so require, be translated into the language of the Court, and the translation shall also be signed by the Judge or such officer as he appoints in this behalf.

Judgment to be dated and signed.

202. The judgment shall be dated and signed by the Judge in open Court at the time of pronouncing it, and shall not be altered or added to, save to correct verbal errors or to supply some accidental defect not affecting a material part of the case, or on review.

203. The

203. The judgments of the Courts of Small Causes need not contain more than the points for determination and the decision thereupon. Judgments of Small Cause Courts.

The judgments of all other Courts shall contain a concise statement of the case, the points for determination, the decision thereon, and the reasons for such decision. Judgments of other Courts.

204. In suits in which issues have been framed, the Court shall state its finding or decision, with the reasons thereof, upon each separate issue, unless the finding upon any one or more of the issues be sufficient for the decision of the suit. Court to state its decision on each issue. Exception.

205. The decree shall bear date the day on which the judgment was pronounced; and when the Judge has satisfied himself that the decree has been drawn up in accordance with the judgment, he shall sign the decree. Date of decree.

206. The decree must agree with the judgment: it shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the register, and shall specify clearly the relief granted or other determination of the suit. Contents of decree.

The decree shall also state the amount of costs incurred in the suit, and by what parties and in what proportions such costs are to be paid.

If the decree is found to be at variance with the judgment, or if any clerical or arithmetical error be found in the decree, the Court shall, of its own motion or on that of any of the parties, amend the decree so as to bring it into conformity with the judgment or to correct such error: provided that reasonable notice have been given to the parties or their pleaders of the proposed amendment. Power to amend decree.

207. When the subject-matter of the suit is immoveable property, and such property is identified by boundaries or numbers in a record of settlement or survey, if the decree be for the recovery of a portion only of such property, it shall specify the boundaries or number of such portion. Decree for recovery of portion of immoveable property.

208. When

Decree for delivery of moveable property.

208. When the suit is for moveable property, if the decree be for the delivery of such property, it shall also state the amount of money to be paid as an alternative if delivery cannot be had.

In suits for money, decree may order certain interest to be paid on principal sum adjudged.

209. When the suit is for a sum of money due to the plaintiff, the Court may, in the decree, order interest at such rate as the Court deems reasonable to be paid on the principal sum adjudged, from the date of the suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the institution of the suit, with further interest at such rate as the Court deems reasonable on the aggregate sum so adjudged, from the date of the decree to the date of payment, or to such earlier date as the Court thinks fit.

Decree may direct payment by instalments.

210. In all decrees for the payment of money, the Court may for any sufficient reason order that the amount shall be paid by instalments, with or without interest.

Order, after decree, for payment by instalments.

And after the passing of any such decree the Court may, on the application of the judgment-debtor and with the consent of the decree-holder, order that the amount decreed be paid by instalments on such terms as to the payment of interest, the attachment of the property of the defendant, or the taking of security from him, or otherwise, as it thinks fit :

Save as provided in this section and section 206, no decree shall be altered at the request of parties.

In suits for land, Court, may decree payment of mesne profits with interest.

211. When the suit is for land or other property yielding rent or other profit, the Court may provide in the decree for the payment of rent or mesne profits in respect of such property from the institution of the suit until the delivery of possession to the party in whose favour the decree is made, or until the expiration of three years from the date of the decree (whichever event first occurs), with interest thereupon at such rate as the Court thinks fit.

Explanation.—‘Mesne profits’ of property mean those profits which the person in wrongful possession of

of such property actually received, or might with ordinary diligence have received, therefrom.

212. When the suit is for immoveable property and for mesne profits which have accrued on the property during a period prior to the institution of the suit, and the amount of such profits is disputed, the Court may either determine the amount by the decree itself, or may pass a decree for the property and direct an inquiry into the amount of mesne profits, and dispose of the same on further orders.

Court may determine amount of mesne profit prior to suit or may reserve inquiry.

213. When the suit is for an account of any property and for its due administration under the decree of the Court, the Court, before making the decree, shall order such accounts and inquiries to be taken and made, and give such other directions, as it thinks fit.

Administration-suit.

In the administration by the Court of the property of any person who dies after this Code comes into force, if such property proves to be insufficient for the payment in full of his debts and liabilities, the same rules shall be observed as to the respective rights of secured and unsecured creditors and as to debts and liabilities proveable, and as to the valuation of annuities and future and contingent liabilities respectively, as may be in force for the time being with respect to the estates of persons adjudged insolvent;

and all persons who in any such case would be entitled to be paid out of such property may come in under the decree for its administration, and make such claims against the same as they may respectively be entitled to by virtue of this Code.

Applications under section 265 of the Indian Contract Act, 1872, shall be deemed to be suits within the meaning of this section.

214. When the suit is to enforce a right of pre-emption in respect of a particular sale of property, and the Court finds for the plaintiff, if the amount of purchase-money has not been paid into court, the decree shall specify a day on or before which it shall be so paid, and shall declare that on payment of such purchase-money,

Suit to enforce right of pre-emption.

purchase-money, together with the costs (if any) decreed against him, the plaintiff shall obtain possession of the property, but that if such money and costs are not so paid, the suit shall stand dismissed with costs.

Suit for dissolution of partnership.

215. When the suit is for the dissolution of a partnership, the Court, before making its decree, may pass an order fixing the day on which the partnership shall stand dissolved, and directing such accounts to be taken and other acts to be done as it thinks fit.

Decree when set-off is allowed.

216. If the defendant has set-off the amount of a debt against the claim of the plaintiff, and such set-off has been allowed, the decree shall state what amount is due to the plaintiff and what amount (if any) is due to the defendant, and shall be for the recovery of any sum which appears to be due to either party.

Effect of decree as to sum awarded to defendant.

The decree of the Court with respect to any sum awarded to the defendant shall have the same effect, and be subject to the same rules in respect of appeal or otherwise, as if such sum had been claimed by the defendant in a separate suit against the plaintiff.

Certified copies of judgment and decree to be furnished.

217. Certified copies of the judgment and decree shall be furnished to the parties on application to the Court, and at their expense.

CHAPTER XVIII.

OF COSTS.

Costs of applications.

218. When disposing of any application under this Code, the Court may give to either party the costs of such application, or may reserve the consideration of such costs for any future stage of the proceedings.

Judgment to direct by whom costs are to be paid.

219. The judgment shall direct by whom the costs of each party are to be paid, whether by himself or by any other party to the suit, and whether in whole or in what part or proportion.

Power of Court as to costs.

220. The Court shall have full power to give and apportion costs of every application and suit in any manner it thinks fit, and the fact that the Court has

no

no jurisdiction to try the case is no bar to the exercise of such power :

Provided that, if the Court directs that the costs of any application or suit shall not follow the event, the Court shall state its reasons in writing.

221. The Court may direct that the costs payable to one party by another shall be set-off against a sum which is admitted or is found in the suit to be due from the former to the latter ;

Costs may be set-off against sum admitted or found to be due.

but such direction shall not affect the lien upon the amount decreed of any pleader in respect of the costs payable to him under the decree.

Saving of pleader's lien.

222. The Court may give interest on costs at any rate not exceeding six per cent. per annum, and may direct that costs, with or without interest, be paid out of, or charged upon, the subject-matter of the suit.

Interest on costs. Payment of costs out of subject-matter.

CHAPTER XIX.

OF THE EXECUTION OF DECREES.

A.—Of the Court by which Decrees may be executed.

223. A decree may be executed either by the Court which passed it or by the Court to which it is sent for execution under the provisions hereinafter contained.

Court by which decree may be executed.

The Court which passed a decree may, on the application of the decree-holder, send it for execution to another Court,

(a) if the person against whom the decree is passed actually and voluntarily resides or carries on business, or personally works for gain, within the local limits of the jurisdiction of such other Court, or

(b) if such person has not property within the local limits of the jurisdiction of the Court which passed the decree sufficient to satisfy such decree and has property within the local limits of the jurisdiction of such other Court, or

(c) if

(c) if the decree directs the sale of immoveable property situate outside the district within which the Court which passed it is situate, or

(d) if the Court which passed the decree considers for any other reason, which it shall record in writing, that the decree should be executed by such other Court.

The Court which passed a decree may of its own motion send it for execution to any Court subordinate thereto.

The Court to which a decree is sent under this section for execution shall certify to the Court which passed it, the fact of such execution, or where the former Court fails to execute the same, the circumstances attending such failure.

If the decree has been passed in a case cognizable by a Court of Small Causes and the Court which passed it wishes it to be executed in Calcutta, Madras, Bombay or Rangoon, such Court may send to the local Court of Small Causes the copies and certificate respectively mentioned in clauses (a), (b) and (c) of section 224; and such Court of Small Causes shall thereupon execute the decree as if it had been passed by itself.

If the Court to which a decree is to be sent for execution is situate within the same district as the Court which passed such decree, such Court shall send the same directly to the former Court. But if the Court to which the decree is to be sent for execution is situate in a different district, the Court which passed it shall send it to the District Court of the district in which the decree is to be executed.

224. The Court sending a decree for execution under section 223 shall send therewith

(a) a copy of the decree;

(b) a certificate setting forth that satisfaction of the decree has not been obtained by execution within the jurisdiction of the Court by which it was passed, or, where the decree has been executed in part, the extent

Procedure when Court desires that its own decree shall be executed by another Court.

extent to which satisfaction has been obtained and what part of the decree remains unexecuted ; and

(c) a copy of any order for the execution of the decree, and if no such order has been made, a certificate to that effect.

225. The Court to which a decree is so sent shall cause such copies and certificate to be filed, without any further proof of the decree or order for execution, or of the copies thereof, or of the jurisdiction of the Court which passed it, unless the former Court, for any special reasons to be recorded under the hand of the Judge, requires such proof.

Court receiving copies of decree, &c., to file same without proof.

226. When such copies are so filed, the decree or order may, if the Court to which it is sent be the District Court, be executed by such Court or by any subordinate Court which it directs to execute the same.

Execution of decree or order by Court to which it is sent.

227. If the Court to which the decree is sent for execution be a High Court, the decree shall be executed by such Court in the same manner as if it had been made by such Court in the exercise of its ordinary original civil jurisdiction.

Execution by High Court, of decree transmitted by other Court.

228. The Court executing a decree sent to it under this chapter shall have the same powers in executing such decree as if it had been passed by itself. All persons disobeying or obstructing the execution of the decree shall be punishable by such Court in the same manner as if it had passed the decree. And its orders in executing such decree shall be subject to the same rules in respect of appeal, as if the decree had been passed by itself.

Powers of Court in executing transmitted decree.

Appeal from orders in executing such decrees.

229. A decree of any Court established by the authority of the Governor General in Council in the territories of any Native Prince or State in India, which cannot be executed within the jurisdiction of the Court by which it was made, may be executed in manner herein provided within the jurisdiction of any Court in British India.

Decrees of Courts established by Government of India in Native States.

*B.—Of Application for Execution.*Application
for execution.

230. When the holder of a decree desires to enforce it, he shall apply to the Court which passed the decree or to the officer, if any, appointed in this behalf, or if the decree has been sent under the provisions hereinbefore contained to another Court, then to such Court or to the proper officer thereof.

The Court may in its discretion refuse execution at the same time against the person and property of the judgment-debtor.

Where an application to execute a decree for the payment of money or delivery of other property has been made under this section and granted, no subsequent application to execute the same decree shall be granted unless the Court is satisfied that on the last preceding application due diligence was used to procure complete satisfaction of the decree; and the order of the Court granting any such subsequent application shall be conclusive evidence that due diligence was used to procure such satisfaction.

And no such subsequent application shall be granted after the expiration of twelve years from any of the following dates (namely)—

(a) the date of the decree sought to be enforced, or of the decree (if any) on appeal affirming the same, or

(b) where the decree or any subsequent order directs the payment of money or the delivery of property by instalments,—the date of the default in paying or delivering the instalment in respect of which the applicant seeks to enforce the decree.

Nothing in this section shall prevent the Court from granting an application for execution of a decree after the expiration of the said term of twelve years, where the judgment-debtor has by fraud or force prevented the execution of the decree at some time within twelve years immediately before the date of the application.

Notwithstanding

Notwithstanding anything herein contained, proceedings may be taken to enforce any decree within three years after the passing of this Code, unless when the period prescribed for taking such proceedings by the law in force immediately before the passing of this Code shall have expired before the completion of the said three years.

231. If a decree has been passed jointly in favour of more persons than one, any one or more of such persons, or his or their representatives, may apply for the execution of the whole decree for the benefit of them all, or, where any of them has died, for the benefit of the survivors and the representative in interest of the deceased.

Application
by joint
decree-holder.

If the Court sees sufficient cause for allowing the decree to be executed on an application so made, it shall pass such order as it deems necessary for protecting the interests of the persons who have not joined in the application.

232. If a decree be transferred by assignment in writing or by operation of law from the decree-holder to any other person, the transferee may apply for its execution to the Court which passed it; and if that Court thinks fit, the decree may be executed in the same manner and subject to the same conditions as if the application were made by such decree-holder:

Application
by transferee
of decree.

Provided that where the decree has been transferred by assignment, notice in writing of such application shall be given to the transferor and the judgment-debtor, and the decree shall not be executed until the Court has heard their objections (if any) to such execution:

Provided also that where a decree against several persons has been transferred to one of them, it shall not be executed against the others.

233. Every transferee of a decree shall hold the same subject to the equities (if any) which the judgment-debtor might have enforced against the original decree-holder.

Transferee
to hold sub-
ject to
equities en-
forceable
against ori-
ginal holder.

234. If

If judgment-debtor die before execution, application may be made against his representative.

234. If a judgment-debtor dies before the decree has been fully executed, the holder of the decree may apply to the Court which passed it to execute the same against the legal representative of the deceased.

Such representative shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and for the purpose of ascertaining such liability, the Court executing the decree may, of its own motion or on the application of the decree-holder, compel the said representative to produce such accounts as it thinks fit.

Contents of application for execution of decree.

235. The application for the execution of a decree shall be in writing verified in manner hereinbefore provided for the verification of plaints, and shall contain in a tabular form the following particulars (namely)—

- (a) the number of the suit;
- (b) the names of the parties;
- (c) the date of the decree;
- (d) whether any appeal has been preferred from the decree;
- (e) whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree;
- (f) whether any and what previous applications have been made for execution of the decree and with what result;
- (g) the amount of the debt or compensation, with the interest, if any, due upon the decree, or other relief granted thereby;
- (h) the amount of costs, if any, awarded;
- (i) the name of the person against whom the enforcement of the decree is sought; and
- (j) the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, by the arrest and imprisonment of the person named in the application, or by the attachment of his property,

property, or otherwise as the nature of the relief sought may require.

236. If the application be for the attachment of any moveable property belonging to the judgment-debtor but not in his possession, the decree-holder shall annex to the application an inventory of the property to be attached, containing a reasonably accurate description of the same.

Application for attachment of moveable property to be accompanied with inventory.

237. If the application be for the attachment of any immoveable property belonging to the judgment-debtor, it shall contain at the foot a description of the property sufficient to identify it, and also a specification of the judgment-debtor's share or interest therein to the best of the belief of the applicant and so far as he has been able to ascertain the same.

Further particulars when application is for attachment of immoveable property.

Every such description and specification shall be verified in manner hereinbefore provided for the verification of plaints.

238. If the property be land registered in the Collector's office, the application for attachment shall be accompanied by an authenticated extract from the register of such office, specifying the persons registered as proprietors of, or as possessing any transferable interest in, the land or its revenue, or as liable to pay revenue for such land, and the shares of the registered proprietors.

When application must be accompanied by extract from Collector's register.

C.—Of staying Execution.

239. The Court to which a decree has been sent for execution under this chapter, shall upon sufficient cause being shewn, stay the execution of such decree for a reasonable time, to enable the judgment-debtor to apply to the Court by which the decree was made, or to any Court having appellate jurisdiction in respect of the decree or the execution thereof, for an order to stay the execution, or for any other order relating to the decree or execution which might have been made by such Court of first instance or appellate Court if execution had been issued thereby, or if application for execution had been made thereto ;

When Court may stay execution.

and

and in case the property or person of the judgment-debtor has been seized under an execution, the Court which issued the execution may order the restitution or discharge of such property or person pending the result of the application for such order.

Power to require security from, or impose conditions upon, judgment-debtor.

240. Before passing an order under section 239 to stay execution, or for the restitution of property or the discharge of the judgment-debtor, the Court may require such security from, or impose such conditions upon, the judgment-debtor as it thinks fit.

Liability of judgment-debtor discharged to be retaken.

241. No discharge under section 239 of the property or person of a judgment-debtor, shall prevent it or him from being retaken in execution of the decree sent for execution.

Order of Court passing decree or of appellate Court to be binding upon Court applied to.

242. Any order of the Court by which the decree was passed, or of such Court of appeal as aforesaid, in relation to the execution of such decree, shall be binding upon the Court to which the decree was sent for execution.

Stay of execution pending suit between decree-holder and judgment-debtor.

243. If a suit be pending in any Court against the holder of a decree of such Court, on the part of the person against whom the decree was passed, the Court may (if it think fit) stay execution on the decree, either absolutely or on such terms as it thinks fit, until the pending suit has been decided.

D.—Questions for Court executing Decree.

Questions to be decided by Court executing decree.

244. The following questions shall be determined by order of the Court executing a decree and not by separate suit (namely)—

(a) questions regarding the amount of any mesne profits as to which the decree has directed inquiry ;

(b) questions regarding the amount of any mesne profits or interest which the decree has made payable in respect of the subject-matter of a suit, between the date of its institution and the execution of the decree, or the expiration of three years from the date of the decree ;

(c) any

(c) any other questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution of the decree.

Nothing in this section shall be deemed to bar a separate suit for mesne profits accruing between the institution of the first suit and the execution of the decree therein, where such profits are not dealt with by such decree.

E.—Of the Mode of executing Decrees.

245. The Court, on receiving an application for the execution of a decree, shall ascertain whether it contains the particulars mentioned in section 235, or such of them as may be applicable to the case, and whether it is accompanied by the inventory mentioned in section 236; and if such particulars or inventory are or is wanting, it shall reject the application or return it for amendment or for the addition of the inventory, as the case may be, or amend it then and there. Every amendment made under this section shall be attested by the signature of the Judge.

Procedure on receiving application for execution of decree.

When the application is admitted, the Court shall enter in the register of the suit a note of the application and the date on which it was made, and shall order execution of the decree according to the nature of the application :

Procedure on admitting application.

Provided that, in the case of a decree for money, the value of the property attached shall as nearly as may be correspond with the amount for which the decree has been made.

246. If cross-decrees between the same parties for the payment of money be produced to the Court, execution shall be taken out only by the party who holds a decree for the larger sum, and for so much only as remains after deducting the smaller sum, and satisfaction for the smaller sum shall be entered on the decree for the larger sum as well as satisfaction on the decree for the smaller sum.

Cross-decrees.

If

If the two sums be equal, satisfaction shall be entered upon both decrees.

Explanation I.—The decrees contemplated by this section are (a) decrees made by the same Court, (b) decrees sent to the same Court for execution, and (c) decrees of which one is made by the Court and the other is sent to the same Court for execution; but not (d) decrees of which one is made by one Court and the other is made by another Court and not sent for execution to the former Court.

Explanation II.—This section applies where either party is an assignee of one of the decrees and as well in respect of judgment-debts due by the original assignor as by the assignee himself.

Explanation III.—This section does not apply unless

(e) both decrees are capable of execution at the same time;

(f) the decree-holder in one of the suits in which the decrees have been made is the judgment-debtor in the other and each party fills the same character in both suits; and

(g) the sums due under the decrees are definite.

Illustrations.

(a) A holds a decree against B for Rs. 1,000. B holds a decree against A for the payment of Rs. 1,000 in case A fails to deliver certain goods at a future day. B cannot treat his decree as a cross-decree under this section.

(b) A and B, co-plaintiffs, obtain a decree for Rs. 1,000 against C, and C obtains a decree for Rs. 1,000 against B. C cannot treat his decree as a cross-decree under this section.

(c) A obtains a decree against B for Rs. 1,000. C, who is a trustee for B, obtains a decree on behalf of B against A for Rs. 1,000. B cannot treat C's decree as a cross-decree under this section.

247. When two parties are entitled under the same decree to recover from each other sums of different amounts, the party entitled to the smaller sum shall not take out execution against the other party;

Cross-claims
under same
decree.

party; but satisfaction for the smaller sum shall be entered on the decree.

When the amounts are equal, neither party shall take out execution, but satisfaction for each sum shall be entered on the decree.

248. The Court shall issue a notice to the party against whom execution is applied for, requiring him to shew cause, within a period to be fixed by the Court, why the decree should not be executed against him,

Notice to show cause why decree should not be executed.

(a) if more than one year has elapsed between the date of the decree and the application for its execution, or

(b) if the enforcement of the decree be applied for against the legal representative of a party to the suit in which the decree was made :

Provided that no such notice shall be necessary PROVISO.

in consequence of more than one year having elapsed between the date of the decree and the application for execution, if the application be made within one year from the date of any decree passed on appeal from the decree sought to be executed, or of the last order against the party against whom execution is applied for, passed on any previous application for execution, or

in consequence of the application being against the legal representative of the judgment-debtor, if upon a previous application for execution against the same person, the Court has ordered execution to issue against him.

Explanation.—In this section the phrase “the Court” means the Court by which the decree was passed, unless the decree has been sent to another Court for execution, in which case it means such other Court.

249. If the person to whom notice is issued under the last preceding section does not appear, or does not shew cause to the satisfaction of the Court

Procedure after issue of notice.

why

why the decree should not be executed, the Court shall order the decree to be executed.

If he offers any objection to the enforcement of the decree, the Court shall consider such objection and pass such order as it thinks fit.

Warrant when to issue.

250. When the preliminary measures (if any) required by the foregoing provisions have been taken, the Court, unless it sees cause to the contrary, shall issue its warrant for the execution of the decree.

Date, signature, seal and delivery.

251. Such warrant shall be dated the day on which it is issued, signed by the Judge or such officer as the Court appoints in this behalf, sealed with the seal of the Court, and delivered to the proper officer to be executed.

And a day shall be specified in such warrant on or before which it must be executed, and the proper officer shall endorse thereon the day and manner in which it was executed, or if it was not executed, the reason why it was not executed, and shall return it with such endorsement to the Court from which it issued.

Decree against representative of deceased for money to be paid out of deceased's property.

252. If the decree be against a party as the legal representative of a deceased person, and the decree be for money to be paid out of the property of the deceased, it may be executed by the attachment and sale of any such property.

If no such property can be found, and the judgment-debtor fails to satisfy the Court that he has duly applied such property of the deceased as is proved to have come into his possession, the decree may be executed against the judgment-debtor to the extent of the property not duly applied by him, in the same manner as if the decree had been against him personally.

Decree against surety.

253. Whenever a person has, before the passing of a decree in an original suit, become liable as surety for the performance of the same or of any part thereof, the decree may be executed against him to the extent to which he has rendered himself liable, in the same

same manner as a decree may be executed against a defendant :

Provided that such notice in writing as the Court in each case thinks sufficient has been given to the surety.

254. Every decree or order directing a party to pay money, as compensation or costs, or as the alternative to some other relief granted by the decree or order, or otherwise, may be enforced by the imprisonment of the judgment-debtor, or by the attachment and sale of his property in manner hereinafter provided, or by both.

Decree for money.

255. If the decree be for mesne profits or any other matter the amount of which in money is to be subsequently determined, the property of the judgment-debtor may, before the amount due from him under the decree has been ascertained, be attached as in the case of an ordinary decree for money.

Decree for mesne profits or other matter, amount of which to be subsequently ascertained.

256. When a decree is passed for a sum of money only, and the amount decreed does not exceed the sum of one thousand rupees, the Court may, when passing the decree, on the oral application of the decree-holder, order immediate execution thereof by the issue of a warrant directed either against the person of the judgment-debtor if he is within the local limits of the jurisdiction of the Court; or against his moveable property within the same limits.

Power to direct immediate execution of decree for money not exceeding Rs. 1,000.

257. All money payable under a decree shall be paid as follows (namely)—

Modes of paying money under decree.

(a) into the Court whose duty it is to execute the decree; or

(b) out of court to the decree-holder; or

(c) otherwise as the Court which made the decree directs.

258. If the money is paid out of court or the decree is otherwise adjusted to the satisfaction of the decree-holder, he shall certify the payment or adjustment to the Court whose duty it is to execute the decree; and no satisfaction of a decree in part or in

Payment of money out of court to decree holder.

whole

whole by such payment or adjustment shall be recognized by such Court unless the payment or adjustment be certified as aforesaid. Where the decree-holder fails to certify as aforesaid, the judgment-debtor may apply to such Court for an order directing the decree-holder to certify as aforesaid, and the Court, after hearing the decree-holder, may make such order, and if the decree-holder disobeys the same, may refuse further to execute the decree.

Decrees for specific moveables, or recovery of wives.

259. If the decree be for any specific moveable, or for any share in a specific moveable, or for the recovery of a wife, it may be enforced by the seizure, if practicable, of the moveable or share, and by the delivery thereof to the party to whom it has been adjudged, or to such person as he appoints to receive delivery on his behalf, or by the imprisonment of the judgment-debtor, or by attaching his property and keeping the same under attachment until the further order of the Court, or by both imprisonment and attachment, if necessary.

No attachment under this section shall remain in force for more than six months, at the end of which time, if the judgment-debtor has not obeyed the decree, the property attached may be sold, and out of the proceeds the Court may award to the decree-holder such compensation as it thinks fit, and pay the balance, if any, to the judgment-debtor on his application.

Decree for specific performance or restitution of conjugal rights.

260. When the party against whom a decree for the specific performance of a contract, or for restitution of conjugal rights, or for the performance of any other particular act, has been made, has had an opportunity of obeying the decree or injunction and has wilfully failed to obey it, the decree may be enforced by his imprisonment, or by the attachment of his property, or by both.

No attachment under this section shall remain in force for more than one year, at the end of which time, if the judgment-debtor has not obeyed the decree, the property attached may be sold and out of the proceeds the Court may award to the decree-holder such compensation

compensation as it thinks fit and may pay the balance, if any, to the judgment-debtor on his application.

261. If the decree be for the execution of a conveyance, or for the endorsement of a negotiable instrument, and the judgment-debtor neglects or refuses to comply with the decree, the decree-holder may prepare the draft of a conveyance or endorsement in accordance with the terms of the decree, and deliver the same to the Court.

Decree for execution of conveyances, or endorsement of negotiable instruments.

The Court shall thereupon cause the draft to be served on the judgment-debtor in manner hereinbefore provided for serving a summons, together with a notice in writing stating that his objections, if any, thereto shall be made within such time (mentioning it) as the Court fixes in this behalf.

The decree-holder may also tender a duplicate of the draft to the Court for execution, upon the proper stamp-paper if a stamp is required by law.

On proof of such service, the Court, or such officer as it appoints in this behalf, shall execute the duplicate so tendered, or may, if necessary, alter the same, so as to bring it into accordance with the terms of the decree, and execute the duplicate so altered :

Provided that if any party object to the draft so served as aforesaid, his objections shall, within the time so fixed, be stated in writing and argued before the Court, and the Court shall thereupon pass such order as it thinks fit, and execute, or alter and execute, the duplicate in accordance therewith.

262. The execution of a conveyance or the endorsement of a negotiable instrument by the Court under the last preceding section may be in the following form : " *C. D.*, Judge of the Court of (or as the case may be), for *A. B.*, in a suit by *E. F.*, against *A. B.*," or in such other form as the High Court may from time to time prescribe, and shall have the same effect as the execution of the conveyance or endorsement of the instrument by the party ordered to execute or endorse the same.

Form and effect of execution of conveyance by Court.

263. If

Decree for
immoveable
property.

263. If the decree be for the delivery of any immoveable property, possession thereof shall be delivered over to the party to whom it has been adjudged, or to such person as he appoints to receive delivery on his behalf, and, if need be, by removing any person bound by the decree who refuses to vacate the property.

Delivery of
immoveable
property
when in oc-
cupancy of
tenant.

264. If the decree be for the delivery of any immoveable property in the occupancy of a tenant or other person entitled to occupy the same, the Court shall order delivery to be made by affixing a copy of the warrant in some conspicuous place on the property, and proclaiming to the occupant by beat of drum, or in such other mode as is customary, at some convenient place, the substance of the decree in regard to the property:

Provided that if the occupant can be found, a notice in writing containing such substance shall be served upon him, and in such case no proclamation need be made.

Partition of
estate or
separation of
share.

265. If the decree be for the partition or for the separate possession of a share of an undivided estate paying revenue to Government, the partition of the estate or the separation of the share shall be made by the Collector.

F.—Of Attachment of Property.

Property li-
able to attach-
ment and
sale in exe-
cution of
decree.

266. The following property is liable to attachment and sale in execution of a decree, (namely), lands, houses or other buildings, goods, money, bank-notes, cheques, bills of exchange, hundís, promissory-notes, Government securities, bonds or other securities for money, debts, shares in the capital or joint-stock of any railway, banking or other public Company or Corporation, and, except as hereinafter mentioned, all other saleable property, moveable or immoveable, belonging to the judgment-debtor or over which, or the profits of which, he has a disposing power which he may exercise for his own benefit, and whether the same be held in the name of the judg-
ment-

ment-debtor or by another person in trust for him or on his behalf:

Provided that the following particulars shall not be liable to such attachment or sale (namely)—

- (a) the necessary wearing apparel of the judgment-debtor, his wife and children;
- (b) tools of artizans, implements of husbandry and such cattle as may in the opinion of the Court be necessary to enable the judgment-debtor to earn his livelihood as an agriculturist;
- (c) the materials of houses and other buildings belonging to and occupied by agriculturists;
- (d) books of account;
- (e) mere rights to sue for damages;
- (f) any right of personal service;
- (g) stipends allowed to military and civil pensioners of Government, and political pensions;
- (h) one moiety of the salary of a public officer or of the servant of a Railway Company;
- (i) the pay and allowances of persons to whom the Native Articles of War apply;
- (j) the wages of labourers and domestic servants;
- (k) an expectancy of succession by survivorship or other merely contingent or possible right or interest;
- (l) a right to future maintenance.

Explanation.—The particulars mentioned in clauses (g), (h), (i) and (j) are exempt from attachment or sale whether before or after they are actually payable:

Provided also that nothing in this section shall be deemed

- (a) to exempt the materials of houses and other buildings from attachment or sale in execution of decrees for rent, or

(b) to

(b) to affect the Statute for the time being in force for punishing mutiny and desertion and for the better payment of the Army and their quarters.

Power to summon and examine persons as to property liable to be seized.

267. The Court may of its own motion or on the application of the decree-holder, summon any person whom it thinks necessary, and examine him in respect to any property liable to be seized in satisfaction of the decree, and may require the person summoned to produce any document in his possession or power relating to such property, and before issuing the summons of its own motion, shall declare the person on whose behalf the summons is so issued.

Attachment of debt, share and other property not in possession of judgment-debtor.

268. In the case of (a) a debt not secured by a negotiable instrument, (b) a share in the capital of any public Company or Corporation, (c) other moveable property not in the possession of the judgment-debtor, except property deposited in, or in the custody of, any Court, the attachment shall be made by a written order prohibiting,

(a) in the case of the debt, the creditor from recovering the debt and the debtor from making payment thereof until the further order of the Court;

(b) in the case of the share, the person in whose name the share may be standing, from transferring the same or receiving any dividend thereon;

(c) in the case of the other moveable property except as aforesaid, the person in possession of the same from giving it over to the judgment-debtor.

A copy of such order shall be fixed up in some conspicuous part of the court-house, and another copy of the same shall be sent, in the case of the debt, to the debtor, in the case of the share, to the proper officer of the Company or Corporation, and in the case of the other moveable property (except as aforesaid), to the person in possession of the same.

A debtor prohibited under clause (a) of this section may pay the amount of his debt into Court, and such payment shall discharge him as effectually as payment to the party entitled to receive the same.

No

No attachment under this section shall remain in force for more than six months ; at the end of which time, if the judgment-debtor has not obeyed the decree, the property attached may be sold, and out of the proceeds the Court may award to the decree-holder such compensation as it thinks fit, and pay the balance, if any, to the judgment-debtor on his application.

269. If the property be moveable property in the possession of the judgment-debtor, other than the property mentioned in the first proviso to section 266, the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, and shall be responsible for the due custody thereof :

Attachment of moveable property in possession of judgment-debtor.

Provided that when the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody will exceed its value, the proper officer may sell it at once.

Proviso.

The Local Government may from time to time make rules for the maintenance and custody, while under attachment, of live-stock and other moveable property, and the officer attaching property under this section shall, notwithstanding the provisions of the former part of this section, act in accordance with such rules.

Power to make rules for maintenance of attached live-stock.

270. If the property be a negotiable instrument not in deposit in a Court, the attachment shall be made by actual seizure, and the instrument shall be brought into Court and held subject to the further orders of the Court.

Attachment of negotiable instruments.

271. If the person executing any process under this Code directing or authorizing seizure of moveable property, has gained access to a house or other building, he may unfasten and open the door of any room in which he has reason to believe any such property to be :

Seizure of property in house.

Provided that if the room be in the actual occupancy of a woman, who according to the customs of

Seizure of property in zanánás.

the

the country does not appear in public, the person executing the process shall give notice to her that she is at liberty to withdraw; and after allowing a reasonable time for such woman to withdraw, and giving her every reasonable facility for withdrawing, he may enter such room for the purpose of seizing the property, using at the same time every precaution, consistent with these provisions, to prevent its clandestine removal.

Attachment of property deposited in Court or with Government officer.

272. If the property be deposited in, or be in the custody of, any Court or public officer, the attachment shall be made by a notice to such Court or officer, requesting that such property, and any interest or dividend becoming payable thereon, may be held subject to the further orders of the Court from which the notice issues :

Proviso.

Provided that, if such property is deposited in, or is in the custody of, a Court, any question of title or priority arising between the decree-holder and any other person, not being the judgment-debtor, claiming to be interested in such property by virtue of any assignment, attachment or otherwise, shall be determined by such Court.

Attachment of decree for money.

273. If the property be a decree for money passed by the Court which passed the decree sought to be executed, the attachment shall be made by an order of the Court directing the proceeds of the former decree to be applied in satisfaction of the latter decree.

If the property be a decree for money passed by any other Court, the attachment shall be made by a notice in writing to such Court under the hand of the Judge of the Court which passed the decree sought to be executed, requesting the former Court to stay the execution of its decree until such notice is cancelled by the Court from which it was sent. The Court receiving such notice shall stay execution accordingly, unless and until

(a) the Court which passed the decree sought to be executed cancels the notice, or

(b) the

(b) the holder of the decree sought to be executed applies to the Court receiving such notice to execute its own decree.

On receiving such application, the Court shall proceed to execute the decree and apply the proceeds in satisfaction of the decree sought to be executed.

In the case of all other decrees the attachment shall be made by a notice in writing, under the hand of the Judge of the Court which passed the decree sought to be executed, to the holder of the decree sought to be attached, prohibiting him from transferring or charging the same in any way; and, when such decree has been passed by any other Court, also by sending to such Court a like notice in writing to abstain from executing the decree sought to be attached until such notice is cancelled by the Court from which it was sent. Every Court receiving such notice shall give effect to the same until it is so cancelled.

Attachment
of other
decrees.

The holder of any decree attached under this section shall be bound to give the Court executing the same such information and aid as may reasonably be required.

Decree-holders to give information.

274. If the property be immoveable, the attachment shall be made by an order prohibiting the judgment-debtor from transferring or charging the property in any way, and all persons from receiving the same from him by purchase, gift or otherwise.

Attachment of immoveable property.

The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be fixed up in a conspicuous part of the property and of the court-house.

When the property is land paying revenue to Government, a copy of the order shall also be fixed up in the office of the Collector of the District in which the land is situate.

275. If the amount decreed with costs and all charges and expenses resulting from the attachment of any property be paid into court, or if satisfaction

Order for withdrawal of attachment after

satisfaction of decree.

of the decree be otherwise made through the Court, or if the decree is set aside or reversed, an order shall be issued, on the application of any person interested in the property, for the withdrawal of the attachment.

Private alienation of property after attachment to be void.

276. When an attachment has been made by actual seizure or by written order duly intimated and made known in manner aforesaid, any private alienation of the property attached, whether by sale, gift, mortgage or otherwise, and any payment of the debt or dividend or a delivery of the share to the judgment-debtor during the continuance of the attachment, shall be void as against all claims enforceable under the attachment.

Court may direct coin or currency-notes attached to be paid to party entitled.

277. If the property attached is coin or currency-notes, the Court may, at any time during the continuance of the attachment, direct that such coin or notes, or a part thereof sufficient to satisfy the decree, be paid over to the party entitled under the decree to receive the same.

Investigation of claims to, and objections to attachment of, attached property.

278. If any claim be preferred to, or any objection be made to the attachment of, any property attached in execution of a decree, on the ground that such property is not liable to such attachment, the Court shall proceed to investigate the claim or objection with the like power as regards the examination of the claimant or objector, and in all other respects, as if he was a party to the suit :

Provided that no such investigation shall be made where the Court considers that the claim or objection was designedly or unnecessarily delayed.

Postponement of sale.

If the property to which the claim or objection applies has been advertised for sale, the Court ordering the sale may postpone it pending the investigation of the claim or objection.

Evidence to be adduced by claimant.

279. The claimant or objector must adduce evidence to show that at the date of the attachment he had some interest in, or was possessed of, the property attached.

Release of property from attachment.

280. If upon the said investigation the Court is satisfied that, for the reason stated in the claim or objection,

objection, such property was not, when attached, in the possession of the judgment-debtor or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the judgment-debtor at such time, it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, or partly on his own account and partly on account of some other person, the Court shall pass an order for releasing the property wholly or to such extent as it thinks fit, from attachment.

281. If the Court is satisfied that the property was, at the time it was attached, in possession of the judgment-debtor as his own property and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, the Court shall disallow the claim.

Disallowance of claim to release of property attached.

282. If the Court is satisfied that the property is subject to a mortgage or lien in favour of some person not in possession, and thinks fit to continue the attachment, it may do so, subject to such mortgage or lien.

Continuance of attachment subject to claim of incumbrancer.

283. The party against whom an order under section 280, 281 or 282 is passed may institute a suit to establish the right which he claims to the property in dispute, but subject to the result of such suit, if any, the order shall be conclusive.

Saving of suits to establish right to attached property.

284. Any Court may order that any property which has been attached, or such portion thereof as may seem necessary to satisfy the decree, shall be sold, and that the proceeds of such sale, or a sufficient portion thereof, shall be paid to the party entitled under the decree to receive the same.

Power to order property attached to be sold, and proceeds to be paid to person entitled.

285. Where property not in the custody of any Court has been attached in execution of decrees of more Courts than one, the Court which shall receive or realize such property and shall determine any claim thereto and any objection to the attachment

Property attached in execution of decrees of several Courts.

thereof

thereof shall be the Court of highest grade, or where there is no difference in grade between such Courts, the Court under whose decree the property was first attached.

G.—Of Sale and Delivery of Property.

(a) General Rules.

Sales by whom conducted and how made.

286. Sales in execution of decrees shall be conducted by an officer of the Court or by any other person whom the Court may appoint, and, except as provided in section 296, shall be made by public auction in manner hereinafter mentioned.

Proclamation of sales by public auction.

287. When any property is ordered to be sold by public auction in execution of a decree, the Court shall cause a proclamation of the intended sale to be made in the language of such Court. Such proclamation shall state the time and place of sale; and shall specify as fairly and accurately as possible—

(a) the property to be sold;

(b) the revenue assessed upon the estate or part of the estate, when the property to be sold is an interest in an estate or a part of an estate paying revenue to Government;

(c) any incumbrance to which the property is liable;

(d) the amount for the recovery of which the sale is ordered; and

(e) every other thing which the Court considers material for the purchaser to know in order to judge of the nature and value of the property.

For the purpose of ascertaining the matters so to be specified, the Court may summon any person whom it thinks necessary, and examine him in respect to any such matters, and require him to produce any document in his possession or power relating thereto.

Rules to be made by High Court.

The High Court shall, as soon as may be after this Code comes into force, make rules for the guidance of the Courts in exercise of their duties under this

this section. The High Court may from time to time alter any rules so made. All such rules shall be published in the local official Gazette and shall thereupon have the force of law. As regards his own Court and the Court of Small Causes at Rangoon, the Recorder of Rangoon shall be deemed to be a 'High Court' within the meaning of this paragraph.

Nothing in this section shall apply to cases in which the execution of the decree has been transferred to the Collector.

288. No Judge or other public officer shall be answerable for any error, misstatement or omission in any proclamation under section 287, unless the same has been committed or made dishonestly.

Indemnity of Judges, &c.

289. The proclamation shall be made, in manner prescribed by section 274, on the spot where the property is attached.

Mode of making proclamation.

If the Court so direct, such proclamation shall also be published in the local official Gazette and in some local newspaper, and the costs of such publication shall be deemed to be costs of the sale.

290. Except in the case of property mentioned in the proviso to section 269, no sale under this chapter shall, without the consent in writing of the judgment-debtor, take place until after the expiration of at least thirty days in the case of immoveable property, and of at least fifteen days in the case of moveable property, calculated from the date on which the notification has been affixed in the court-house of the Judge ordering the sale.

Time of sale.

291. The officer conducting any sale under this chapter may in his discretion adjourn the sale, recording his reasons for such adjournment: Provided that when the sale is made in, or within the precincts of, the court-house, no such adjournment shall be made without the leave of the Court. Every such sale shall be stopped if, before the lot is knocked down, the debt and costs (including the costs of the sale) are tendered to such officer, or proof is given to his satisfaction

Power to adjourn sale.

Stoppage of sale on tender of debt and costs, or on proof of payment.

faction

faction that the amount of such debt and costs has been paid into the Court that ordered the sale.

Officers concerned in execution-sales not to bid for or buy property sold.

292. No officer having any duty to perform in connection with any sale under this chapter shall either directly or indirectly bid for, acquire, or attempt to acquire, any interest in any property sold at such sale:

Defaulting purchaser answerable for loss by re-sale.

293. The deficiency of price (if any) which may happen on a re-sale under this Code by reason of the purchaser's default, and all expenses attending such re-sale, shall be certified to the Court by the officer holding the sale,

and shall, at the instance of either the judgment-creditor or the judgment-debtor, be recoverable from the defaulter under the rules contained in this chapter for the execution of a decree for money.

Decree-holder not to bid for or buy property without permission.

294. No holder of a decree in execution of which property is sold, shall, without the express permission of the Court, bid for or purchase the property.

If decree-holder purchase, amount of decree may be taken as payment.

When a decree-holder purchases with such permission, the purchase-money and the amount due on the decree may, if he so desires, be set-off against one another, and the Court executing the decree shall enter up satisfaction of the decree in whole or in part accordingly.

Proceeds of execution-sale to be divided rateably among decree-holders.

295. Whenever assets are realized by sale or otherwise in execution of a decree, and more persons than one have, prior to the realization, applied to the Court by which such assets are held for execution of decrees for money against the same judgment-debtor, and have not obtained satisfaction thereof, the assets, after deducting the costs of the realization, shall be divided rateably among all such persons :

Proviso where property is sold subject to mortgage.

Provided that, when any property is sold subject to a mortgage or charge, the mortgagee or incumbrancer shall not be entitled to share in any surplus arising from such sale :

Provided

Provided also that when any property liable to be sold in execution of a decree is subject to a mortgage or charge, the Court may, with the assent of the mortgagee or incumbrancer, order that the property be sold free from the mortgage or charge, giving to the mortgagee or incumbrancer the same right against the proceeds of the sale as he had against the property sold.

If all or any of such assets be paid to a person not entitled to receive the same, any person so entitled may sue such person to compel him to refund the assets.

Nothing in this section affects any right of the Government.

(b).—*Rules as to Moveable Property.*

296. If the property to be sold be a negotiable instrument or a share in any public Company or Corporation, the Court may, instead of directing the sale to be made by public auction, authorize the sale of such instrument or share through a broker at the market-rate of the day.

Rules as to negotiable instruments and shares in public Companies.

297. In the case of other moveable property, the price of each lot shall be paid for at the time of sale, or as soon after as the officer holding the sale directs, and in default of payment, the property shall forthwith be again put up and sold.

Payment for other moveable property sold.

On payment of the purchase-money, the officer holding the sale shall grant a receipt for the same, and the sale shall become absolute.

298. No irregularity in publishing or conducting the sale of moveable property shall vitiate the sale; but any person sustaining any injury by reason of such irregularity at the hand of any other person may institute a suit against him for compensation, or (if such other person be the purchaser) for the recovery of the specific property and for compensation in default of such recovery.

Irregularity not to vitiate sale of moveable property, but any person injured may sue.

299. When the property sold is a negotiable instrument or other moveable property of which ac-

Delivery of moveable property

tual

actually seized.

tual seizure has been made, the property shall be delivered to the purchaser.

Delivery of moveable property to which judgment-debtor is entitled subject to lien.

300. When the property sold is any moveable property to which the judgment-debtor is entitled subject to the possession of some other person, the delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him from delivering possession of the property to any person except the purchaser.

Delivery of debts and of shares in public Companies.

301. When the property sold is a debt not secured by a negotiable instrument, or is a share in any public Company, the delivery thereof shall be made by a written order of the Court prohibiting the creditor from receiving the debt or any interest thereon, and the debtor from making payment thereof to any person except the purchaser, or prohibiting the person in whose name the share may be standing from making any transfer of the share to any person except the purchaser, or receiving payment of any dividend or interest thereon, and the Manager, Secretary or other proper officer of the Company from permitting any such transfer or making any such payment to any person except the purchaser.

Transfer of negotiable instruments and shares.

302. If the endorsement or conveyance of the party in whose name a negotiable instrument or a share in any public Company is standing, is required to transfer such instrument or share, the Judge may endorse the instrument or the certificate of the share, or may execute such other document as may be necessary.

The endorsement or execution shall be in the following form or to the like effect:—“*A. B.*, by *C. D.*, Judge of the Court of (*or as the case may be*); in a suit by *E. F.* against *A. B.*”

Until the transfer of such instrument or share, the Court may, by order, appoint some person to receive any interest or dividend due thereon, and to sign a receipt for the same; and any endorsement made, or document executed, or receipt signed, as aforesaid, shall be as valid and effectual for all pur-

poses

poses as if the same had been made or executed or signed by the party himself.

303. In the case of any moveable property not hereinbefore provided for, the Court may make an order vesting such property in the purchaser or as he may direct; and such property shall vest accordingly.

Vesting order in case of other property.

(c).—*Rules as to Immoveable Property.*

304. Sales of immoveable property in execution of a decree may be ordered by any Court other than a Court of Small Causes.

What Courts may order sales of land.

305. When an order for the sale of immoveable property has been made, if the judgment-debtor can satisfy the Court that there is reason to believe that the amount of the decree may be raised by mortgage or lease or private sale of such property, or some part thereof, or of any other immoveable property of the judgment-debtor, the Court may on his application postpone the sale of property comprised in the order for sale, for such period as it thinks proper, to enable him to raise the amount.

Postponement of sale of land to enable defendant to raise amount of decree.

In such case the Court shall grant a certificate to the judgment-debtor authorizing him, within a period to be mentioned therein, to make the proposed mortgage, lease or sale: provided that all moneys payable under such mortgage, lease or sale, shall be paid into court and not to the judgment-debtor.

Certificate to judgment-debtor.

Where such certificate has been granted and so long as it remains in force, the provisions of section 248 shall not apply.

306. On every sale of immoveable property under this chapter, the person declared to be the purchaser shall pay immediately after such declaration a deposit of twenty-five per centum on the amount of his purchase-money to the officer conducting the sale, and, in default of such deposit, the property shall forthwith be put up again and sold.

Deposit by purchaser of immoveable property.

307. The full amount of purchase-money shall be paid by the purchaser before the Court closes on

Time for payment in full.

the

the fifteenth day after the sale of the property, exclusive of such day, or if the fifteenth day be a Sunday or other holiday, then on the first office-day after the fifteenth day.

Procedure in default of payment.

308. In default of payment within the period mentioned in the last preceding section, the deposit, after defraying the expenses of the sale, shall be forfeited to Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold.

Notification on re-sale of immoveable property.

309. Every re-sale of immoveable property in default of payment of the purchase-money within the period allowed for such payment, shall be made after the issue of a fresh notification in the manner and for the period hereinbefore prescribed for the sale.

Co-sharer of share of undivided estate sold in execution to have preference in bidding.

310. When the property sold in execution of a decree is a share of undivided immoveable property, and two or more persons, of whom one is a co-sharer, respectively advance the same sum at any bidding at such sale, such bidding shall be deemed to be the bidding of the co-sharer.

Application to set aside sale of land on ground of irregularity.

311. The decree-holder, or any person whose immoveable property has been sold under this chapter, may apply to the Court to set aside the sale on the ground of a material irregularity in publishing or conducting it;

.. but no sale shall be set aside on the ground of irregularity unless the applicant proves to the satisfaction of the Court that he has sustained substantial injury by reason of such irregularity.

Effect of objection being disallowed and

312. If no such application as is mentioned in the last preceding section be made, or if such application be made and the objection be disallowed, the Court shall pass an order confirming the sale as regards the parties to the suit and the purchaser.

of its being allowed.

If such application be made, and if the objection be allowed, the Court shall pass an order setting aside the sale.

No

No suit to set aside, on the ground of such irregularity, an order passed under this section shall be brought by the party against whom such order has been made.

313. The purchaser at any such sale may apply to the Court to set aside the sale, on the ground that the person whose property purported to be sold had no saleable interest therein, and the Court may make such order as it thinks fit: provided that no order to set aside a sale shall be made, unless the judgment-debtor and the decree-holder have had opportunity of being heard against such order.

Application to set aside sale on ground of judgment-debtor having no saleable interest.

314. No sale of immoveable property shall become absolute until it has been confirmed by the Court.

Confirmation of sale.

315. When a sale of immoveable property is set aside under section 312 or 313,

If sale set aside, price to be returned to purchaser.

or when it is found that the judgment-debtor had no saleable interest in the property which purported to be sold and the purchaser is for that reason deprived of it,

the purchaser shall be entitled to receive back his purchase-money (with or without interest as the Court may direct) from any person to whom the purchase-money has been paid.

The repayment of the said purchase-money and of the interest (if any) allowed by the Court may be enforced against such person under the rules provided by this Code for the execution of a decree for money.

316. When a sale of immoveable property has become absolute in manner aforesaid, the Court shall grant a certificate stating the name of the person who, at the time of sale, is declared to be the purchaser and the date of such sale.

Certificate to purchaser of immoveable property.

317. No suit shall be maintained against the certified purchaser on the ground that the purchase was made on behalf of any other person, or on behalf of some one through whom such other person claims.

Bar to suit against purchaser buying benámí.

Nothing

Nothing in this section shall bar a suit to obtain a declaration that the name of the certified purchaser was inserted in the certificate fraudulently or without the consent of the real purchaser.

Delivery of immoveable property in occupancy of judgment-debtor.

318. When the property sold is in the occupancy of the judgment-debtor or of some person on his behalf, or of some person claiming under a title created by the judgment-debtor subsequently to the attachment of such property, and a certificate in respect thereof has been granted under section 316, the Court shall, on application by the purchaser, order delivery to be made by putting the purchaser or any person whom he may appoint to receive delivery on his behalf in possession of the property, and, if need be, by removing any person who refuses to vacate the same.

Delivery of immoveable property in occupancy of tenant.

319. When the property sold is in the occupancy of a tenant or other person entitled to occupy the same, and a certificate in respect thereof has been granted under section 316, the Court shall order delivery thereof to be made by affixing a copy of the certificate of sale in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or in such other mode as may be customary, at some convenient place, that the interest of the judgment-debtor has been transferred to the purchaser.

Power to prescribe rules for transferring to Collector execution of certain decrees.

320. The Local Government may, with the sanction of the Governor General in Council, declare by notification in the official Gazette that in any local area the execution of decrees in cases in which a Court has ordered any immoveable property to be sold, or the execution of any particular kind of such decrees, or the execution of decrees ordering the sale of any particular kind of, or interest in, immoveable property, shall be transferred to the Collector; and rescind or modify any such declaration.

Power to prescribe rules as to transmission,

The Local Government may also from time to time prescribe rules for the transmission of the decree from the Court to the Collector, and for regulating the

the procedure of the Collector and his subordinates in executing the same, and for retransmitting the decree from the Collector to the Court.

execution and retransmission of decrees.

321. Whenever the execution of a decree has been so transferred, the Collector may—

Power of Collector as to sale of land in execution of decree.

(a) sell the property comprised in the decree by public auction and either in one or more lots as he thinks fit:

(b) fix a reasonable reserved price for each lot:

(c) adjourn the sale for a reasonable time, whenever he deems the adjournment necessary for the purpose of obtaining a fair price for the property, recording his reasons for such adjournment:

(d) buy-in the property offered for sale and resell the same.

322. Whenever the execution of a decree, not being a decree directing the sale of immoveable property in pursuance of a contract specifically affecting the same, but being a decree for money, in satisfaction of which the Court has ordered the sale of immoveable property, has been so transferred, the Collector may either proceed as the Court would proceed under section 305, or if he has reason to believe that the judgment-debts of the judgment-debtor can be discharged without a sale of the whole of such property, the Collector may (notwithstanding any order under section 304, but subject to such rules as may from time to time be made in this behalf by the Chief Controlling Revenue Authority) raise the amount necessary to discharge such debts with interest thereon according to the decree, or, if the decree makes no provision as to interest, then with interest (if any) at such rate as he thinks fit,

Powers of Collector as to execution of certain money-decrees so transferred.

(a) by letting in perpetuity, or for a term, on payment of a premium equivalent to such amount, the whole or any part of the judgment-debtor's immoveable property: or

(b) by mortgaging the whole or any part of such property: or

*

(c) by

*

129

(c) by selling part of such property : or

(d) by letting on farm or managing by himself or another the whole or any part of such property for any term not exceeding twenty years from the date of the order of sale ; or

(e) partly by one of such modes and partly by another or others of them.

For the purpose of managing under this section the whole or any part of such property, the Collector may exercise all the powers of its owner.

Procedure of
Collector.

323. In the case of a decree for money, if the Collector proposes to proceed under section 322, he shall publish a notice in the language of the district, calling upon all persons holding decrees against the judgment-debtor to notify the same in writing to the Collector within sixty days from the date of such publication.

Such notice shall be published by being posted in the court-house of the Court which made the order under section 304, and at such other places (if any) as the Collector thinks fit.

So long as any letting or management under section 322 continues, the judgment-debtor and his representative in interest shall be incompetent to mortgage, charge, lease or alienate the property so let or managed, or any part thereof.

Sale by
Collector.

324. If on the expiration of the letting or management, the amount necessary to discharge such debts in full with the interest (if any) payable thereon has not been raised, the Collector shall notify the fact in writing to the judgment-debtor or his representative, stating at the same time that, if the balance necessary to discharge such debts and interest is not paid to the Collector within six weeks of the date of such notice, the Collector will proceed to sell the said property ; and if on the expiration of the said six weeks the said balance is not so paid, the Collector shall sell such property accordingly.

325. Whenever

325. Whenever the Collector sells any property pursuant to the said order of sale, or exercises any of the powers conferred upon him by section 321 or 322, he shall inform the Court which made such order of the fact of such sale or exercise, and shall render accounts to such Court of his receipts and payments in respect of the said property, and shall hold the balance at the disposal of such Court.

Sale, &c., to be reported to Court by Collector.

Such balance (after deducting therefrom any debts due or liabilities incurred to Government by the judgment-debtor) shall be applied rateably in discharging the claims of all the decree-holders who have complied with the said notice; and no other person making any claim against the property so let or managed, or against such proceeds, shall be entitled to be paid thereout.

Application of balance.

326. When, in any local area in which no declaration under section 320 is in force, the property attached consists of land or of a share in land, and the Collector represents to the Court that the public sale of the land or share is objectionable, and that satisfaction of the decree may be made within a reasonable period by a temporary alienation or management of the land or share, the Court may authorize the Collector to provide for such satisfaction in the manner recommended by him, instead of proceeding to a sale of the land or share. The provisions of sections 322 to 325 (both inclusive) shall in such case apply to the Collector.

When Court may authorize Collector to stay public sale of land.

327. The Local Government may from time to time, with the sanction of the Governor General in Council, make special rules for any local area imposing conditions in respect of sale of any class of interests in land in execution of decrees for money, where such interests are so uncertain or undetermined as in the opinion of the Local Government to make it impossible to fix their value:

Local rules as to sales of land in execution of decrees for money.

and if, when this Code comes into operation in any local area, any special rules as to sale of land in execution of decrees are in force therein, the Local Government may continue such rules in force, or may

from

from time to time, with the sanction of the Governor General in Council, modify the same.

All rules so made or continued, and all such modifications of the same, shall be published in the local official Gazette, and shall thereupon have the force of law.

H.—Of Resistance to Execution.

Procedure in case of obstruction to execution of decree.

328. If in the execution of a decree for the possession of property, the officer charged with the execution of the warrant is resisted or obstructed by any person, the decree-holder may complain to the Court at any time within one month from the time of such resistance or obstruction.

The Court shall fix a day for investigating the complaint, and shall summon the party against whom the complaint is made to answer the same.

Procedure in case of obstruction by judgment-debtor or at his instigation.

329. If the Court is satisfied that the obstruction or resistance was occasioned by the judgment-debtor or by some person at his instigation, the Court shall inquire into the matter of the complaint, and pass such order as it thinks fit.

Procedure when obstruction continues.

330. If the Court is satisfied that the resistance or obstruction was without any just cause, and that the complainant is still resisted or obstructed in obtaining possession of the property by the judgment-debtor or some other person at his instigation, the Court may, at the instance of the decree-holder and without prejudice to any penalty to which such judgment-debtor or other person may be liable, under the Indian Penal Code or any other law, for such resistance or obstruction, commit the judgment-debtor or such other person to jail for a term which may extend to thirty days, and direct that the decree-holder be put into possession of the property.

Procedure in case of obstruction by claimant in good faith, other than

331. If the resistance or obstruction has been occasioned by any person other than the judgment-debtor claiming in good faith to be in possession of the property on his own account or on account of some person other than the judgment-debtor, the claim

claim shall be numbered and registered as a suit between the decree-holder as plaintiff and the claimant as defendant;

judgment-debtor.

and the Court shall, without prejudice to any proceedings to which the claimant may be liable under the Indian Penal Code or any other law for the punishment of such resistance or obstruction, proceed to investigate the claim in the same manner and with the like power as if a suit for the property had been instituted by the decree-holder against the claimant under the provisions of the Specific Relief Act, 1877, section 9,

and shall pass such order as it thinks fit for executing or staying execution of the decree.

332. If any person other than the defendant is dispossessed of any property in execution of a decree, and such person disputes the right of the decree-holder to dispossess him of such property under the decree, on the ground that the property was *bond fide* in his possession on his own account or on account of some person other than the judgment-debtor, and that it was not comprised in the decree, or that, if it was comprised in the decree, he was not a party to the suit in which the decree was passed, he may apply to the Court.

Procedure in case of person dispossessed of property disputing right of decree-holder to be put into possession.

If, after examining the applicant, it appears to the Court that there is probable cause for making the application, the application shall be numbered and registered as a suit between the applicant as plaintiff and the decree-holder as defendant, and the Court shall proceed to investigate the matter in dispute in the same manner and with the like power as if a suit for the property had been instituted by the applicant against the decree-holder under the provisions of the Specific Relief Act, 1877, section 9,

and shall pass such order as it thinks fit for executing or staying execution of the decree.

In hearing applications under this section, the Court shall confine itself to the grounds of dispute above specified.

*

Nothing

Nothing in this section or section 331 applies to a person to whom the judgment-debtor has transferred the property after the institution of the suit in which the decree is made.

Orders passed under sections 331 and 332 to have force of decrees, and to be subject to appeal.

333. The order passed under either of sections 331 and 332 shall be in the nature of, and shall have the same force as, a decree in a suit, and shall be subject to the same conditions as to appeal or otherwise.

Resisting or obstructing purchasers in obtaining possession of immoveable property.

334. If the purchaser of any immoveable property sold in execution of a decree be resisted or obstructed by the judgment-debtor or any one on his behalf in obtaining possession of the property, the provisions of this chapter relating to resistance or obstruction to a decree-holder in obtaining possession of the property adjudged to him, shall be applicable.

Obstruction by claimant other than judgment-debtor,

335. If it appear that the resistance or obstruction was occasioned by any person other than the judgment-debtor, not in possession of the property sold, but claiming a right thereto as proprietor, mortgagee, lessee or under any other title, the Court, on the complaint of the purchaser, shall enquire into the matter of the resistance or obstruction, and pass such order thereon as it thinks fit.

The party against whom such order is passed may institute a suit to establish the right which he claims to the present possession of the property; but subject to the result of such suit, if any, the order shall be conclusive.

I.—Of Arrest and Imprisonment.

Place of judgment-debtor's imprisonment.

336. A judgment-debtor may be arrested in execution of a decree at any hour and on any day, and shall as soon as practicable be brought before the Court, and his imprisonment may be in the civil jail of the district in which the Court ordering the imprisonment is situate, or, when such jail does not afford suitable accommodation, in any other place which the Local Government may appoint for the confinement of persons

persons ordered to be imprisoned by the Courts of such district :

Provided that no house shall be entered after sunset and before sunrise for the purpose of making an arrest under this section : Arrest in houses.

Provided also that when the decree in execution of which a judgment-debtor is arrested is a decree for money and the judgment-debtor pays the amount of the decree and the costs of the arrest to the officer arresting him, such officer shall at once release him. Proviso.

The Local Government may, by notification published in the official Gazette, direct that whenever a judgment-debtor is arrested in execution of a decree for money and brought before the Court under this section, the Court shall inform him that he may apply under chapter XX to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of his application and if he places all his property in possession of a receiver appointed by the Court.

If after such publication the judgment-debtor express his intention so to apply, and if he furnish sufficient security that he will appear when called upon, and that he will within one month apply under section 314 to be declared an insolvent, the Court shall release him from arrest :

But if he fails so to apply, the Court may either direct the security to be realised or commit him to jail in execution of the decree.

337. Every warrant for the arrest of the judgment-debtor shall direct the officer entrusted with its execution to bring him before the Court with all convenient speed, unless the amount which he has been ordered to pay, together with the interest thereon and the costs, if any, to which he is liable, be sooner paid. Warrant for arrest to direct judgment-debtor to be brought up.

338. The Local Government may from time to time prescribe scales, graduated according to rank, race and nationality, of monthly allowances payable for the subsistence of judgment-debtors. Scales of subsistence-allowances.

339. No

Judgment-debtor's subsistence-money.

339. No judgment-debtor shall be arrested in execution of a decree unless and until the decree-holder pays into court such sum as, having regard to the scales so fixed, the Judge thinks sufficient for the subsistence of the judgment-debtor from his arrest until he can be brought before the Court.

When a judgment-debtor is committed to jail in execution of a decree, the Court shall fix for his subsistence such monthly allowance as he may be entitled to according to the said scales, or where no such scales have been fixed, as it considers sufficient with reference to the class to which he belongs.

The monthly allowance fixed by the Court shall be supplied by the party on whose application the decree has been executed, to the proper officer of the Court by monthly payments in advance before the first day of each month.

The first payment shall be made for such portion of the current month as remains unexpired before the judgment-debtor is committed to jail.

Subsistence-money to be costs in suit.

340. Sums disbursed by the decree-holder for the subsistence of the judgment-debtor in jail shall be deemed to be costs in the suit :

Provided that the judgment-debtor shall not be detained in jail or arrested on account of any sum so disbursed.

Release of judgment-debtor.

341. The judgment-debtor shall be discharged from jail,

(a) on the decree being fully satisfied, or

(b) at the request of the person on whose application he has been imprisoned, or

(c) on such person omitting to pay the allowance as hereinbefore directed, or

(d) if the judgment-debtor be declared an insolvent, as hereinafter provided, or

(e) when the term of his imprisonment as limited by section 342 is fulfilled :

Provided that in the first, second, third and fourth cases mentioned in this section, the judgment-debtor shall

shall not be discharged without the order of the Court.

A judgment-debtor discharged under this section is not thereby discharged from his debt; but he cannot be re-arrested under the decree in execution of which he was imprisoned.

342. No person shall be imprisoned in execution of a decree for a longer period than six months;

Imprisonment not to exceed six months.

or for a longer period than six weeks if the decree be for the payment of a sum of money not exceeding fifty rupees.

When not to exceed six weeks.

343. The officer entrusted with the execution of the warrant shall endorse thereupon the day on, and the manner in, which it was executed; and if the latest day specified in the warrant for the return thereof has been exceeded, the reason of the delay; or if it was not executed, the reason why it was not executed, and shall return the warrant with such endorsement to the Court.

Endorsement on warrant.

If the endorsement is to the effect that such officer is unable to execute the warrant, the Court shall examine him on oath touching his alleged inability, and may, if it think fit, summon and examine witnesses as to such inability and shall record the result.

CHAPTER XX.

OF INSOLVENT JUDGMENT-DEBTORS.

344. Any person arrested or imprisoned in execution of a decree for money may apply in writing to be declared an insolvent.

Power to apply to be declared an insolvent.

Such application shall be made to the District Court which ordered his arrest or imprisonment, or when the District Court did not make such order, then to the District Court to which the Court that made the order is subordinate.

345. The

Contents of application.

345. The application shall set forth—

(a) the fact of such person's arrest or imprisonment, the Court by whose order he was arrested or imprisoned, and the place in which he is in custody;

(b) the amount, kind and particulars of his property, and the value of any such property not consisting of money;

(c) the place or places in which such property is to be found;

(d) his willingness to put it at the disposal of the Court;

(e) the amount and particulars of all pecuniary claims against him; and

(f) the names and residences of his creditors, so far as they are known to or can be ascertained by him.

Subscription and verification of application.

346. The application shall be subscribed and verified by the applicant in manner hereinbefore prescribed for subscribing and verifying plaints.

Service on decree-holder of copy of application and notice.

347. The Court shall fix a day for hearing the application, and shall cause a copy thereof, with a notice in writing of the time and place at which it will be heard, to be stuck up in Court and served at the applicant's expense on the holder of the decree in execution of which he was arrested or imprisoned, or on the pleader of such decree-holder, and on the other creditors (if any) mentioned in the application.

The Court may, if it thinks fit, publish at the applicant's expense the application in such official Gazettes and public newspapers as it thinks fit.

Power to serve other creditors.

348. The Court may also, if it thinks fit, cause a like copy and notice to be served on any other person alleging himself to be a creditor of the applicant and applying for leave to be heard on the application.

Powers of Court as to applicant under arrest.

349. Where the applicant is under arrest, the Court may, pending the hearing under section 350, order him to be immediately committed to jail; or
leave

leave him in the custody of the officer to whom the service of the warrant was entrusted.

350. On the day so fixed, or on any subsequent day to which the Court may adjourn the hearing, the Court shall examine the applicant, in the presence of the persons on whom such notice has been served or their pleaders, as to his then circumstances and as to his future means of payment, and shall hear the said decree-holder, the other creditors mentioned in the application and the other persons (if any) alleging themselves to be creditors, in opposition to the applicant's discharge; and may, if it thinks fit, grant time to the said decree-holder and other creditors or persons to adduce evidence showing that the applicant is not entitled to be declared an insolvent.

Procedure at hearing.

351. If the Court is satisfied—

(a) that the statements in the application are substantially true;

(b) that the applicant has not, with intent to defraud his creditors, concealed, transferred or removed any part of his property since the institution of the suit in which was passed the decree in execution of which he was arrested or imprisoned or at any subsequent time;

(c) that he has not, knowing himself to be unable to pay his debts in full, recklessly contracted debts or given an unfair preference to any of his creditors by any payment or disposition of his property;

(d) that he has not committed any other act of bad faith regarding the matter of the application,

the Court may declare him to be an insolvent, and may also, if it think fit, make an order appointing a receiver of his property, or if it does not appoint such receiver, may discharge the insolvent.

Declaration of insolvency and appointment of receiver.

352. The creditors mentioned in the application and the other persons (if any) alleging themselves to be creditors of the insolvent, shall then produce evidence of the amount and particulars of their respective pecuniary claims against him; and the Court shall by order determine the persons who have

Creditors to prove their debts.

proved

Schedule to
be framed.

proved themselves to be the insolvent's creditors and their respective debts; and shall frame a schedule of such persons and debts; and the declaration under section 351 shall be deemed to be a decree in favour of each of the said creditors for their said respective debts.

A copy of every such schedule shall be stuck up in the court-house.

Nothing in this section shall be deemed to entitle a partner in an insolvent-firm or, when he has died before the insolvency, his legal representative, to prove in competition with the creditors of the firm.

Applications
by unsched-
uled
creditors.

353. Any creditor of the insolvent who is not mentioned in such schedule may, within three months from its publication, apply to the Court for permission to produce evidence of the amount and particulars of his pecuniary claims against the insolvent, and in case the applicant proves himself to be a creditor of the insolvent, for an order directing his name to be inserted in the schedule as a creditor for the debt so proved.

Any creditor mentioned in the schedule may within three months from the publication of the schedule apply to the Court for an order altering the schedule so far as regards the amount, nature, or particulars of his own debt, or to strike out the name of another creditor, or to alter the schedule so far as regards the amount, nature, or particulars of the debt of another creditor.

In the case of any application under this section, the Court, after causing such notices as it thinks fit to be served, at the applicant's expense, on the insolvent and the other creditors and hearing their objections, if any, may comply with or reject the application.

Effect of
order ap-
pointing
Receiver.

354. Every order under section 351 shall be published in the local official Gazette and shall operate to vest in the Receiver all the insolvent's property (except the particulars specified in the first proviso to section 266), whether set forth in his application or not.

355. The

355. The Receiver so appointed shall give such security as the Court may direct and shall possess himself of all such property, except as aforesaid ;

Receiver to give security and collect assets.

and on his certifying that the insolvent has placed him in possession thereof, or has done everything in his power for that purpose, the Court may discharge the insolvent from arrest or imprisonment, as the case may be, upon such conditions (if any) as the Court thinks fit.

Discharge of insolvent.

356. The Receiver shall proceed under the direction of the Court—

Duty of Receiver.

(a) to convert the property into money :

(b) to pay thereout debts, fines and penalties (if any) due by the insolvent to Government :

(c) to pay the said decree-holder's costs :

(d) to distribute the balance among the scheduled creditors rateably according to the amounts of their respective debts, and without any preference ;

and such Receiver may retain as a remuneration for the performance of his duties a commission, to be fixed by the Court, not exceeding the rate of five per centum upon the amount of the balance so distributed (the amount of the commission so retained being deemed a distribution), and shall deliver the surplus, if any, to the insolvent or his legal representative.

His right to remuneration.

Delivery of surplus.

357. An insolvent discharged under section 355 shall not be arrested or imprisoned on account of any of the scheduled debts. But (subject to the provisions of section 358) his property, whether previously or subsequently acquired (except the particulars specified in the first proviso to section 266 and except the property vested in the Receiver), shall, by order of the Court, be liable to attachment and sale until the decrees against him held by the scheduled creditors are fully satisfied or become incapable of being executed.

Effect of discharge.

358. If the aggregate amount of the scheduled debts is two hundred rupees or a less sum, the Court may declare the insolvent discharged as aforesaid

When Court may declare insolvent absolved

absolved

from further liability.

absolved from further liability in respect of such debts.

Procedure in case of dishonest applicant.

359. Whenever, at the hearing under section 350, it is proved that the applicant has

(a) been guilty, in his application, of any concealment or of wilfully making any false statement as to the debts due by him, or respecting the property belonging to him, whether in possession or in expectancy, or held for him in trust;

(b) fraudulently concealed, transferred or removed any property; or

(c) committed any other act of bad faith regarding the matter of the application,

the Court shall, at the instance of any of his creditors, sentence him to imprisonment for a term which may extend to one year from the date of committal.

Or the Court may, if it think fit, send him to the Magistrate to be dealt with according to law.

Investment of other Courts with powers of District Courts. Transfer of cases.

360. The Local Government may, by notification in the official Gazette, invest any Court other than a District Court with the powers conferred on District Courts by sections 344 to 359 (both inclusive), and the District Judge may transfer to any Court situate in his district and so invested any case instituted under section 344.

Any Court so invested may entertain any application under section 344 by any person arrested in execution of a decree of such Court.

PART II.

OF INCIDENTAL PROCEEDINGS.

CHAPTER XXI.

OF THE DEATH, MARRIAGE AND INSOLVENCY OF PARTIES.

No abatement by party's death, if cause of action survive.

361. The death of a plaintiff or defendant shall not cause the suit to abate if the cause of action survives.

Illustrations.

Illustrations.

(a) A covenants with B and C to pay an annuity to B during C's life. B and C sue A to compel payment. B dies before the decree : the cause of action survives to C, and the suit does not abate.

(b) In the same case, all the parties die before decree. The cause of action survives to the representative of the survivor of B and C, and he may continue the suit against A's representative.

(c) A sues B for libel. A dies. The cause of action does not survive, and the suit abates.

(d) A, a member of a Hindú joint family under the Mitákshará law, institutes a suit for partition of the family-property. A dies leaving B, a minor son, his heir. The cause of action survives to B, and the suit does not abate.

362. If there be more plaintiffs or defendants than one, and any of them dies, and if the cause of action survives to the surviving plaintiff or plaintiffs alone, or against the surviving defendant or defendants alone, the Court shall cause an entry to that effect to be made on the record, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

Procedure in case of death of one of several plaintiffs or defendants, if cause of action survive.

363. If there be more plaintiffs than one, and any of them dies, and if the cause of action does not survive to the surviving plaintiff or plaintiffs alone, but survives to him or them and the legal representative of the deceased plaintiff jointly, the Court may, on the application of such legal representative, enter his name on the record in the place of such deceased plaintiff, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs and such legal representative.

Procedure in case of death of one of several plaintiffs where cause of action survives to survivors and representative of deceased.

364. If no application be made to the Court by any person claiming to be the legal representative of a deceased plaintiff, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs ;

Procedure where no application made by representative of deceased plaintiff.

and the legal representative (if any) of the deceased plaintiff shall be made a party and shall be interested in and bound by the decree passed in the

suit,

suit, in the same manner as if the suit had proceeded at his instance conjointly with the surviving plaintiff or plaintiffs.

Procedure in case of death of sole, or sole, surviving, plaintiff.

365. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, where the cause of action survives, on the application of the legal representative of the deceased, enter his name in the place of such plaintiff on the record, and the suit shall thereupon proceed.

Abatement where no application by representative of deceased plaintiff.

366. If no such application be made to the Court by any person claiming to be the legal representative of the deceased plaintiff, the Court may pass an order that the suit shall abate, and award to the defendant the costs which he may have incurred in defending the suit, to be recovered from the estate of the deceased plaintiff ;

or the Court may, if it think proper, on the application of the defendant, and upon such terms as to costs or otherwise as it thinks fit, pass such other order as it thinks fit for bringing in the legal representative of the deceased plaintiff, or for proceeding with the suit in order to a final determination of the matter in dispute, or for both those purposes.

Explanation.—A certificate of heirship, or a certificate to collect debts, does not of itself constitute the person holding it the legal representative of the deceased. But when the person holding any such certificate obtains thereby property belonging to the deceased, he may be treated as a legal representative liable in respect of such property.

Procedure in case of dispute as to representative of deceased plaintiff.

367. If any dispute arise as to who is the legal representative of a deceased plaintiff, the Court may either stay the suit until the fact has been determined in another suit, or decide at or before the hearing of the suit who shall be admitted to be such legal representative for the purpose of prosecuting the suit.

Procedure in case of death

368. If there be more defendants than one, and any of them die before decree and the cause of action does

does not survive against the surviving defendant or defendants alone,

of one of several defendants, or of sole or sole surviving defendant.

and also in case of the death of a sole defendant, or sole surviving defendant, where the right to sue survives,

the plaintiff may make an application to the Court, specifying the name, description and place of abode of any person whom he alleges to be the legal representative of the deceased defendant, and whom he desires to be made the defendant in his stead.

The Court shall thereupon enter the name of such representative on the record in the place of such defendant,

and shall issue a summons to such representative to appear on a day to be therein mentioned to defend the suit ;

and the case shall thereupon proceed in the same manner as if such representative had originally been made a defendant and had been a party to the former proceedings in the suit :

Provided that the person so made defendant may object that he is not the legal representative of the deceased defendant, or may make any defence appropriate to his character as such representative.

369. The marriage of a female plaintiff or defendant shall not cause the suit to abate, but the suit may notwithstanding be proceeded with to judgment, and where the decree is against a female defendant, it may thereupon be executed against her alone.

Suit not abated by marriage of female party.

If the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may with such permission be issued upon the application of the husband, where the husband is by law entitled to the subject-matter of the decree.

370. The bankruptcy or insolvency of a plaintiff in any suit which his assignee or the receiver appointed

When plaintiff's bankruptcy

or insolvency bars suit.

pointed under section 351 might maintain for the benefit of his creditors shall not bar the suit, unless such assignee or receiver declines to continue the suit and to give security for the costs thereof within such time as the Court may order.

Procedure when assignee fails to continue suit or give security.

If the assignee or receiver neglect or refuse to continue the suit and to give such security within the time so ordered, the defendant may apply for the dismissal of the suit on the ground of the plaintiff's bankruptcy or insolvency, and the Court may dismiss the suit and award to the defendant the costs which he has incurred in defending the same, to be proved as a debt against the plaintiff's estate.

Effect of abatement or dismissal.

371. When a suit abates or is dismissed under this chapter, no fresh suit shall be brought on the same cause of action.

Application to set aside abatement or dismissal.

But the person claiming to be the legal representative of the deceased bankrupt or insolvent plaintiff, may apply for an order to set aside the order for abatement or dismissal; and if it be proved that he was prevented by any sufficient cause from continuing the suit, the Court shall set aside the abatement or dismissal upon such terms as to costs or otherwise as it thinks fit.

Procedure in case of assignment pending the suit.

372. In other cases of assignment, creation or devolution of any interest pending the suit, the suit may, with the leave of the Court, given either with the consent of all parties or after service of notice in writing upon them, and hearing their objections, if any, be continued by or against the person to whom such interest has come, either in addition to or in substitution for the person from whom it has passed, as the case may require.

CHAPTER XXII.

OF THE WITHDRAWAL AND ADJUSTMENT OF SUITS.

Power to allow plaintiff to withdraw

373. If, at any time after the institution of the suit, the Court is satisfied on the application of the plaintiff (a) that the suit must fail by reason of some formal

formal defect, or (b) that there are sufficient grounds for permitting him to withdraw from the suit or to abandon part of his claim with liberty to bring a fresh suit for the subject-matter of the suit or for the part so abandoned, the Court may grant such permission on such terms as to costs or otherwise as it thinks fit.

with liberty to bring fresh suit.

If the plaintiff withdraw from the suit, or abandon part of his claim, without such permission, he shall be liable for such costs as the Court may award, and shall be precluded from bringing a fresh suit for the same matter.

Nothing in this section shall be deemed to authorize the Court to permit one of several plaintiffs to withdraw without the consent of the others.

374. In any fresh suit instituted on permission granted under the last preceding section, the plaintiff shall be bound by the law of limitation in the same manner as if the first suit had not been brought.

Limitation-law not affected by first suit.

375. If a suit be adjusted by any lawful agreement or compromise, or if the defendant satisfy the plaintiff in respect to the matter of the suit, such agreement, compromise or satisfaction shall be recorded, and the Court shall pass a decree in accordance therewith so far as it relates to the suit, and such decree shall be final.

Compromise of suits.

CHAPTER XXIII.

OF PAYMENT INTO COURT.

376. The defendant in any suit to recover a debt or damages, may, at any stage of the suit, deposit in court such sum of money as he considers a satisfaction in full of the claim.

Deposit by defendant of amount in satisfaction of claim.

377. Notice of the deposit shall be given by the defendant to the plaintiff, and the amount of the deposit shall (unless the Court otherwise directs) be paid to the plaintiff on his application.

Notice of deposit.

378. No interest shall be allowed to the plaintiff on any sum deposited by the defendant from the date of the receipt of such notice, whether the sum deposited be in full of the claim or fall short thereof.

Interest on deposit not allowed to plaintiff after notice.

379. If

Procedure where plaintiff accepts deposit as satisfaction in part.

379. If the plaintiff accept such amount only as satisfaction in part of his claim, he may prosecute his suit for the balance; and if the Court decides that the deposit by the defendant was a full satisfaction of the plaintiff's claim, the plaintiff must pay the costs of the suit incurred after the deposit and the costs incurred previous thereto, so far as they were caused by excess in the plaintiff's claim.

Procedure where he accepts it as satisfaction in full.

If the plaintiff accept such amount as satisfaction in full of his claim, he shall present to the Court a statement to that effect, and such statement shall be filed and the Court shall pass judgment accordingly, and in directing by whom the costs of each party are to be paid, the Court shall consider which of the parties is most to blame for the litigation.

Illustrations.

(a) A owes B Rs. 100. B sues A for the amount, having made no demand for payment and having no reason to believe that the delay caused by making a demand would place him at a disadvantage. On the plaint being filed, A pays the money into court. B accepts it in full satisfaction of his claim, but the Court should not allow him any costs, the litigation being presumably groundless on his part.

(b) B sues A under the circumstances mentioned in illustration (a). On the plaint being filed, A disputes the claim. Afterwards A pays the money into court. B accepts it in full satisfaction of his claim. The Court should also give B his costs of suit, A's conduct having shewn that the litigation was necessary.

(c) A owes B Rs. 100 and is willing to pay him that sum without suit. B claims Rs. 150 and sues A for that amount. On the plaint being filed, A pays Rs. 100 into court and disputes only his liability to pay the remaining Rs. 50. B accepts the Rs. 100 in full satisfaction of his claim. The Court should order him to pay A's costs.

CHAPTER XXIV.

OF REQUIRING SECURITY FOR COSTS.

When security for costs may be required from plaintiff at

380. If, at the institution or at any subsequent stage of a suit, it appears to the Court that a sole plaintiff is, or (when there are more plaintiffs than one) that all the plaintiffs are, residing out of British

India

India, and that such plaintiff does not, or that no one of such plaintiffs does, possess any sufficient immovable property within British India independent of the property in suit, the Court may, either of its own motion or on the application of any defendant, order the plaintiff or plaintiffs, within a time to be fixed by the order, to give security for the payment of all costs incurred and likely to be incurred by any defendant.

any stage of suit.

381. In the event of such security not being furnished within the time so fixed, the Court shall dismiss the suit unless the plaintiff or plaintiffs be permitted to withdraw therefrom under the provisions of section 373.

Effect of failure to furnish security.

382. Whoever leaves British India under such circumstances as to afford reasonable probability that he will not be forthcoming whenever he may be called upon to pay costs shall be deemed to be residing out of British India, within the meaning of section 380.

Residence out of British India.

CHAPTER XXV.

OF COMMISSIONS.

A.—Commissions to examine Witnesses.

383. Any Court may in any suit issue a commission for the examination on interrogatories or otherwise of persons resident within the local limits of its jurisdiction, who are exempted under this Code from attending the Court, or who are from sickness or infirmity unable to attend it.

Cases in which Court may issue commission to examine witness.

384. Such order may be made by the Court either of its own motion, or on the application, supported by affidavit, of any party to the suit or of the witness to be examined.

Order for commission.

385. The commission for the examination of a person who resides within the local limits of the jurisdiction of the Court issuing the same, may be issued to any person whom the Court thinks fit to execute the same.

When witness resides within Court's jurisdiction.

386. Any

Persons for whose examination commission may issue.

386. Any Court may in any suit issue a commission for the examination of—

(a) any person resident beyond the local limits of its jurisdiction ;

(b) persons who are about to leave such limits before the date on which they are required to be examined in Court; and

(c) civil and military officers of Government who cannot, in the opinion of the Judge, attend the Court without detriment to the public service.

Such commission shall ordinarily be issued to any Court not being a High Court, within the local limits of whose jurisdiction such person resides, and which can most conveniently execute the same :

Court to which commission to issue in case of resident within Presidency-town or Rangoon.

Provided that if he resides beyond the local limits of the jurisdiction of the Court issuing the commission and within the towns of Calcutta, Madras, Bombay or Rangoon, the commission shall be issued to the Court of Small Causes within whose jurisdiction he resides :

Provided also that, under special circumstances, the commission may be directed to any person whom the Court issuing the commission thinks fit to appoint.

The Court on issuing any commission under this section shall direct whether the commission shall be returned to itself or to any subordinate Court.

Commission to examine witness not within British India.

387. When any Court to which application is made for the issue of a commission for the examination of a person residing at any place not within British India is satisfied that his evidence is necessary, the Court may issue such commission.

Court to examine witness pursuant to commission.

388. Every Court receiving a commission for the examination of any person shall examine him pursuant thereto.

Return of commission with depositions of witnesses.

389. After the commission has been duly executed, it shall be returned, together with the evidence taken under it, to the Court out of which it issued, unless the order for issuing the commission has other-

wise

wise directed, in which case the commission shall be returned in terms of such order; and the commission and the return thereto, and the evidence taken under it, shall (subject to the provisions of the next following section) form part of the record of the suit.

390. Evidence taken under a commission shall not be read as evidence in the suit without the consent of the party against whom the same is offered, unless

When depositions may be read in evidence.

(a) the person who gave the evidence is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or exempted from personal appearance in Court, or

(b) the Court in its discretion dispenses with the proof of any of the circumstances mentioned in the last preceding clause, and authorizes the evidence of any person being read as evidence in the suit, notwithstanding proof that the cause for taking such evidence by commission has ceased at the time of reading the same.

391. The provisions hereinbefore contained as to the execution and return of commissions shall apply to commissions issued by

Provisions as to execution and return of commissions to apply to commissions issued by foreign Courts.

(a) Courts situate beyond the limits of British India and established by the authority of Her Majesty or of the Governor General in Council, or

(b) Courts situate in any part of the British Empire other than British India, or

(c) Courts of any foreign country for the time being in alliance with Her Majesty.

B.—Commissions for local Investigations.

392. In any suit or proceeding in which the Court deems a local investigation to be requisite or proper for the purpose of elucidating any matter in dispute, or of ascertaining the market-value of any property, or the amount of any mesne profits or damages or annual nett profits, and the same cannot be conveniently conducted by the Judge in person, the Court may issue a commission to such person as it thinks fit, directing him to make such investigation and to report thereon to the Court :

Commission to make local investigations.

Provided

Provided that, when the Local Government has made rules as to the persons to whom such commission shall be issued, the Court shall be bound by such rules.

Procedure of Commissioner.

393. The Commissioner, after such local inspection as he deems necessary, and after reducing to writing the evidence taken by him, shall return such evidence, together with his report in writing, subscribed with his name, to the Court.

Report and depositions to be evidence in suit.

The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the suit and shall form part of the record ; but the Court, or, with the permission of the Court, any of the parties to the suit, may examine the Commissioner personally in open Court touching any of the matters referred to him or mentioned in his report, or as to the manner in which he has made the investigation.

Commissioner may be examined in person.

C.—Commissions to examine Accounts.

Commission to examine or adjust accounts.

394. In any suit in which an examination or adjustment of accounts is necessary, the Court may issue a commission to such person as it thinks fit directing him to make such examination or adjustment.

Court to give Commissioner necessary instructions.

395. The Court shall furnish the Commissioner with such part of the proceedings and such detailed instructions as appear necessary,

and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his examination.

Court to receive Commissioner's proceedings or direct further inquiry.

The proceedings of the Commissioner shall be received in evidence in the suit, unless the Court has reason to be dissatisfied with them, in which case the Court shall direct such further inquiry as is requisite.

D.—Commission to make Partition.

Commission to make partition of

396. In any suit in which the partition of immoveable property not paying revenue to Government appears

appears to the Court to be necessary, the Court, after ascertaining the several parties interested in such property and their several rights therein, may issue a commission to such persons as it thinks fit to make a partition according to such rights.

non-revenue-paying immoveable property.

The Commissioners shall ascertain and inspect the property, and shall divide the same into as many shares as may be directed by the order under which the commission issues, and shall allot such shares to the parties, and may, if authorized thereto by the said order, award sums to be paid for the purpose of equalizing the value of the shares.

Procedure of commissioners.

The Commissioners shall then prepare and sign a report, or (if they cannot agree) separate reports, appointing the share of each party, and distinguishing each share (if so directed by the said order) by metes and bounds. Such report or reports shall be annexed to the commission and transmitted to the Court: and the Court, after hearing any objections which the parties may make to the report or reports, shall either quash the same and issue a new commission, or (where the Commissioners agree in their report) pass a decree in accordance therewith.

E.—General Provisions.

397. Before issuing any commission under this chapter, the Court may order such sum (if any) as it thinks reasonable for the expenses of the commission to be paid into court by the party at whose instance or for whose benefit the commission is issued.

Expenses of commission to be paid into Court.

398. Any Commissioner appointed under this chapter may, unless otherwise directed by the order of appointment,

Powers of Commissioners.

(a) examine the parties themselves and any witness whom they or any of them may produce, and any other person whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him :

(b) call for and examine documents and other things relevant to the subject of inquiry :

(c) at any reasonable time enter upon or into any land or building mentioned in the order.

399. The

Attendance, examination and punishment of witnesses before Commissioner.

399. The provisions of this Code relating to the summoning, attendance and examination of witnesses and to the remuneration of, and penalties to be imposed upon, witnesses, shall apply to persons required to give evidence or to produce documents under this chapter, whether the commission in execution of which they are so required has been issued by a Court situate within, or by a Court situate beyond, the limits of British India.

Court to direct parties to appear before Commissioner.

400. Whenever a commission is issued under this chapter the Court shall direct that the parties to the suit shall appear before the Commissioner in person or by their agents or pleaders.

Procedure *ex parte*.

If the parties do not so appear, the Commissioner may proceed *ex parte*.

PART III.

OF SUITS IN PARTICULAR CASES.

CHAPTER XXVI.

SUITS BY PAUPERS.

Suits may be brought in *forma pauperis*.

401. Subject to the following rules, any suit may be brought by a pauper.

Explanation.—A person is a 'pauper' when he is not possessed of sufficient means to enable him to pay the fee prescribed by law for the plaint in such suit, or, where no such fee is prescribed, when he is not entitled to property worth one hundred rupees other than his necessary wearing apparel and the subject-matter of the suit.

What suits excepted.

402. No suit shall be brought by a pauper to recover compensation for loss of caste, libel, slander, abusive language or assault.

Application to be in writing. Contents of application.

403. The application for permission to sue by a pauper shall be in writing, and shall contain the particulars required by section 50 in regard to plaints in suits: a schedule of any moveable or immoveable property belonging to the petitioner, with the estimated value thereof, shall be annexed thereto; and it shall be subscribed and verified in the manner hereinbefore

before prescribed for the subscription and verification of plaints.

404. Notwithstanding anything contained in section 36, the application shall be presented to the Court by the applicant in person unless he is exempted from appearing in Court under section 640 or 641, in which case the application may be presented by a duly authorized agent, who can answer all material questions relating to the application, and who may be examined in the same manner as the party represented by him might have been examined had such party attended in person.

Presentation of application.

405. If the application be not framed or presented in the manner prescribed by sections 403 and 404, the Court shall reject it.

Rejection of application.

406. If the application be in proper form and duly presented, the Judge shall examine the petitioner, or his agent when the applicant is allowed to appear by agent, regarding the merits of the claim and the property of the applicant.

Examination of applicant.

When the application is presented by an agent, the Court may, if it thinks fit, order that the applicant be examined by a commission in the manner in which the examination of an absent witness may be taken under the provisions of this Code.

If presented by agent, Court may order applicant to be examined by commission.

407. If it appear to the Court upon such examination

Rejection of application.

(a) that the applicant is not a pauper, or

(b) that he has, within the two months next before the presentation of the application, disposed of any property fraudulently or with a view to obtain the benefit of this chapter, or

(c) that his allegations do not shew a right to sue in such Court, or

(d) that he has entered into any agreement with reference to the subject-matter of the proposed suit under which any other person has obtained an interest in such subject-matter, the Court shall reject the application.

408. If

Notice of day
for receiving
evidence of
applicant's
pauperism.

408. If upon such examination the Court sees no reason to refuse the application on any of the grounds stated in section 407, it shall fix a day (of which at least ten days' previous notice shall be given to the opposite party and the Government Pleader) for receiving such evidence as the applicant may adduce in proof of his pauperism, and for hearing any evidence which may be adduced in disproof thereof.

Procedure at
hearing.

409. On the day so fixed, or as soon thereafter as may be convenient, the Court shall examine the witnesses (if any) produced by either party, and may cross-examine the applicant or his agent, and shall make a memorandum of the substance of their evidence.

The Court shall also hear any argument which the parties may desire to offer on the question whether, on the face of the application and of the evidence (if any) taken by the Court as herein provided, the applicant is or is not subject to any of the prohibitions specified in section 407.

The Court shall then either allow or refuse to allow the applicant to sue as a pauper.

Procedure if
application
admitted.

410. If the application be granted, it shall be numbered and registered, and shall be deemed the plaint in the suit, and the suit shall proceed in all other respects as a suit instituted under chapter V, except that the plaintiff shall not be liable to any court-fee (other than fees payable for service of process) in respect of any petition, appointment of a pleader, or other proceeding connected with the suit.

Costs when,
pauper
succeeds.

411. If the plaintiff succeed in the suit, the Court shall calculate the amount of court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper; and such amount shall be a first charge on the subject-matter of the suit, and shall also be recoverable by the Government from any party ordered by the decree to pay the same, in the same manner as costs of suit are recoverable under this Code.

Recovery of
court-fees.

Procedure
when pauper
fails.

412. If the plaintiff fails in the suit, or if he is dispaupered, the Court shall order the plaintiff, or any person

person made under section 32 co-plaintiff to the suit, to pay the court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper ;

and if it find that the suit was frivolous or vexatious, it may also punish the plaintiff with fine not exceeding one hundred rupees, or with imprisonment for a term which may extend to a month, or with both.

413. Refusal to allow the applicant to sue as a pauper shall be a bar to any subsequent application of the like nature by him in respect of the same right to sue; but the applicant shall be at liberty to institute a suit in the ordinary manner in respect of such right, provided that he first pays the costs (if any) incurred by Government in opposing his application for leave to sue as a pauper.

Refusal to allow applicant to sue as pauper to bar subsequent application of like nature.

414. The Court may, on motion by the defendant, or by the Government Pleader, of which one week's notice in writing has been given to the plaintiff, order the plaintiff to be dispaupered—

Dispaupering.

- (a) if he is guilty of vexatious or improper conduct in the course of the suit;
- (b) if it appears that his means are such that he ought not to continue to sue as a pauper, or
- (c) if he has entered into any agreement with reference to the subject-matter of the suit, under which any other person has obtained an interest in such subject-matter.

415. The costs of an application for permission to sue as a pauper and of an inquiry into pauperism are costs in the suit.

Costs.

CHAPTER XXVII.

SUITS BY OR AGAINST GOVERNMENT OR PUBLIC OFFICERS.

416. Suits by or against the Government shall be instituted by or against (as the case may be) the Secretary of State for India in Council.

Suits by or against Secretary of State in Council.

417. Persons

Persons authorized to act for Government.

417. Persons being *ex officio* or otherwise authorized to act for Government in respect of any judicial proceeding, shall be deemed to be the recognized agents by whom appearances, acts and applications under this Code may be made or done on behalf of Government.

Plaints in suits by Secretary of State in Council.

418. In suits by the Secretary of State for India in Council, instead of inserting in the plaint the name and description and place of abode of the plaintiff, it shall be sufficient to insert the words "The Secretary of State for India in Council."

Agent of Government to receive process.

419. The Government Pleader in any Court shall be the agent of the Government for the purpose of receiving processes against the said Secretary of State in Council issuing out of such Court.

Appearance and answer by Secretary of State in Council.

420. The Court, in fixing the day for the said Secretary of State in Council to answer to the plaint, shall allow a reasonable time for the necessary communication with the Government through the proper channels, and for the issue of instructions to the Government Pleader to appear and answer on behalf of the said Secretary of State in Council or the Government, and may extend the time at its discretion.

Attendance of person able to answer questions relating to suit against Government.

421. The Court may also in any case in which the Government Pleader is not accompanied by any person on the part of the said Secretary of State in Council, who may be able to answer any material questions relating to the suit, direct the attendance of such a person.

Service on public officers.

422. Where the defendant is a public officer, the Court may send a copy of the summons to the head of the office in which the defendant is employed, for the purpose of being served on him, if it appear to the Court that the summons may be most conveniently so served.

Extension of time to enable officer to make reference to Government.

423. If the public officer on receiving the summons considers it proper to make a reference to the Government before answering to the plaint, he may apply to the Court to grant such extension of the time fixed in the summons as may be necessary to enable him

him to make such reference and to receive orders thereon through the proper channel ;

and the Court upon such application may extend the time for so long as appears to be requisite.

424. No suit shall be instituted against the said Secretary of State in Council or against a public officer until the expiration of two months next after notice in writing has been in the case of the Secretary of State in Council delivered to, or left at the office of, a Secretary to the Local Government or the Collector of the District, and, in the case of a public officer, delivered to him or left at his office, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left.

Notice previous to suing Secretary of State in Council or public officer.

425. No warrant of arrest shall be issued in such suit without the consent in writing of the District Judge.

Arrests in such suits.

426. If the Government undertake the defence of a suit against a public officer, the Government Pleader, upon being furnished with authority to appear and answer to the plaint, shall apply to the Court, and upon such application the Court shall cause a note of his authority to be entered in the register.

Application where Government undertakes defence.

427. If such application is not made by the Government Pleader on or before the day fixed in the notice for the defendant to appear and answer to the plaint, the case shall proceed as in a suit between private parties, except that the defendant shall not be liable to arrest, nor his property to attachment, otherwise than in execution of a decree.

Procedure where no such application made. Defendant not liable to arrest before judgment.

428. In a suit against a public officer the Court shall exempt the defendant from appearing in person when he satisfies the Court that he cannot absent himself from his duty without detriment to the public service.

Exemption of public officers from personal appearance.

429. When the decree is against the said Secretary of State in Council or against a public officer, a
time

Procedure where decree is against

Government
or a public
officer.

time shall be specified in the decree within which it shall be satisfied; and if the decree is not satisfied within the time so specified, the Court shall report the case for the orders of the Local Government.

Execution shall not issue on any such decree unless it remains unsatisfied for the period of three months computed from the date of the report.

CHAPTER XXVIII.

SUITS BY ALIENS AND BY OR AGAINST FOREIGN AND NATIVE RULERS.

When aliens
may sue.

430. Alien enemies residing in British India with the permission of the Governor General in Council and alien friends may sue in the Courts of British India as if they were subjects of Her Majesty.

No alien enemy residing in British India without such permission, or residing in a foreign country, shall sue in any of such Courts.

Explanation.—Every person residing in a foreign country, the Government of which is at war with the United Kingdom of Great Britain and Ireland and carrying on business in that country without a license in that behalf under the hand of one of Her Majesty's Secretaries of State or of a Secretary to the Government of India, shall, for the purpose of the second paragraph of this section, be deemed to be an alien enemy residing in a foreign country.

When a for-
eign State
may sue.

431. A foreign State may sue in the Courts of British India, provided that—

(a) it has been recognized by Her Majesty or the Governor General in Council, and

(b) the object of the suit is to enforce the private rights of the head or of the subjects of the foreign State.

The Court shall take judicial notice of the fact that a foreign State has not been recognized by Her Majesty or by the Governor General in Council.

432. Persons

432. Persons specially appointed by order of Government at the request of any Sovereign Prince or ruling Chief, whether in subordinate alliance with the British Government or otherwise, and whether residing within or without British India, to prosecute or defend any suit on his behalf, shall be deemed to be the recognized agents by whom appearances, acts and applications under this Code may be made or done on behalf of such Prince or Chief.

Persons specially appointed by Government to prosecute or defend for Princes or Chiefs.

433. Any such Prince or Chief, and any ambassador or envoy of a foreign State may, with the consent of Government certified by the signature of one of its Secretaries (but not without such consent) be sued in any competent Court not subordinate to a District Court;

Suits against Sovereign Princes, &c.

Such consent shall not be given unless—

(a) the Prince, Chief, ambassador or envoy has instituted a suit in such Court against the person desiring to sue him; or

(b) the Prince, Chief, ambassador or envoy by himself or another trades within the local limits of the jurisdiction of such Court; or

(c) the subject-matter of the suit is immoveable property situate within the said local limits and in the possession of the Prince, Chief, ambassador or envoy.

No such Prince, Chief, ambassador or envoy shall be arrested under this Code; and no decree shall be executed against the property of any such Prince, Chief, ambassador or envoy unless with consent of Government certified as aforesaid.

Sovereign Princes, &c., exempt from arrest.

When their property may be attached.

434. The Governor General in Council may from time to time, by notification in the *Gazette of India*,

Execution in British India of decrees of Courts of Native States.

(a) declare that the decrees of any Courts situate in the territories of any Native Prince or State in alliance with Her Majesty, and not established by the authority of the Governor General in Council, may be executed in British India as if they had been made by the Courts of British India, and

(b) cancel any such declaration.

So

So long as such declaration remains in force, the said decrees may be executed accordingly.

CHAPTER XXIX.

SUITS BY AND AGAINST CORPORATIONS AND COMPANIES.

Subscription and verification of plaint.

435. In suits by a Corporation, or by a Company authorized to sue and be sued in the name of an officer or of a trustee, the plaint may be subscribed and verified on behalf of the Corporation or Company by any director, secretary or other principal officer of the Corporation or Company, who is able to depose to the facts of the case.

Service on Corporation or Company.

436. When the suit is against a Corporation, or against a Company authorized to sue and be sued in the name of an officer or of a trustee, the summons may be served

(a) by leaving it at the registered office (if any) of the Corporation or Company, or

(b) by sending it by post in a letter addressed to such officer or trustee at the office (or if there be more offices than one, at the principal office in British India) of the Corporation or Company, or

(c) by giving it to any director, secretary or other principal officer of the Corporation or Company,

and the Court may require the personal appearance of any director, secretary or other principal officer of the Corporation or Company who may be able to answer material questions relating to the suit.

CHAPTER XXX.

SUITS BY AND AGAINST TRUSTEES, EXECUTORS AND ADMINISTRATORS.

Representation of beneficiaries in suits concerning property

437. In all suits concerning property vested in a trustee, executor or administrator, the trustee, executor or administrator shall represent the persons beneficially interested in such property; and it shall not ordinarily

ordinarily be necessary to make such persons parties to the suit. But the Court may, if it think fit, order them or any of them to be made such parties.

vested in trustees, &c.

438. When there are several executors or administrators, they shall all be made parties to a suit against one or more of them :

Joinder of executors and administrators.

Provided that executors who have not proved their testator's will, and executors and administrators beyond the local limits of the jurisdiction of the Court, need not be made parties.

439. Unless the Court directs otherwise, the husband of a married administratrix or executrix shall not be a party to a suit by or against her.

Husband of married executrix not to join.

CHAPTER XXXI.

SUITS BY AND AGAINST MINORS AND PERSONS OF UNSOUND MIND.

440. Every suit by a minor shall be instituted in his name by an adult person, who in such suit shall be called the next friend of the minor, and may be ordered to pay any costs in the suit as if he were the plaintiff.

Minor must sue by next friend.

Costs.

441. Every application to the Court on behalf of a minor (other than an application under section 449) shall be made by his next friend, or his guardian for the suit.

Applications to be made by next friend or guardian *ad litem*.

442. If a plaint be filed by or on behalf of a minor without a next friend, the defendant may apply to have the plaint taken off the file, with costs to be paid by the pleader or other person by whom it was presented. Notice of such application shall be given to such person by the defendant; and the Court, after hearing his objections, if any, may make such order in the matter as it thinks fit.

Plaint filed without next friend to be taken off the file.

Costs.

443. Where the defendant to a suit is a minor, the Court, on being satisfied of the fact of his minority, shall appoint a proper person to be guardian for the suit for such minor, to put in the defence for such

Guardian *ad litem* to be appointed by the Court.

minor,

minor, and generally to act on his behalf in the conduct of the case.

A guardian for the suit is not a guardian of person or property within the meaning of the Indian Majority Act, 1875, section 3.

Order obtained without next friend or guardian may be discharged.

444. Every order made in a suit or on any application before the Court, in or by which a minor is in any way concerned or affected, without such minor being represented by a next friend or guardian for the suit, as the case may be, may be discharged, and, if the pleader of the party at whose instance such order was obtained knew, or might reasonably have known, the fact of such minority, with costs to be paid by such pleader.

Costs.

Who may be next friend.

445. Any person being of sound mind and full age may act as next friend of a minor, provided his interest is not adverse to that of such minor, and he is not a defendant in the suit.

Removal of next friend.

446. If the interest of the next friend of a minor is adverse to that of such minor, or if he is so connected with a defendant whose interest is adverse to that of the minor, as to make it unlikely that the minor's interest will be properly protected by him, or if he does not do his duty, or, pending the suit, ceases to reside within British India, or for any other sufficient cause, application may be made on behalf of the minor or by a defendant for his removal; and the Court (if satisfied of the sufficiency of the cause assigned) may order the next friend to be removed accordingly.

Retirement of next friend.

447. Unless otherwise ordered by the Court, a next friend shall not retire at his own request without first procuring a fit person to be put in his place, and giving security for the costs already incurred.

Application for appointment of new next friend.

The application for the appointment of a new next friend shall be supported by affidavit shewing the fitness of the person proposed, and also that he has no interest adverse to the minor.

448. On

448. On the death or removal of the next friend of a minor, further proceedings shall be stayed until the appointment of a next friend in his place.

Stay of proceedings on death or removal of next friend.

449. If the pleader of such minor omits, within reasonable time, to take steps to get a new next friend appointed, any person interested in the minor or the matter at issue may apply to the Court for the appointment of one, and the Court may appoint such person as it thinks fit.

Application for appointment of new next friend.

450. A minor plaintiff, or a minor not a party to a suit on whose behalf an application is pending, on coming of age must elect whether he will proceed with the suit or application.

Course to be followed by minor plaintiff or applicant on coming of age.

451. If he elects to proceed with it, he shall apply for an order discharging the next friend, and for leave to proceed in his own name.

Where he elects to proceed.

The title of the suit or application shall in such case be corrected so as to read thenceforth thus :

“*A. B.*, late a minor, by *C. D.*, his next friend, but now of full age.”

452. If he elects to abandon the suit or application, he shall, if a sole plaintiff, or sole applicant, apply for an order to dismiss the suit or application on repayment of the costs incurred by the defendant or respondent, or which may have been paid by his next friend.

Where he elects to abandon.

Costs.

453. Any application under section 451 or section 452 may be made *ex parte*; and it must be proved by affidavit that the late minor has attained his full age.

Making and proving applications under sections 451, 452.

454. A minor co-plaintiff on coming of age, and desiring to repudiate the suit must apply to have his name struck out as co-plaintiff; and the Court, if it find that he is not a necessary party, shall dismiss him from the suit on such terms as to costs or otherwise as it thinks fit.

When minor co-plaintiff coming of age desires to repudiate suit.

Notice of the application shall be served on the next friend, as well as on the defendant; and it must be proved by affidavit that the late minor has attained

his

Costs.

his full age. The costs of all parties of such application, and of all or any proceedings theretofore had in the suit, shall be paid by such persons as the Court directs.

If the late minor be a necessary party to the suit, the Court may direct him to be made a defendant.

When suit unreasonable or improper.

455. If any minor on attaining majority can prove to the satisfaction of the Court that a suit instituted in his name by a next friend was unreasonable or improper, he may, if a sole plaintiff, apply to have the suit dismissed.

Costs.

Notice of the application shall be served on all the parties concerned: and the Court, upon being satisfied of such unreasonableness or impropriety, may grant the application, and order the next friend to pay the costs of all parties in respect of the application and of anything done in the suit.

Petition for appointment of guardian *ad litem*.

456. An order for the appointment of a guardian for the suit may be obtained upon application in the name of the minor. Such application must be supported by an affidavit verifying the fact that the proposed guardian has no interest in the matters in question in the suit adverse to that of the minor, and that he is a fit person to be so appointed.

Who may be guardian *ad litem*.

457. A co-defendant of sound mind and of full age may be appointed guardian for the suit, if he has no interest adverse to that of the minor; but neither a plaintiff, nor a married woman, can be so appointed.

Guardian neglecting his duty may be removed.

458. If the guardian for the suit of a minor defendant does not do his duty, or if other sufficient ground be made to appear, the Court may remove him, and may order him to pay such costs as may have been occasioned to any party by his breach of duty.

Costs.

Appointment in place of guardian dying *pendente lite*.

459. If the guardian for the suit dies pending such suit or is removed by the Court, the Court shall appoint a new guardian in his place.

Guardian, *ad litem* of minor repre-

460. When the enforcement of a decree is applied for against the heir or representative, being a minor,

minor, of a deceased party, a guardian for the suit of such minor shall be appointed by the Court, and the decree-holder shall serve on such guardian notice of such application.

representative of deceased judgment-debtor.

461. No sum of money or other thing shall be received or taken by a next friend or guardian for the suit on behalf of a minor, at any time before decree or order, unless he has first obtained the leave of the Court, and given security to its satisfaction that such money or other thing shall be duly accounted for to, and held for the benefit of, such minor.

Before decree, next friend or guardian *ad litem* not to receive money without leave of Court and giving security.

462. No next friend or guardian for the suit shall, without the leave of the Court, enter into any agreement or compromise on behalf of a minor, with reference to the suit in which he acts as next friend or guardian.

Next friend or guardian *ad litem* not to compromise without leave of Court.

Any such agreement or compromise entered into without the leave of the Court shall be voidable against all parties other than the minor.

Compromise without leave voidable.

463. The provisions contained in sections 440 to 462 (both inclusive) shall, *mutatis mutandis*, apply in the case of persons of unsound mind, adjudged to be so under Act No. XXXV of 1858, or under any other law for the time being in force.

Application of sections 440 to 462 to persons of unsound mind.

464. Nothing in sections 442 to 462 applies to any minor or person of unsound mind, for whose person or property a guardian or manager has been appointed by the Court of Wards or by the Civil Court under any local law.

Wards of Court.

CHAPTER XXXII.

SUITS BY AND AGAINST MILITARY MEN.

465. When any officer or soldier actually serving the Government in a military capacity is a party to a suit, and cannot obtain leave of absence for the purpose of prosecuting or defending the suit in person, he may authorize any person to sue or defend in his stead.

Officers or soldiers who cannot obtain leave may authorize any person to sue or defend for them.

The authority shall be in writing and shall be signed by the officer or soldier in the presence of (a) his commanding officer or of the next subordinate officer, if the party be himself the commanding officer, or (b) where the officer or soldier is serving in military staff employment, the head or other superior officer of the office in which he is employed. Such commanding or other officer shall countersign the authority which shall be filed in court.

When so filed, the countersignature shall be sufficient proof that the authority was duly executed, and that the officer or soldier by whom it was granted could not obtain leave of absence for the purpose of prosecuting or defending the suit in person.

Explanation.—In this chapter the expression ‘commanding officer’ means the officer in actual command for the time being of any regiment, corps, detachment or depôt to which the officer or soldier belongs.

Person so authorized, may act personally or appoint pleader.

466. Any person authorized by an officer or soldier to prosecute or defend a suit in his stead may prosecute or defend it in person in the same manner as the officer or soldier could do if present; or he may appoint a pleader to prosecute or defend the suit on behalf of such officer or soldier.

Service on person so authorized, or on his pleader, to be good service.

467. Processes served upon any person authorized by an officer or soldier, as in section 465, or upon any pleader appointed as aforesaid by such person to act for, or on behalf of, such officer or soldier, shall be as effectual as if they had been served on the party in person or on his pleader.

Service on officers and soldiers.

468. When an officer or soldier is a defendant, the Court shall send a copy of the summons to his commanding officer for the purpose of being served on him.

The officer to whom such copy is sent, after causing it to be served on the person to whom it is addressed, if practicable, shall return it to the Court with the written acknowledgment of such person endorsed thereon.

If

If from any cause the copy cannot be so served, it shall be returned to the Court by which it was sent, with information of the cause which has prevented the service.

469. If, in the execution of a decree, a warrant of arrest is to be executed within the limits of a cantonment, garrison, military station or military bázár, the officer charged with the execution of such warrant shall deliver the same to the commanding officer.

Execution of warrant of arrest in cantonments, &c.

The commanding officer shall back the warrant with his signature, and if the person named therein is within the limits of his command shall cause him to be arrested and delivered to the officer so charged.

CHAPTER XXXIII.

INTERPLEADER.

470. When two or more persons claim adversely to one another the same payment or property from another person, whose only interest therein is that of a mere stakeholder and who is ready to render it to the right owner, such stakeholder may institute a suit of interpleader against all the claimants for the purpose of obtaining a decision as to whom the payment or property should be made or delivered, and of obtaining indemnity for himself :

When interpleader-suit may be instituted.

Provided that if any suit is pending in which the rights of all parties can properly be decided, the stakeholder shall not institute a suit of interpleader.

471. In every suit of interpleader the plaintiff must, in addition to the other statements necessary for complaints, state

Plaint in such suit.

(a) that the plaintiff has no interest in the thing claimed otherwise than as a mere stakeholder ;

(b) the claims made by the defendants severally ; and

(c) that there is no collusion between the plaintiff and any of the defendants.

472. When

Payment of
thing claimed
into court.

472. When the thing claimed is capable of being paid into court or placed in the custody of the Court, the plaintiff must so pay or place it before he can be entitled to any order in the suit.

Procedure at
first hearing.

473. At the first hearing the Court may

(a) declare that the plaintiff is discharged from all liability to the defendants in respect of the thing claimed, award him his costs, and dismiss him from the suit :

or, if it thinks that justice or convenience so require,

(b) retain all parties until the final disposal of the suit :

and, if it finds that the admissions of the parties or other evidence enable it,

(c) adjudicate the title to the thing claimed ; or else it may

(d) direct the defendants to interplead one another by filing statements and entering into evidence for the purpose of bringing their respective claims before the Court.

When agents
and tenants
may institute
interpleader-
suits.

474. Nothing in this chapter shall be taken to enable agents to sue their principals, or tenants to sue their landlords, for the purpose of compelling them to interplead with any persons other than persons making claim through such principals or landlords.

Illustrations.

" (a) A deposits a box of jewels with B as his agent. C alleges that the jewels were wrongfully obtained from him by A, and claims them from B. B cannot institute an interpleader-suit against A and C.

(b) A deposits a box of jewels with B as his agent. He then writes to C for the purpose of making the jewels a security for a debt due from himself to C. A afterwards alleges that C's debt is satisfied, and C alleges the contrary. Both claim the jewels from B. B may institute an interpleader-suit against A and C.

Charge of
plaintiff's
costs.

475. When the suit is properly instituted, the Court may provide for the plaintiff's costs by giving him

him a charge on the thing claimed or in some other effectual way.

476. If any of the defendants in an interpleader-suit is actually suing the stakeholder in respect of the subject of such suit, the Court in which the suit against the stakeholder is pending shall, on being duly informed by the Court which passed the decree in the interpleader-suit in favour of the stakeholder, that such decree has been passed, stay the proceedings as against him; and his costs in the suit so stayed may be provided for in such suit; but if, and so far as, they are not provided for in that suit, they may be added to his costs incurred in the interpleader-suit.

Procedure where defendant is suing stakeholder.

Costs.

PART IV.

PROVISIONAL REMEDIES.

CHAPTER XXXIV.

OF ARREST AND ATTACHMENT BEFORE JUDGMENT.

A.—Arrest before Judgment.

477. If at any stage of any suit, other than a suit for the possession of immoveable property, the plaintiff satisfies the Court by affidavit—

When plaintiff may apply that security be taken.

that the defendant, with intent to avoid or delay the plaintiff, or to avoid any process of the Court, or to obstruct or delay the execution of any decree that may be passed against him,

(a) has absconded or left the jurisdiction of the Court, or

(b) is about to abscond or to leave the jurisdiction of the Court, or

(c) has disposed of or removed from the jurisdiction of the Court his property or any part thereof, or

that the defendant is about to leave British India under circumstances affording reasonable probability that the plaintiff will or may thereby be obstructed or

delayed.

delayed in the execution of any decree that may be passed against the defendant in the suit,

the plaintiff may apply to the Court that security be taken for the appearance of the defendant to answer any decree that may be passed against him in the suit.

Order to bring up defendant to show cause why he should not give security.

478. If the Court, after examining the applicant, and making such further investigation as it thinks fit, is satisfied

that the defendant, with any such intent as aforesaid,

(a) has absconded or left the jurisdiction of the Court, or

(b) is about to abscond or to leave the jurisdiction of the Court, or

(c) has disposed of or removed from the jurisdiction of the Court his property or any part thereof, or

that the defendant is about to leave British India under the circumstances last aforesaid,

the Court may issue an order for bringing the defendant before the Court to show cause why he should not give security for his appearance.

If defendant fail to show cause, Court may order him to make deposit or give security.

479. If the defendant fail to show such cause, the Court shall order him either to deposit in court money or other property sufficient to answer the claim against him, or to give security for his appearance at any time when called upon while the suit is pending, and until execution or satisfaction of any decree that may be passed against him in the suit.

The surety shall bind himself, in default of such appearance, to pay any sum of money which the defendant may be ordered to pay in the suit.

Procedure in case of application by surety to be discharged.

480. The surety for the appearance of the defendant may at any time apply to the Court in which he became such surety to be discharged from his obligation.

On such application being made, the Court shall summon the defendant to appear, or, if it thinks fit, may

may issue a warrant for his arrest in the first instance.

On the appearance of the defendant pursuant to the summons or warrant, or on his voluntary surrender, the Court shall direct the surety to be discharged from his obligation, and shall call upon the defendant to find fresh security.

481. If the defendant fail to comply with any order under section 479 or section 480, the Court may commit him to jail until the decision of the suit, or, if judgment be given against the defendant, until the execution of the decree: Provided that no person shall be imprisoned under this section in any case for a longer period than six months, nor for a longer period than six weeks when the amount or value of the subject-matter of the suit does not exceed fifty rupees.

Procedure where defendant fails to give security or find fresh security.

482. The provisions of section 339 as to allowances payable for the subsistence of judgment-debtors shall apply to all defendants arrested under this chapter.

Subsistence of defendants arrested.

B.—Attachment before Judgment.

483. If at any stage of any suit the plaintiff satisfies the Court by affidavit that the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him,

Application before judgment for security from defendant to satisfy decree, and in default, for attachment of property.

(a) is about to dispose of the whole or any part of his property, or to remove the same from the jurisdiction of the Court in which the suit is pending, or

(b) has quitted the jurisdiction of the Court, leaving therein property belonging to him,

the plaintiff may apply to the Court to call upon the defendant to furnish security to satisfy any decree that may be passed against him in such suit, and, on his failing to give such security, to direct that any portion of his property shall be attached until the further order of the Court.

The application shall, unless the Court otherwise directs, specify the property required to be attached and the estimated value thereof.

Contents of application.

484. If

Court may call on defendant to furnish security or show cause.

484. If the Court, after examining the applicant and making any further investigation which it thinks fit, is satisfied that the defendant is about to dispose of or remove his property, with intent to obstruct or delay the execution of any decree that may be passed, against him in the suit, the Court may require him, within a time to be fixed by the Court, either to furnish security in such sum as may be specified in the order, to produce and place at the disposal of the Court, when required, the said property or the value of the same, or such portion thereof as may be sufficient to satisfy the decree, or to appear and show cause why he should not furnish security.

The Court may also in the order direct the conditional attachment of the whole or any portion of the property specified in the application.

Attachment if cause not shown or security not furnished.

485. If the defendant fail to show cause why he should not furnish security, or fail to furnish the security required within the time fixed by the Court, the Court may order that the property specified in the application, or such portion thereof as appears sufficient to satisfy any decree which may be passed in the suit, shall be attached.

Withdrawal of attachment.

If the defendant show such cause or furnish the required security, and the property specified in the application or any portion of it has been attached, the Court shall order the attachment to be withdrawn.

Mode of making attachment.

486. The attachment shall be made in the manner herein provided for the attachment of property in execution of a decree for money.

Investigation of claims to property attached before judgment.

487. If any claim be preferred to the property attached before judgment, such claim shall be investigated in the manner hereinbefore provided for the investigation of claims to property attached in execution of a decree for money.

Removal of attachment

488. When an order of attachment before judgment is passed, the Court which passed the order shall

shall remove the attachment whenever the defendant furnishes the security required, together with security for the costs of the attachment, or when the suit is dismissed.

when security furnished.

489. Attachment before judgment shall not affect the rights, existing prior to the attachment, of persons not parties to the suit, nor bar any person holding a decree against the defendant from applying for the sale of the property under attachment in execution of such decree.

Attachment not to affect rights of strangers, or bar decree-holder from applying for sale.

490. Where property is under attachment by virtue of the provisions of this chapter, and a decree is given in favour of the plaintiff, it shall not be necessary to re-attach the property in execution of such decree.

Property attached under chapter, not to be re-attached in execution of decree.

C.—Compensation for improper Arrests or Attachments.

491. If in any suit in which an arrest or attachment has been effected, it appear to the Court that such arrest or attachment was applied for on insufficient grounds,

Compensation for obtaining arrest or attachment on insufficient grounds.

or if the suit of the plaintiff fails, and it appears to the Court that there was no probable ground for instituting the suit,

the Court may, on the application of the defendant, award against the plaintiff in its decree such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the defendant for the expense or injury caused to him by the arrest or attachment :

Provided that the Court shall not award under this section a larger amount than it might decree in a suit for compensation.

Proviso.

An award under this section shall bar any suit for compensation in respect of such arrest or attachment.

CHAPTER XXXV.

OF TEMPORARY INJUNCTIONS AND INTERLOCUTORY ORDERS.

A.—Temporary Injunctions.

Cases in which temporary injunction may be granted.

492. If in any suit it be proved by affidavit or otherwise

(a) that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a decree, or

(b) that the defendant threatens, or is about, to remove or dispose of his property with intent to defraud his creditors,

the Court may by order grant a temporary injunction to restrain such act, or give such other order for the purpose of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the property as the Court thinks fit, or refuse such injunction or other order.

Injunction to restrain repetition or continuance of breach.

493. In any suit for restraining the defendant from committing a breach of contract or other injury, whether compensation be claimed in the suit or not, the plaintiff may, at any time after the commencement of the suit, and either before or after judgment, apply to the Court for a temporary injunction to restrain the defendant from committing the breach of contract or injury complained of, or any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right.

The Court may by order grant such injunction on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as the Court thinks fit, or refuse the same.

In case of disobedience, an injunction granted under this section or section 492 may be enforced by the imprisonment of the defendant for a term not exceeding

ceeding six months, or the attachment of his property, or both.

No attachment under this section shall remain in force for more than one year, at the end of which time, if the defendant has not obeyed the injunction, the property attached may be sold, and out of the proceeds the Court may award to the plaintiff such compensation as it thinks fit and may pay the balance, if any, to the defendant.

494. The Court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite party.

Before granting injunction, Court to direct notice to opposite party.

495. An injunction directed to a Corporation or public Company is binding not only on the Corporation or Company itself, but also on all members and officers of the Corporation or Company whose personal action it seeks to restrain.

Injunction to Corporation binding on its members and officers.

496. Any order for an injunction may be discharged, or varied, or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Order for injunction may be discharged, varied or set aside.

497. If it appears to the Court that the injunction was applied for on insufficient grounds, or

Compensation to defendant for issue of injunction on insufficient grounds.

if, after the issue of the injunction, the suit is dismissed or judgment is given against the plaintiff by default or otherwise, and it appears to the Court that there was no probable ground for instituting the suit,

the Court may, on the application of the defendant, award against the plaintiff in its decree such sum, not exceeding one thousand rupees, as it deems a reasonable compensation to the defendant for the expense or injury caused to him by the issue of the injunction :

Provided that the Court shall not award under this section a larger amount than it might decree in a suit for compensation.

Proviso.

An

An award under this section shall bar any suit for compensation in respect of the issue of the injunction.

B.—Interlocutory Orders.

Power to order interim sale of perishable articles.

498. The Court may, on the application of any party to a suit, order the sale, by any person named in such order, and in such manner and on such terms as it thinks fit, of any moveable property being the subject of such suit, which is subject to speedy and natural decay.

Power to make order for detention, &c., of subject-matter, and to authorize entry, taking of samples and experiments.

499. The Court may, on the application of any party to a suit, and on such terms as it thinks fit,

(a) make an order for the detention, preservation or inspection of any property being the subject of such suit ;

(b) for all or any of the purposes aforesaid, authorize any person to enter upon or into any land or building in the possession of any other party to such suit, and

(c) for all or any of the purposes aforesaid, authorize any samples to be taken, or any observation to be made or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence.

The provisions hereinbefore contained as to execution of process shall apply, *mutatis mutandis*, to persons authorized to enter under this section.

Application for such orders to be after notice.

500. An application by the plaintiff for an order under section 498 or section 499 may be made after notice in writing to the defendant at any time after service of the summons.

An application by the defendant for a like order may be made after notice in writing to the plaintiff, and at any time after the applicant has appeared.

When party may be put in immediate possession of land, the subject of suit.

501. When land paying revenue to Government, or a tenure liable to sale, is the subject of a suit, if the party in possession of such land or tenure neglects to pay the Government revenue, or the rent due to the proprietor of the tenure, as the case may be, and

and such land or tenure is consequently ordered to be sold, any other party to the suit claiming to have an interest in such land or tenore may upon payment of the revenue or rent due previously to the sale (and with or without security at the discretion of the Court), be put in immediate possession of the land or tenure ;

and the Court in its decree may award against the defaulter the amount so paid, with interest thereupon at such rate as the Court thinks fit, or may charge the amount so paid, with interest thereupon at such rate as the Court orders, in any adjustment of accounts which may be directed in the decree passed in the suit.

502. When the subject-matter of a suit is money or some other thing capable of delivery, and any party thereto admits that he holds such money or other thing as a trustee for another party, or that it belongs or is due to another party, the Court may order the same to be deposited in court or delivered to such last-named party, with or without security, subject to the further direction of the Court.

Deposit of
money, &c.,
in court.

CHAPTER XXXVI.

APPOINTMENT OF RECEIVERS.

503. Whenever it appears to the Court to be necessary for the realization, preservation or better custody or management of any property, moveable or immoveable, the subject of a suit, or under attachment, the Court may by order

Power of
Court to ap-
point receiv-
ers.

(a) appoint a receiver of such property,
and, if need be,

(b) remove the person in whose possession or custody the property may be from the possession or custody thereof ;

(c) commit the same to the custody or management of such receiver ; and

(d) grant to such receiver such fee or commission on the rents and profits of the property by way of remuneration, and all such powers as to bringing and
defending

defending suits, and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of instruments in writing, as the owner himself has, or such of those powers as the Court thinks fit.

Receiver's liabilities.

Every receiver so appointed shall

(e) give such security (if any) as the Court thinks fit duly to account for what he shall receive in respect of the property;

(f) pass his accounts at such periods and in such form as the Court directs;

(g) pay the balance due from him thereon as the Court directs, and

(h) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

Nothing in this section authorizes the Court to remove from the possession or custody of property under attachment any person whom the parties to the suit, or some or one of them, have or has not a present right so to remove.

When Collector may be appointed receiver.

504. If the property be land paying revenue to Government, or land of which the revenue has been assigned or redeemed, and the Court considers that the interests of those concerned will be promoted by the management of the Collector, the Court may appoint the Collector to be receiver of such property.

Courts empowered under this chapter.

505. The powers conferred by this chapter shall be exercised only by High Courts and District Courts. Provided that whenever the Judge of a Court subordinate to a District Court considers it expedient that a receiver should be appointed in any suit before him, he shall nominate such person as he considers fit for such appointment, and submit such person's name, with the grounds for the nomination, to the District Court, and the District Court shall authorize such Judge to appoint the person so nominated or pass such other order as it thinks fit.

PART V.
OF SPECIAL PROCEEDINGS.

CHAPTER XXXVII.

REFERENCE TO ARBITRATION.

506. If all the parties to a suit desire that any matter in difference between them in the suit be referred to arbitration, they may, at any time before judgment is pronounced, apply, in person or by their respective pleaders specially authorized in writing in this behalf, to the Court for an order of reference.

Parties to suit may apply for order of reference.

Every such application shall be in writing and shall state the particular matter sought to be referred.

507. The arbitrator shall be nominated by the parties in such manner as may be agreed upon between them.

Nomination of arbitrator.

If the parties cannot agree with respect to such nomination, or if the person whom they nominate refuses to accept the arbitration and the parties desire that the nomination shall be made by the Court, the Court shall nominate the arbitrator.

When Court to nominate arbitrator.

508. The Court shall, by order, refer to the arbitrator the matter in difference which he is required to determine, and shall fix such time as it thinks reasonable for the delivery of the award, and specify such time in the order.

Order of reference.

When once a matter is referred to arbitration, the Court shall not deal with it in the same suit, except as hereinafter provided.

509. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators,

When reference is to two or more, order to provide for difference of opinion.

(a) by the appointment of an umpire, or

(b) by declaring that the decision shall be with the majority if the major part of the arbitrators agree, or

(c) by

- (c) by empowering the arbitrators to appoint an umpire, or
- (d) otherwise, as may be agreed between the parties; or, if they cannot agree, as the Court determines.

If an umpire is appointed, the Court shall fix such time as it thinks reasonable for the delivery of his award in case he is required to act.

Death, incapacity, &c., of arbitrators or umpire.

510. If the arbitrator, or, where there are more arbitrators than one, any of the arbitrators, or the umpire, dies, or refuses, or neglects, or becomes incapable to act, or leaves British India under circumstances showing that he will probably not return at an early date, the Court may in its discretion either appoint a new arbitrator or umpire in the place of the person so dying, or refusing, or neglecting, or becoming incapable to act, or leaving British India, or make an order superseding the arbitration, and in such case shall proceed with the suit.

Appointment of umpire by Court.

511. Where the arbitrators are empowered by the order of reference to appoint an umpire and fail to do so, any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if, within seven days after such notice has been served, or such further time as the Court may in each case allow, no umpire be appointed, the Court, upon the application of the party who has served such notice as aforesaid, may appoint an umpire.

Powers of arbitrator appointed under sections 509, 510, 511. Summoning witnesses.

512. Every arbitrator or umpire appointed under section 509, 510 or 511 shall have the like powers as if his name had been inserted in the order of reference.

513. The Court shall issue the same processes to the parties and witnesses whom the arbitrators or umpire desire or desires to examine, as the Court may issue in suits tried before it.

Punishment for default, &c.

Persons not attending in accordance with such process, or making any other default, or refusing to give their evidence, or guilty of any contempt to the arbitrator or umpire during the investigation of the matters

matters referred, shall be subject to the like disadvantages, penalties and punishments by order of the Court on the representation of the arbitrator or umpire, as they would incur for the like offences in suits tried before the Court.

514. If from the want of the necessary evidence or information, or from any other cause, the arbitrators cannot complete the award within the period specified in the order, the Court may, if it think fit, either grant a further time, and from time to time enlarge the period for the delivery of the award, or make an order superseding the arbitration, and in such case shall proceed with the suit.

Extension of time for making award.

Supersession of arbitration.

515. When an umpire has been appointed, he may enter on the reference in the place of the arbitrators

When umpire may arbitrate in lieu of arbitrators.

(a) if they have allowed the appointed time to expire without making an award, or

(b) when they have delivered to the Court or to the umpire a notice in writing, stating that they cannot agree.

516. When an award in a suit has been made, the persons who made it shall sign it and cause it to be filed in court, together with any depositions and documents which have been taken and proved before them; and notice of the filing shall be given to the parties.

Award to be signed and filed.

517. Upon any reference by an order of Court, the arbitrators or umpire may, with the consent of the Court, state the award as to the whole or any part thereof in the form of a special case for the opinion of the Court; and the Court shall deliver its opinion thereon; and such opinion shall be added to and form part of the award.

Arbitrators or umpire may state special case.

518. The Court may, by order, modify or correct an award,

Court may, on application, modify or correct award in certain cases.

(a) where it appears that a part of the award is upon a matter not referred to arbitration, provided such part can be separated from the other part and does not affect the decision on the matter referred, or

(b) where

(b) where the award is imperfect in form, or contains any obvious error which can be amended without affecting such decision.

Order as to costs of arbitration.

519. The Court may also make such order as it thinks fit respecting the costs of the arbitration, if any question arise respecting such costs and the award contain no sufficient provision concerning them.

When award or matter referred to arbitration may be remitted.

520. The Court may remit the award or any matter referred to arbitration to the reconsideration of the same arbitrators or umpire, upon such terms as it thinks fit,

(a) where the award has left undetermined any of the matters referred to arbitration, or where it determines any matter not referred to arbitration ;

(b) where the award is so indefinite as to be incapable of execution ;

(c) where an objection to the legality of the award is apparent upon the face of it.

Grounds for setting aside award.

521. An award remitted under section 520 becomes void on the refusal of the arbitrators or umpire to reconsider it. But no award shall be set aside except on one of the following grounds (namely)—

(a) corruption or misconduct of the arbitrator or umpire ;

(b) either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the arbitrator or umpire ;

(c) the award having been made after the issue of an order by the Court superseding the arbitration and restoring the suit ;

and no award shall be valid unless made within the period allowed by the Court.

Judgment to be according to award.

522. If the Court sees no cause to remit the award or any of the matters referred to arbitration for reconsideration in manner aforesaid, and if no application has been made to set aside the award, or if the Court has refused such application,

the

the Court shall, after the time for making such application has expired, proceed to give judgment according to the award,

or, if the award has been submitted to it in the form of a special case, according to its own opinion on such case :

Upon the judgment so given a decree shall follow, and shall be enforced in manner provided in this Code for the execution of decrees. No appeal shall lie from such decree except in so far as the decree is in excess of, or not in accordance with, the award.

Decree to follow.

523. When any persons agree in writing that any difference between them shall be referred to the arbitration of any person named in the agreement or to be appointed by any Court having jurisdiction in the matter to which the agreement relates, the parties thereto, or any of them, may apply that the agreement be filed in court.

Agreement to refer to arbitration may be filed in court.

The application shall be in writing and shall be numbered and registered as a suit between one or more of the parties interested or claiming to be interested as plaintiff or plaintiffs, and the others or other of them as defendants or defendant, if the application have been presented by all the parties, or, if otherwise, between the applicant as plaintiff and the other parties as defendants.

Application to be numbered and registered.

On such application being made, the Court shall direct notice thereof to be given to any of the parties to the agreement other than the applicants, requiring such parties to show cause, within the time specified in the notice, why the agreement should not be filed.

Notice to show cause against filing it.

If no sufficient cause be shown, the Court may cause the agreement to be filed, and shall make an order of reference thereon, and may also nominate the arbitrator when he is not named therein and the parties cannot agree as to the nomination.

524. The foregoing provisions of this chapter, so far as they are consistent with any agreement so filed, shall be applicable to all proceedings under an

Provisions of this chapter applicable to proceedings

order

under order of reference.

order of reference made by the Court under section 523, and to the award of arbitration and to the enforcement of the decree founded thereupon.

Filing award in matter referred to arbitration without intervention of Court.

525. When any matter has been referred to arbitration without the intervention of a Court of Justice, and an award has been made thereon, any person interested in the award may apply to the Court of the lowest grade having jurisdiction over the matter to which the award relates, that the award be filed in court.

Application to be numbered and registered.

The application shall be in writing and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants.

Notice to parties to arbitration.

The Court shall direct notice to be given to the parties to the arbitration other than the applicant, requiring them to show cause, within a time specified, why the award should not be filed.

Filing and enforcement of such award.

526. If no ground such as is mentioned or referred to in section 520 or 521, be shown against the award, the Court shall order it to be filed, and such award shall then take effect as an award made under the provisions of this chapter.

CHAPTER XXXVIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

Power to state case for Court's opinion.

527. Parties claiming to be interested in the decision of any question of fact or law, may enter into an agreement in writing stating such question in the form of a case for the opinion of the Court, and providing that, upon the finding of the Court with respect to such question,

(a) a sum of money fixed by the parties or to be determined by the Court, shall be paid by one of the parties to the other of them ; or

(b) some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them ; or

(c) one or more of the parties shall do, or refrain from doing, some other particular act specified in the agreement.

Every

Every case stated under this section shall be divided into consecutively numbered paragraphs, and shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby.

528. If the agreement is for the delivery of any property, or for the doing, or the refraining from doing, any particular act, the estimated value of the property to be delivered, or to which the act specified has reference, shall be stated in the agreement.

When value of subject-matter must be stated.

529. The agreement, if framed in accordance with the rules hereinbefore contained, may be filed in the Court which would have jurisdiction to entertain a suit, the amount or value of the subject-matter of which is the same as the amount or value of the subject-matter of the agreement.

Agreement to be filed and numbered as a suit.

The agreement, when so filed, shall be numbered and registered as a suit between one or more of the parties claiming to be interested, as plaintiff or plaintiffs, and the other or others of them as defendant or defendants; and notice shall be given to all the parties to the agreement other than the party or parties by whom it was presented.

530. When the agreement has been filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by the statements contained therein.

Parties to be subject to Court's jurisdiction.

531. The case shall be set down for hearing as a suit instituted under chapter V, the provisions of which shall apply to such suit so far as the same are applicable.

Hearing and disposal of the case.

If the Court is satisfied, after an examination of the parties, or taking such evidence as it thinks fit,

(a) that the agreement was duly executed by them, and

(b) that they have a *bona fide* interest in the question stated therein, and

(c) that the same is fit to be decided,

it shall proceed to pronounce judgment thereon, in

the

the same way as in an ordinary suit, and upon the judgment so given a decree shall follow, and shall be enforced in the manner provided in this Code for the execution of decrees.

CHAPTER XXXIX.

OF SUMMARY PROCEDURE ON NEGOTIABLE INSTRUMENTS.

Institution of summary suits upon bills of exchange, &c.

532. In any Court to which this section applies all suits upon bills of exchange, hundís or promissory notes may, in case the plaintiff desires to proceed under this chapter, be instituted by presenting a plaint in the form prescribed by this Code; but the summons shall be in the form contained in the fourth schedule hereto annexed, No. 172, or in such other form as the High Court may from time to time prescribe.

In any case in which the plaint and summons are in such forms respectively, the defendant shall not appear or defend the suit unless he obtains leave from a Judge as hereinafter mentioned so to appear and defend;

and in default of his obtaining such leave or of appearance and defence in pursuance thereof, the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons, together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by a rule of the High Court, unless the plaintiff claims more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be enforced forthwith.

Payment into court of sum mentioned in summons.

The defendant shall not be required to pay into court the sum mentioned in the summons, or to give security therefor, unless the Court thinks his defence not to be *prima facie* sustainable, or feels reasonable doubt as to its good faith.

Explanation.—This section is not confined to cases in which the bill, hundí or note sued upon, together with mere lapse of time, is sufficient to establish a *prima facie* right to recover.

533. The

533. The Court shall, upon application by the defendant, give leave to appear and to defend the suit, upon the defendant paying into court the sum mentioned in the summons or upon affidavits satisfactory to the Court, which disclose a defence or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Court may deem sufficient to support the application, and on such terms as to security, framing and recording issues, or otherwise, as the Court thinks fit.

Defendant showing defence on merits to have leave to appear.

534. After decree, the Court may, under special circumstances, set aside the decree, and if necessary stay or set aside execution, and may give leave to appear to the summons and to defend the suit, if it seem reasonable to the Court so to do, and on such terms as the Court thinks fit.

Power to set aside decree.

535. In any proceeding under this chapter the Court may order the bill, hundí or note on which the suit is founded to be forthwith deposited with an officer of the Court, and may further order that all proceedings shall be stayed until the plaintiff gives security for the costs thereof.

Power to order bill to be deposited with officer of Court.

536. The holder of every dishonoured bill of exchange or promissory note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under this chapter for the recovery of the amount of such bill or note.

Recovery of cost of noting non-acceptance of dishonoured bill.

537. Except as provided by sections 532 to 536 both inclusive, the procedure in suits under this chapter shall be the same as the procedure in suits instituted under chapter V.

Procedure in suits under this chapter.

538. Sections 532 to 537 (both inclusive) apply only to

Application of chapter.

(a) the High Courts of Judicature at Fort William, Madras and Bombay ;

(b) the Court of the Recorder of Rangoon ;

(c) the Courts of Small Causes in Calcutta, Madras and Bombay ;

(d) the

(d) the Court of the Judge of Karáchi; and

(e) any other Court having ordinary original civil jurisdiction to which the Local Government may, by notification in the official Gazette, apply them.

In case of such application the Local Government may direct by whom any of the powers and duties incident to, the provisions so applied shall be exercised and performed, and make any rules which it thinks requisite for carrying into operation the provisions so applied.

Within one month after such notification has been published, such provisions shall apply accordingly, and the rules so made shall have the force of law.

The Local Government may from time to time alter or cancel any such notification.

CHAPTER XL.

OF SUITS RELATING TO PUBLIC CHARITIES.

When suit relating to public charities may be brought.

539. In case of any alleged breach of any express or constructive trust created for public charitable purposes, or whenever the direction of the Court is deemed necessary for the administration of any such trust, the Advocate General acting *ex officio*, or two or more persons having a direct interest in the trust and having obtained the consent in writing of the Advocate General, may institute a suit in the High Court or the District Court within the local limits of whose civil jurisdiction the whole or any part of the subject-matter of the trust is situate, to obtain a decree

(a) appointing new trustees of the charity :

(b) vesting any property in the trustees of the charity :

(c) declaring the proportions in which its objects are entitled :

(d) authorizing the whole or any part of its property to be let, sold, mortgaged or exchanged :

(e) settling a scheme for its management ;

or

or granting such further or other relief as the nature of the case may require.

The powers conferred by this section on the Advocate General may (where there is no Advocate General) be exercised by the Government Advocate or (where there is no Government Advocate) by such officer as the Local Government may appoint in this behalf.

PART VI.
OF APPEALS.

CHAPTER XLI.

OF APPEALS FROM ORIGINAL DECREES.

540. Unless when otherwise expressly provided in this Code or by any other law for the time being in force, an appeal shall lie from the decrees, or from any part of the decrees, of the Courts exercising original jurisdiction to the Courts authorized to hear appeals from the decisions of those Courts.

Appeal to lie from all original decrees, except when expressly prohibited.

541. The appeal shall be made in the form of a memorandum in writing presented by the appellant, and shall be accompanied by a copy of the decree appealed against and (unless the appellate Court dispenses therewith) of the judgment on which it is founded.

Form of appeal.
What to accompany memorandum.

Such memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the decree appealed against, without any argument or narrative, and such grounds shall be numbered consecutively.

Contents of memorandum.

542. The appellant shall not, without the leave of the Court, urge or be heard in support of any other ground of objection, but the Court in deciding the appeal shall not be confined to the grounds set forth by the appellant :

Appellant confined to grounds set out.

Provided that the Court shall not rest its decision on any ground not set forth by the appellant, unless the

the respondent has had sufficient opportunity of contesting the case on that ground.

Rejection or amendment of memorandum.

543. If the memorandum of appeal be not drawn up in the manner hereinbefore prescribed, it may be rejected, or be returned to the appellant for the purpose of being amended within a time to be fixed by the Court, or be amended then and there.

When the Court rejects under this section any memorandum, it shall record the reasons for such rejection.

When a memorandum of appeal is amended under this section the Judge, or such officer as he appoints in this behalf, shall attest the amendment by his signature.

One of several plaintiffs or defendants may obtain reversal of whole decree if it proceed on ground common to all.

544. Where there are more plaintiffs or more defendants than one in a suit, and the decree appealed against proceeds on any ground common to all the plaintiffs or to all the defendants, any one of the plaintiffs or of the defendants may appeal against the whole decree, and the appellate Court may reverse or modify the decree in favour of all the plaintiffs or defendants as the case may be.

Of staying and executing Decrees under Appeal.

Execution of decree not stayed solely by reason of appeal.

545. Execution of a decree shall not be stayed by reason only of an appeal having been preferred against the decree; but the appellate Court may for sufficient cause order the execution to be stayed:

Stay of execution of appealable decree before time for appealing has expired.

If an application be made for stay of execution of an appealable decree before the expiry of the time allowed for appealing therefrom, the Court which passed the decree may for sufficient cause order the execution to be stayed:

Provided that no order shall be made under this section unless the Court making it is satisfied

(a) that substantial loss may result to the party applying for stay of execution unless the order is made;

(b) that the application has been made without unreasonable delay; and

(c) that

(c) that security has been given by the applicant for the due performance of such decree or order as may ultimately be binding upon him.

546. If an order is made for the execution of a decree against which an appeal is pending, the Court which passed the decree shall, on sufficient cause being shown by the appellant, require security to be given for the restitution of any property which may be taken in execution of the decree, or for the payment of the value of such property, and for the due performance of the decree or order of the appellate Court,

Security in case of order for execution of decree appealed against.

or the appellate Court may for like cause direct the Court which passed the decree to take such security.

And when an order has been passed for the sale of immoveable property in execution of a decree for money and an appeal is pending against such decree, the sale shall on the application of the judgment-debtor be stayed until the appeal is disposed of, on such terms as to giving security or otherwise as the Court which passed the decree thinks fit.

547. No such security as is mentioned in sections 545 and 546 shall be required from the Secretary of State for India in Council, or (when Government has undertaken the defence of the suit) from any public officer sued in respect of an act alleged to be done by him in his official capacity.

No such security to be required from Government or public officers.

Of Procedure in Appeal from Decrees.

548. When a memorandum of appeal is admitted, the appellate Court or the proper officer of that Court shall endorse thereon the date of presentation, and shall register the appeal in a book to be kept for the purpose.

Registry of memorandum of appeal.

Such book shall be called the Register of Appeals.

Register of Appeals.

549. The appellate Court may at its discretion, either before the respondent is called upon to appear and answer or afterwards on the application of the respondent, demand from the appellant security for

Appellate Court may require appellant to give security for costs.

the

the costs of the appeal, or of the original suit, or of both :

When appellant resides out of British India.

Provided that the Court shall demand such security in all cases in which the appellant is residing out of British India, and is not possessed of any sufficient immoveable property within British India independent of the property (if any) to which the appeal relates.

If such security be not furnished within such time as the Court orders, the Court shall reject the appeal.

Appellate Court to give notice to Court whose decree is appealed against.

550. When the memorandum of appeal is registered, the appellate Court shall send notice of the appeal to the Court against whose decree the appeal is made.

Transmission of papers to appellate Court.

If the appeal be from a Court the records of which are not deposited in the appellate Court, the Court receiving such notice shall send with all practicable despatch all material papers in the suit, or such papers as may be specially called for by the appellate Court.

Copies of exhibits in Court whose decree is appealed against.

Either party may apply in writing to the Court against whose decree the appeal is made, specifying any of such papers in such Court of which he requires copies to be made; and copies of such papers shall be made at the expense of the applicant, and shall be deposited accordingly.

Power to confirm decision of lower Court without sending it notice.

551. The appellate Court may, if it thinks fit, after fixing a time for hearing the appellant or his pleader, and hearing him accordingly if he appears at such time, confirm the decision of the Court against whose decree the appeal is made, without sending notice of the appeal to such Court and without serving notice on the respondent or his pleader; but in such case the confirmation shall be notified to the same Court.

Day for hearing appeal.

552. The appellate Court, unless where it confirms, under section 551, the decision of the lower Court, shall fix a day for hearing the appeal.

Such day shall be fixed with reference to the current business of the Court, the place of residence of the

the respondent, and the time necessary for the service of the notice of appeal, so as to allow the respondent sufficient time to appear and answer the appeal on such day.

553. Notice of the day so fixed shall be stuck up in the appellate court-house, and a like notice shall be sent by the appellate Court to the Court against whose decree the appeal is made, and shall be served on the respondent or on his pleader in the appellate Court in the manner provided in chapter VI for the service on a defendant of a summons to appear and answer; and all rules applicable to such summons and to proceedings with reference to the service thereof, shall apply to the service of such notice.

Publication and service of notice of day for hearing appeal.

Instead of sending the notice to the Court against whose decree the appeal is made, the appellate Court may itself cause the notice to be served on the respondent or his pleader under the rules above referred to.

Appellate Court may itself cause notice to be served.

554. The notice to the respondent shall declare that, if he does not appear in the appellate Court on the day so fixed, the appeal will be heard *ex parte*.

Contents of notice.

Procedure on Hearing.

555. On the day so fixed, or on any other day to which the hearing may be adjourned, the party having the right to begin shall be heard in support of or against the appeal, as the case may be. The other party shall then be heard, and the party having the right to begin shall then be entitled to reply.

Right to begin.

Explanation.—If the appeal is from the whole decree, or if there are cross-appeals, the party having the right to begin is the party who had the right to begin on the hearing in the Court whose decree is appealed from.

If the appeal is from only a portion of the decree, and there is no cross-appeal, the appellant has the right to begin.

556. If on the day so fixed, or any other day to which the hearing may be adjourned, the appellant

Dismissal of appeal for

does

appellant's default.

does not attend in person or by his pleader, the appeal shall be dismissed for default.

Hearing appeal *ex parte*.

If the appellant attends and the respondent does not attend, the appeal shall be heard *ex parte* in his absence.

Dismissal of appeal where notice not served in consequence of appellant's failure to deposit cost.

557. If on the day so fixed, or any other day to which the hearing may be adjourned, it is found that the notice to the respondent has not been served in consequence of the failure of the appellant to deposit, within the period fixed by the Court, the sum required to defray the cost of issuing the notice, the Court may order that the appeal be dismissed :

Proviso.

Provided that no such order shall be passed, although the notice has not been served upon the respondent, if on the day fixed for hearing the appeal the respondent appears in person or by a pleader, or by a duly authorized agent.

Re-admission of appeal dismissed for default.

558. If an appeal be dismissed under section 556 or section 557, the appellant may apply to the appellate Court for the re-admission of the appeal ; and if it be proved that he was prevented by any sufficient cause from attending when the appeal was called on for hearing or from depositing the sum so required, the Court may re-admit the appeal on such terms as to costs or otherwise as the Court thinks fit to impose upon him.

Power to adjourn hearing, and direct persons appearing interested to be made respondents.

559. If it appear to the Court at the hearing that any person who was a party to the suit in the Court against whose decree the appeal is made, but who has not been made a party to the appeal, is interested in the result of the appeal, the Court may adjourn the hearing to a future day to be fixed by the Court, and direct that such person be made a respondent.

Re-hearing on application of respondent against whom *ex parte* decree is made.

560. When an appeal is heard *ex parte* in the absence of the respondent, and judgment is given against him, he may apply to the appellate Court to re-hear the appeal ; and if it be proved that the respondent was prevented by sufficient cause from attending when the appeal was called on for hearing, the Court

Court may re-hear the appeal on such terms as to costs or otherwise as the Court thinks fit to impose upon him.

561. Any respondent, though he may not have appealed against any part of the decree, may upon the hearing not only support the decree on any of the grounds decided against him in the Court below, but take any objection to the decree which he could have taken by way of appeal, provided he has given to the appellant or his pleader seven days' notice of such objection.

Upon hearing, respondent may object to decree as if he had preferred separate appeal.

Such objection shall be in the form of a memorandum, and the provisions of section 541, so far as they relate to the form and contents of the memorandum of appeal, shall apply thereto.

Form of notice, and provisions applicable thereto.

562. If the Court against whose decree the appeal is made has disposed of the suit upon a preliminary point so as to exclude any evidence of fact which appears to the appellate Court essential to the determination of the rights of the parties, and the decree upon such preliminary point is reversed in appeal, the appellate Court may, if it thinks fit, by order remand the case, together with a copy of the order in appeal, to the Court against whose decree the appeal is made, with directions to re-admit the suit under its original number in the register and proceed to investigate the suit on the merits.

Remand of case by appellate Court.

The appellate Court may, if it think fit, direct what issue or issues shall be tried in any case so remanded.

563. When a case is remanded with directions to take any evidence so excluded, the Court to which the case is remanded shall not take any other evidence in the case, except evidence tendered to contradict the evidence so taken.

When further evidence barred.

564. The appellate Court shall not remand a case for a second decision, except as provided in section 562.

Limit to remand.

565. When the evidence upon the record is sufficient to enable the appellate Court to pronounce judgment,

When evidence on

record sufficient, appellate Court shall determine case finally.

judgment, the appellate Court shall, after re-settling the issues if necessary, finally determine the case notwithstanding that the judgment of the Court against whose decree the appeal is made has proceeded wholly upon some ground other than that on which the appellate Court proceeds.

When appellate Court may frame issues and refer them for trial to Court whose decree is appealed against.

566. If the Court against whose decree the appeal is made has omitted to frame or try any issue, or to determine any question of fact, which appears to the appellate Court essential to the right decision of the suit upon the merits, and the evidence upon the record is not sufficient to enable the appellate Court to determine such issue or question, the appellate Court may frame issues for trial, and may refer the same for trial to the Court against whose decree the appeal is made, and in such case shall direct such Court to take the additional evidence required,

and such Court shall proceed to try such issue, and shall return to the appellate Court its finding thereon together with the evidence.

Finding and evidence to be put on record. Objections to finding. Determination of appeal.

567. Such finding and evidence shall become part of the record in the suit; and either party may, within a time to be fixed by the appellate Court, present a memorandum of objections to the finding.

After the expiration of the period fixed for presenting such memorandum, the appellate Court shall proceed to determine the appeal.

Production of additional evidence in appellate Court.

568. The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in the appellate Court. But if

(a) the Court against whose decree the appeal is made refused to admit evidence which ought to have been admitted, or

(b) the appellate Court requires any document to be produced or any witness to be examined to enable it to pronounce judgment, or for any other substantial cause,

the appellate Court may allow such evidence to be produced, or document to be received, or witness to be examined.

Whenever

Whenever additional evidence is admitted by an appellate Court, the Court shall record on its proceedings the reason for such admission.

569. Whenever additional evidence is allowed to be received, the appellate Court may either take such evidence, or direct the Court against whose decree the appeal is made, or any other subordinate Court, to take such evidence and to send it when taken to the appellate Court.

Mode of taking additional evidence.

570. In all cases where additional evidence is directed or allowed to be taken, the appellate Court shall specify the points to which the evidence is to be confined, and record on its proceedings the points so specified.

Points to be defined and recorded.

Of the Judgment in Appeal.

571. The appellate Court, after hearing the parties or their pleaders and referring to any part of the proceedings, whether on appeal or in the Court against whose decree the appeal is made, to which reference may be considered necessary, shall pronounce judgment in open Court, either at once or on some future day, of which notice shall be given to the parties or their pleaders.

Judgment when and where pronounced.

572. The judgment shall be written in English ; provided that if English is not the mother-tongue of the Judge, and he is not able to write an intelligible judgment in English, the judgment shall be written in his mother-tongue or in the language of the Court.

Language of judgment.

573. When the language in which the judgment is written is not the language of the Court, the judgment shall, if any party so require, be translated into such language, and the translation, after it has been ascertained to be correct, shall be signed by the Judge or such officer as he appoints in this behalf.

Translation of judgment.

574. The judgment of the appellate Court shall state

Contents of judgment.

- (a) the points for determination ;
- (b) the decision thereupon ;
- (c) the reasons for the decision ; and

(d) when.

(d) when the decree appealed against is reversed or varied, the relief to which the appellant is entitled, and shall at the time that it is pronounced be signed and dated by the Judge or by the Judges concurring therein.

Date and signature.

Decision when appeal is heard by two or more Judges.

575. When the appeal is heard by a Bench of two or more Judges, the appeal shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges.

If there be no such majority which concurs in a judgment varying or reversing the decree appealed against, such decree shall be affirmed :

Provided that if the Bench hearing the appeal is composed of two Judges belonging to a Court consisting of more than two Judges, and the Judges composing the Bench differ in opinion on a point of law, the appeal may be referred to one or more of the other Judges of the same Court, and shall be decided according to the opinion of the majority (if any) of all the Judges who have heard the appeal, including those who first heard it.

When there is no such majority which concurs in a judgment varying or reversing the decree appealed against, such decree shall be affirmed.

The High Court may from time to time make rules consistent with this Code to regulate references under this section.

Dissent to be recorded.

576. When the appeal is heard by more Judges than one, any Judge dissenting from the judgment of the Court shall state in writing the decision or order which he thinks should be passed on the appeal, and he may state his reasons for the same.

What judgment may direct.

577. The judgment may be for confirming, varying or reversing the decree against which the appeal is made, or, if the parties to the appeal agree as to the form which the decree in appeal shall take, or as to the order to be passed in appeal, the appellate Court may pass a decree or order accordingly.

578. No

578. No decree shall be reversed or substantially varied, nor shall any case be remanded in appeal, on account of any error, defect or irregularity, whether in the decision or in any order passed in the suit, or otherwise, not affecting the merits of the case or the jurisdiction of the Court.

No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction.

Of the Decree in Appeal.

579. The decree of the appellate Court shall bear date the day on which the judgment was pronounced.

Date and contents of decree.

The decree shall contain the number of the appeal, and the memorandum of appeal, including the names and description of the appellant and respondent, and shall specify clearly the relief granted or other determination of the appeal.

The decree shall also state the amount of costs incurred in the appeal, and by what parties and in what proportions such costs and the costs in the suit are to be paid.

The decree shall be signed and dated by the Judge or Judges who passed it :

Provided that where there are more Judges than one, if there be a difference of opinion among them, it shall not be necessary for any Judge dissenting from the judgment of the Court to sign the decree.

Judge dissenting from judgment need not sign decree.

580. Certified copies of the judgment and decree in appeal shall be furnished to the parties on application to the Court and at their expense.

Copies of judgment and decree to be furnished to parties.

581. A copy of the judgment and of the decree, certified by the appellate Court or such officer as it appoints in this behalf, shall be sent to the Court which passed the decree appealed against, and shall be filed with the original proceedings in the suit, and an entry of the judgment of the appellate Court shall be made in the register of civil suits.

Certified copy of decree to be sent to Court whose decree is appealed against.

582. The appellate Court shall have the same powers in appeals under this chapter as are vested by this Code in Courts of original jurisdiction in respect of suits instituted under chapter V.

Appellate Court to have same powers as Courts of original jurisdiction.

The

The provisions hereinbefore contained shall apply to appeals under this chapter so far as such provisions are applicable.

Execution of
decree of
appellate
Court.

583. When a party entitled to any benefit (by way of restitution or otherwise) under a decree passed in an appeal under this chapter desires to obtain execution of the same, he shall apply to the Court which passed the decree against which the appeal was preferred; and such Court shall proceed to execute the decree passed in appeal, according to the rules hereinbefore prescribed for the execution of decrees in suits.

CHAPTER XLII.

OF APPEALS FROM APPELLATE DECREES.

Second
appeals to
High Court.

584. Unless when otherwise provided in this Code or by any other law, from all decrees passed in appeal by any Court subordinate to a High Court, an appeal shall lie to the High Court on any of the following grounds (namely)—

Grounds of
second ap-
peal.

(a) the decision being contrary to some specified law or usage having the force of law;

(b) the decision having failed to determine some material issue of law or usage having the force of law;

(c) a substantial error or defect in the procedure as prescribed by this Code or any other law, which may have produced error or defect in the decision of the case upon the merits.

Second ap-
peal on
no other
grounds.

585. No second appeal shall lie except on the grounds mentioned in section 584.

No second
appeal in
certain suits.

586. No second appeal shall lie in any suit of the nature cognizable in Courts of Small Causes, when the amount or value of the subject-matter of the original suit does not exceed five hundred rupees.

Provisions
as to second
appeals.

587. The provisions contained in chapter XLI shall apply as far as may be to appeals under this chapter,

chapter, and to the execution of decrees passed in such appeals.

CHAPTER XLIII.

OF APPEALS FROM ORDERS.

588. An appeal shall lie from the following orders under this Code and from no other such orders:— Orders
appealable.

(a) orders under section 20, staying proceedings in a suit ;

(b) orders under section 32, striking out or adding the name of any person as plaintiff or defendant ;

(c) orders under section 41, adding a cause of action ;

(d) orders under section 47, excluding a cause of action ;

(e) orders rejecting or returning plaints under section 53, clause (d), or section 54, clauses (b) and (d), or section 57, clauses (b) and (c) ;

(f) orders rejecting applications under section 103 (in cases open to appeal), for an order to set aside the dismissal of a suit ;

(g) orders under section 120, where a party fails to appear in person ;

(h) orders under section 168, for attachment of property ;

(i) orders under section 177, where a party refuses to give evidence or produce a document called for by the Court ;

(j) orders under section 244, as to questions relating to the execution of decrees, of the same nature with appealable orders made in the course of a suit ;

(k) orders under section 258, compelling decree-holders to certify ;

(l) orders under section 261, as to objections to draft-conveyances or draft-endorsements ;

(m) orders

(*m*) orders under section 312, for confirming or setting aside a sale ;

(*n*) orders in insolvency-matters, under section 351, 352, 353 or 357 ;

(*o*) orders rejecting applications, under section 370 for dismissal of the suit ;

(*p*) orders disallowing objections, under section 372 ;

(*q*) orders as to interpleader-suits, under section 473, 475 or 476 ;

(*r*) orders under section 479, 480, 481, 485, 492, 493, 496, 503 ;

(*s*) orders under section 514, superseding an arbitration ;

(*t*) orders under section 518, modifying an award ;

(*u*) orders under any of the provisions of this Code, imposing fines, or for the imprisonment of any person, except when such imprisonment is in execution of a decree ;

(*v*) refusals under section 558 to re-admit, or under section 560 to re-hear, an appeal ;

(*w*) orders under section 562, remanding a case.

The orders passed in appeals under this section shall be final.

Court which shall bear appeals.

589. An appeal from any order specified in section 588, clause (*n*), shall lie to the High Court.

When an appeal from any other order is allowed by this chapter, it shall lie to the Court to which an appeal would lie from the decree in the suit in relation to which such order was made, or, when such order is passed by a Court (not being a High Court) in the exercise of appellate jurisdiction, then to the High Court.

Procedure in appeals from orders.

590. The procedure prescribed in chapter **XLI** shall, so far as may be, apply to appeals from orders under this Code, or under any special or local law in which a different procedure is not provided.

591. Except

591. Except as provided in this chapter, no appeal shall lie from any order passed by any Court in the exercise of its original or appellate jurisdiction; but if any decree be appealed against, any error, defect or irregularity in any such order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal.

No other appeal from orders; but error therein may be set forth in memorandum of appeal against decree.

CHAPTER XLIV.

OF PAUPER APPEALS.

592. Any person entitled under this Code or any other law to prefer an appeal, who is unable to pay the fee required for the petition of appeal, may, on presenting an application accompanied by a memorandum of appeal, be allowed to appeal as a pauper, subject to the rules contained in chapters XXVI, XLI, XLII and XLIII, in so far as those rules are applicable:

Who may appeal as pauper.

Provided that the Court shall reject the application unless upon a perusal thereof and of the judgment and decree against which the appeal is made, it sees reason to think that the decree appealed against is contrary to law or to some usage having the force of law, or is otherwise erroneous or unjust.

Procedure on application for admission of appeal.

593. The inquiry into the pauperism of the applicant may be made either by the appellate Court or by the Court against whose decision the appeal is made under the orders of the appellate Court:

Inquiry into pauperism.

Provided that, if the applicant was allowed to sue or appeal as a pauper in the Court against whose decree the appeal is made, no further enquiry in respect of his pauperism shall be necessary, unless the appellate Court sees special cause to direct such enquiry.

Proviso.

CHAPTER XLV.

OF APPEALS TO THE QUEEN IN COUNCIL.

594. In this chapter, unless there be something repugnant in the subject or context, the expression 'decree' includes also judgment and order.

'Decree' defined.

595. Subject

When appeals lie to Queen in Council.

595. Subject to such rules as may, from time to time, be made by Her Majesty in Council regarding appeals from the Courts of British India, and to the provisions hereinafter contained—

an appeal shall lie to Her Majesty in Council

(a) from any final decree passed on appeal by a High Court or other Court of final appellate jurisdiction;

(b) from any final decree passed by a High Court in the exercise of original civil jurisdiction, and

(c) from any decree, when the case, as hereinafter provided, is certified to be a fit one for appeal to Her Majesty in Council.

Value of subject-matter.

596. In each of the cases mentioned in clauses (a) and (b) of section 595,

the amount or value of the subject-matter of the suit in the Court of first instance must be ten thousand rupees or upwards, and the amount or value of the matter in dispute on appeal to Her Majesty in Council must be the same sum or upwards,

or the decree must involve, directly or indirectly, some claim or question to, or respecting, property of like amount or value,

and where the decree appealed from affirms the decision of the Court immediately below the Court passing such decree, the appeal must involve some substantial question of law.

Bar of certain appeals.

597. Notwithstanding anything contained in section 595,

no appeal shall lie to Her Majesty in Council from the judgment of one Judge of a High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter 104, or of one Judge of a Division Court, or of two or more Judges of such High Court, or of a Division Court constituted by two or more Judges of such High Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the High Court at the time being;

and

and no appeal shall lie to Her Majesty in Council from any decree which, under section 586, is final.

598. Whoever desires to appeal under this chapter to Her Majesty in Council must apply by petition to the Court whose decree is complained of.

Application to Court whose decree is complained of.

599. Such application must ordinarily be made within six months from the date of such decree.

Time within which application must be made.

But if that period expires when the Court is closed, the application may be made on the day that the Court re-opens.

600. Every petition under section 598 must state the grounds of appeal, and pray for a certificate, either that, as regards amount or value and nature, the case fulfils the requirements of section 596, or that it is otherwise a fit one for appeal to Her Majesty in Council.

Certificate as to value or fitness.

Upon receipt of such petition, the Court may direct notice to be served on the opposite party to show cause why the said certificate should not be granted.

601. If such certificate be refused, the petition shall be dismissed :

Effect of refusal of certificate.

Provided that, if the decree complained of be a final decree passed by a Court other than a High Court, the order refusing the certificate shall be appealable, within thirty days from the date of the order, to the High Court to which the former Court is subordinate.

602. If the certificate be granted, the applicant shall, within six months from the date of the decree complained of, or within six weeks from the grant of the certificate, whichever is the later date,

Security and deposit required on grant of certificate.

(a) give security for the costs of the respondent, and

(b) deposit the amount required to defray the expense of translating, transcribing, indexing and transmitting to Her Majesty in Council a correct copy of the whole record of the suit, except

(1) formal

- (1) formal documents directed to be excluded by any order of Her Majesty in Council in force for the time being ;
- (2) papers which the parties agree to exclude ;
- (3) accounts, or portions of accounts, which the officer empowered by the Court for that purpose considers unnecessary, and which the parties have not specifically asked to be included, and
- (4) such other documents as the High Court may direct to be excluded :

and when the applicant prefers to print in India the copy of the record, except as aforesaid, he shall also, within the time mentioned in the first clause of this section, deposit the amount required to defray the expense of printing such copy.

Admission of appeal and procedure thereon.

603. When such security has been completed and deposit made to the satisfaction of the Court, the Court may

- (a) declare the appeal admitted, and
- (b) give notice thereof to the respondent, and shall then
- (c) transmit to Her Majesty in Council, under the seal of the Court, a correct copy of the said record, except as aforesaid, and
- (d) give to either party one or more authenticated copies of any of the papers in the suit on his applying therefor and paying the reasonable expenses incurred in preparing them.

Revocation of acceptance of security.

604. At any time before the admission of the appeal, the Court may, upon cause shown, revoke the acceptance of any such security, and make further directions thereon.

Power to order further security or payment.

605. If at any time after the admission of the appeal, but before the transmission of the copy of the record, except as aforesaid, to Her Majesty in Council, such security appears inadequate,

or further payment is required for the purpose of translating, transcribing, printing, indexing or trans-
mitting

mitting the copy of the record, except as aforesaid,

the Court may order the appellant to furnish, within a time to be fixed by the Court, other and sufficient security, or to make, within like time, the required payment.

606. If the appellant fail to comply with such order, the proceedings shall be stayed,

Effect of failure to comply with order.

and the appeal shall not proceed without an order in this behalf of Her Majesty in Council,

and in the meantime execution of the decree appealed against shall not be stayed.

607. When the copy of the record, except as aforesaid, has been transmitted to Her Majesty in Council, the appellant may obtain a refund of the balance, if any, of the amount which he has deposited under section 602.

Refund of balance of deposit.

608. Notwithstanding the admission of any appeal under this chapter, the decree appealed against shall be unconditionally enforced, unless the Court admitting the appeal otherwise directs.

Powers of Court pending appeal.

But the Court may, if it think fit, on any special cause shown by any party interested in the suit, or otherwise appearing to the Court,

(a) impound any moveable property in dispute or any part thereof, or

(b) allow the decree appealed against to be enforced, taking such security from the respondent as the Court thinks fit for the due performance of any order which Her Majesty in Council may make on the appeal, or

(c) stay the execution of the decree appealed against, taking such security from the appellant as the Court thinks fit for the due performance of the decree appealed against, or of any order which Her Majesty in Council may make on the appeal, or

(d) place any party seeking the assistance of the Court under such conditions, or give such other direction respecting the subject-matter of the appeal, as it thinks fit.

609. If

Increase of security found inadequate.

609. If at any time during the pendency of the appeal, the security so furnished by either party appears inadequate, the Court may, on the application of the other party, require further security.

In default of such further security being furnished as required by the Court, if the original security was furnished by the appellant, the Court may, on the application of the respondent, issue execution of the decree appealed against as if the appellant had furnished no such security.

And if the original security was furnished by the respondent, the Court shall, so far as may be practicable, stay all further execution of the decree, and restore the parties to the position in which they respectively were when the security which appears inadequate was furnished, or give such direction respecting the subject-matter of the appeal as it thinks fit.

Procedure to enforce orders of Queen in Council.

610. Whoever desires to enforce or to obtain execution of any order of Her Majesty in Council shall apply by petition, accompanied by a certified copy of the decree or order made in appeal and sought to be enforced or executed, to the Court from which the appeal to Her Majesty was preferred.

Such Court shall transmit the order of Her Majesty to the Court which made the first decree appealed from, or to such other Court as Her Majesty by her said order may direct, and shall (upon the application of either party) give such directions as may be required for the enforcement or execution of the same; and the Court to which the said order is so transmitted shall enforce or execute it accordingly, in the manner and according to the rules applicable to the execution of its original decrees.

When any monies expressed to be payable in British currency are payable in India under such order, the amount so payable shall be estimated according to the rate of exchange for the time being fixed by the Secretary of State for India in Council, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, for the adjustment of financial

cial transactions between the Imperial and the Indian Governments.

611. The orders made by the Court which enforces or executes the order of Her Majesty in Council, relating to such enforcement or execution, shall be appealable in the same manner and subject to the same rules as the orders of such Court relating to the enforcement or execution of its own decrees.

Appeal against order relating to execution.

612. The High Court may, from time to time, make rules consistent with this Act to regulate

Power to make rules.

(a) the service of notices under section 600 ;

(b) the grant or refusal of certificates, under sections 601 and 602, by Courts of final appellate jurisdiction subordinate to the High Court ;

(c) the amount and nature of the security required under sections 602, 605 and 609 ;

(d) the testing of such security ;

(e) the estimate of the cost of transcribing the record ;

(f) the preparation, examination and certifying of such transcript ;

(g) the revision and authentication of translations ;

(h) the preparation of indices to transcripts of records, and of lists of the papers not included therein ;

(i) the recovery of costs incurred in British India in connection with appeals to Her Majesty in Council, and all other matters connected with the enforcement of this chapter.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law in the High Court and the Courts of final appellate jurisdiction subordinate thereto.

Publication of rules.

613. All rules heretofore made and published by any High Court relating to appeal to Her Majesty in Council and in force immediately before the passing of this Act, shall, so far as they are consistent with this Act, be deemed to have been made and published hereunder.

Legalization of existing rules.

614. In

Recorder of Rangoon.

614. In sections 595 and 612, the expression 'High Court' shall be deemed to include also the Recorder of Rangoon, but not so as to empower him to make rules binding on Courts other than his own Court.

Construction of Bengal Regulation III of 1828, section 4, clause 5.

615. The rules and restrictions referred to in Bengal Regulation III of 1828, section IV, clause fifth, shall be deemed to be the rules and restrictions applicable to appeals under this Code from the decisions of the High Court of Judicature at Fort William in Bengal.

Saving of Her Majesty's pleasure,

616. Nothing herein contained shall be understood

(a) to bar the full and unqualified exercise of Her Majesty's pleasure in receiving or rejecting appeals to Her Majesty in Council, or otherwise howsoever, or

and of rules for conduct of business before Judicial Committee.

(b) to interfere with any rules made by the Judicial Committee of the Privy Council, and for the time being in force, for the presentation of appeals to Her Majesty in Council, or their conduct before the said Judicial Committee.

And nothing in this chapter applies to any matter of criminal or admiralty or vice-admiralty jurisdiction, nor to appeals from orders and decrees of Prize Courts.

PART VII.

CHAPTER XLVI.

OF REFERENCE TO AND REVISION BY THE HIGH COURT.

Reference of question to High Court.

617. If before or on the hearing of a suit or appeal in which the decree is final, or if in the execution of any such decree, any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits, arises, on which the Court trying the suit or appeal, or executing the decree, entertains reasonable doubt, the Court

Court may, either of its own motion or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer such statement with its own opinion on the point for the decision of the High Court.

618. The Court may either stay the proceedings or proceed in the case notwithstanding such reference, and may pass a decree or order contingent upon the opinion of the High Court on the point referred;

Court may pass decree contingent upon opinion of High Court.

but no execution shall be issued, property sold, or person imprisoned in any case in which such reference is made until the receipt of a copy of the judgment of the High Court upon such reference.

619. The High Court shall hear the parties to the case in which the reference is made, in person or by their respective pleaders, and shall decide the point so referred, and shall transmit a copy of its judgment under the signature of the Registrar, to the Court by which the reference was made, and such Court shall, on the receipt thereof, proceed to dispose of the case in conformity with the decision of the High Court.

Judgment of High Court to be transmitted, and case disposed of accordingly.

620. Costs, if any, consequent on a reference for the opinion of the High Court, shall be costs in the case.

Costs of reference to High Court.

621. When a case is referred to the High Court under this chapter, the High Court may return the case for amendment, and may alter, cancel or set aside any decree or order which the Court making the reference has passed in the case out of which the reference arose, and make such order as it thinks fit.

Power to alter, &c., decrees of Court making reference.

622. The High Court may call for the record of any case in which no appeal lies to the High Court, if the Court by which the case was decided appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, and may pass such order in the case as the High Court thinks fit.

Power to call for record of cases not appealable to High Court.

PART VIII.

CHAPTER XLVII.

OF REVIEW OF JUDGMENT.

Application for review of judgment.

623. Any person considering himself aggrieved

(a) by a decree or order from which an appeal is hereby allowed, but from which no appeal has been preferred;

(b) by a decree or order from which no appeal is hereby allowed; or

(c) by a judgment on a reference from a Court of Small Causes,

and who from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him,

may apply for a review of judgment to the Court which passed the decree or made the order, or to the Court, if any, to which the business of the former Court has been transferred.

A party who is not appealing from a decree may apply for a review of judgment notwithstanding the pendency of an appeal by some other party, except when the ground of such appeal is common to the applicant and the appellant, or when, being a respondent, he can present to the appellate Court the case on which he applies for the review.

To whom applications for review may be made.

624. Except upon the ground of the discovery of such new and important matter or evidence as aforesaid, or of some clerical error apparent on the face of the decree, no application for a review of judgment, other than that of a High Court, shall be made to any Judge other than the Judge who delivered it.

625. The

625. The rules hereinbefore contained as to the form of making appeals shall apply, *mutatis mutandis*, to applications for review.

Form of applications for review.

626. If it appear to the Court that there is not sufficient ground for a review, it shall reject the application.

Application when rejected.

If the Court be of opinion that the application for the review should be granted, it shall grant the same, and the Judge shall record with his own hand his reasons for such opinion :

Application when granted.

Provided that—

Proviso.

(a) no such application shall be granted without previous notice to the opposite party to enable him to appear and be heard in support of the decree a review of which is applied for ; and

(b) no such application shall be granted on the ground of discovery of new matter, or evidence which the applicant alleges was not within his knowledge, or could not be adduced by him when the decree or order was passed, without strict proof of such allegation.

627. If the Judge or Judges, or any one of the Judges, who passed the decree or order, a review of which is applied for, continues or continue attached to the Court at the time when the application for a review is presented and is not or are not precluded by absence or other cause, for a period of six months next after the application, from considering the decree or order to which the application refers, such Judge or Judges or any of them shall hear the application, and no other Judge or Judges of the Court shall hear the same.

Application for review in Court consisting of two or more Judges.

628. If the application for a review be heard by more than one Judge and the Court be equally divided, the application shall be rejected.

Application when rejected.

If there be a majority the decision shall be according to the opinion of the majority.

629. An order of the Court for rejecting the application shall be final ; but whenever such applica-

Order of rejection final.

tion

Objections to admission.

tion is admitted, the admission may be objected to on the ground that it was

(a) in contravention of the provisions of section 624,

(b) in contravention of the provisions of section 626, or

(c) after the expiration of the period of limitation prescribed therefor and without sufficient cause.

Such objection may be made at once by an appeal against the order granting the application, or may be taken in any appeal against the final decree or order made in the suit.

Where the application has been rejected in consequence of the failure of the applicant to appear, he may apply for an order to have the rejected application restored to the file, and if it be proved to the satisfaction of the Court that he was prevented by any sufficient cause from appearing when such application was called on for hearing, the Court may order it to be restored to the file upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for hearing the same.

No order shall be made under this section unless the applicant has served the opposite party with notice in writing of the latter application.

No application to review an order passed on review or on an application for a review shall be entertained.

Registry of application granted, and order for re-hearing.

630. When an application for a review is granted, a note thereof shall be made in the register and the Court may at once re-hear the case or make such order in regard to the re-hearing as it thinks fit.

PART IX.

CHAPTER XLVIII.

SPECIAL RULES RELATING TO THE CHARTERED HIGH COURTS.

This chapter to apply only

631. This chapter applies only to High Courts which are or may hereafter be established under the twenty-

twenty-fourth and twenty-fifth of Victoria, chapter 104 (*An Act for establishing High Courts of Judicature in India*).

to certain High Courts.

632. Except as provided in this chapter the provisions of this Code apply to such High Courts.

Application of Code to High Courts.

633. The High Court shall take evidence, and record judgments and orders in such manner as it by rule from time to time directs.

High Court to record judgments according to its own rules.

634. Whenever a High Court considers it necessary that a decree made in the exercise of its ordinary original civil jurisdiction should be enforced before the amount of the costs incurred in the suit can be ascertained by taxation, the Court may order that the decree shall be executed forthwith, except as to so much thereof as relates to the costs;

Power to order execution of decree before ascertainment of costs, and

and, as to so much thereof as relates to the costs, that the decree may be executed as soon as the amount of the costs shall be ascertained by taxation.

execution for costs subsequently.

635. Nothing in this Code shall be deemed to authorize any person on behalf of another to address the Court in the exercise of its ordinary original civil jurisdiction or to examine witnesses, except when the Court shall have in the exercise of the power conferred by its charter authorized him so to do, or to interfere with the power of the High Court to make rules concerning advocates, vakils and attorneys.

Unauthorized persons not to address Court.

636. Notices to produce documents, summonses to witnesses, and every other judicial process, issued in the exercise of the ordinary or extraordinary original civil jurisdiction of the High Court, and of its matrimonial, testamentary and intestate jurisdictions, except summonses to defendants issued under section 64, writs of execution, and notices under section 553, may be served by the attorneys in the suit, or by persons employed by them, or by such other persons as the High Court by any rule or order from time to time directs.

Who may serve process of High Courts.

637. Any non-judicial or quasi-judicial act which this Code requires to be done by a Judge, and any

Non-judicial acts may be

act

done by Registrar.

act which may be done by a Commissioner appointed to examine and adjust accounts under section 394, may be done by the Registrar of the Court or by such other officer of the Court as the Court may direct to do such act.

The High Court may from time to time by rule declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

Sections not applying to High Court in original civil jurisdiction.

638. The following portions of this Code shall not apply to the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction, namely, sections 16 and 17, sections 54, clauses (a) and (b), 57, 119, 160, 182 to 185 (both inclusive), 187, 189, 190, 191, 192 (so far as relates to the manner of taking evidence), 198 to 206 (both inclusive), 261, and so much of section 409 as relates to the making of a memorandum ;

and section 579 shall not apply to the High Court in the exercise of its appellate jurisdiction.

Code not to affect High Court in exercise of insolvent jurisdiction.

Nothing in this Code shall extend or apply to any High Court in the exercise of its jurisdiction as an Insolvent Court.

Power to frame forms.

639. The High Court may from time to time frame forms for any proceeding in such Court, and may make rules as to the books, entries and accounts to be kept by its officers.

PART X.

CHAPTER XLIX.

MISCELLANEOUS.

Exemption of certain women from personal appearance.

640. Women, who according to the customs and manners of the country ought not to be compelled to appear in public, shall be exempt from personal appearance in Court.

But nothing herein contained shall be deemed to exempt such women from arrest in execution of civil process.

641. The

641. The Local Government may, by notification in the official Gazette, exempt from personal appearance in Court any person whose rank, in the opinion of such Government, entitles him to the privilege of exemption, and may, by like notification, withdraw such privilege.

Local Government may exempt certain persons from personal appearance.

The names and residences of the persons so exempted shall from time to time be forwarded to the High Court by the Local Government, and a list of such persons shall be kept in such Court, and a list of such persons as reside within the local limits of the jurisdiction of each Court subordinate to the High Court shall be kept in such subordinate Court.

List of names of persons exempted to be kept in subordinate Court.

When any person so exempted claims the privilege of such exemption, and it is consequently necessary to examine him by commission, he shall pay the costs of that commission, unless the party requiring his evidence pays such costs.

Costs of commission rendered necessary by claiming privilege.

642. No Judge, Magistrate or other judicial officer shall be liable to arrest under this Code while going to, presiding in, or returning from, his Court.

Persons exempt from arrest.

And, except as hereinafter provided, the parties to a suit and their pleaders and recognized agents shall be exempt from arrest under this Code while going to or attending a civil Court for the purpose of such suit and while returning from such Court. Witnesses acting in obedience to a summons shall be similarly exempt.

643. When in a case pending before any Court, there appears to the Court sufficient ground for sending for investigation to the Magistrate a charge of any such offence as is described in section 193, 196, 199, 200, 205, 206, 207, 208, 209, 210, 463, 471, 474, 475, 476 or 477 of the Indian Penal Code, which may be made in the course of any other suit or proceeding, or with respect to any document offered in evidence in the case, the Court may cause the person accused to be detained till the rising of the Court, and may then send him in custody to the Magistrate, or take sufficient bail for his appearance before the Magistrate.

Procedure in case of certain offences.

The Court shall send to the Magistrate the evidence and documents relevant to the charge, and may bind over any person to appear and give evidence before such Magistrate.

The Magistrate shall receive such charge and proceed with it according to law.

Use of forms
in fourth
schedule.

644. Subject to the power conferred on the High Court by section 639 and by the twenty-fourth and twenty-fifth of Victoria, chapter 104, section 15, the forms set forth in the fourth schedule hereto annexed, with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

Language of
subordinate
Courts.

645. The language which, when this Code comes into force, is the language of any Court subordinate to a High Court, shall continue to be the language of such subordinate Court until the Local Government otherwise orders;

but it shall be lawful for the Local Government from time to time to declare what language shall be the language of every such Court.

Power of
Registrars
of Small
Cause Courts
to state cases.

646. Whenever the Registrar of a Court of Small Causes has any doubt upon any question of law or usage having the force of law, or as to the construction of a document, which construction may affect the merits of the decision, he may state a case for the opinion of the Judge; and all the provisions herein contained relative to the stating of a case by the Judge shall apply, *mutatis mutandis*, to the stating of a case by the Registrar.

Miscellaneous
proceedings.

647. The procedure herein prescribed shall be followed, as far as it can be made applicable, in all proceedings in any Court of civil jurisdiction other than suits and appeals.

Admission of
affidavits as
evidence.

The High Court may from time to time make rules to provide for the admission, in such proceedings, of affidavits as evidence of the matters to which such affidavits respectively relate; and such rules, on being published in the local official Gazette, shall have the force of law.

648. If

648. If any person to be arrested or any property to be attached under this Code, resides or is situate outside the district within which the Court issuing the warrant of arrest or making the order of attachment is situate, such Court shall send to the District Court within the local limits of whose jurisdiction such person or property resides or is situate, a copy of the warrant or order together with the probable amount of the costs of the arrest or attachment.

Procedure when person to be arrested or property to be attached is outside the district.

The District Court shall, on receipt of such copy and amount, cause the arrest or attachment to be made by its own officers or by a Court subordinate to itself, and shall inform the Court which issued or made such warrant or order of the arrest or attachment,

and the Court making any arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued.

649. The rules contained in chapter XIX shall apply to the execution of any judicial process for the arrest of a person or the sale of property or payment of money, which may be desired or ordered by a civil Court in any civil proceeding.

Rules applicable to all civil process for arrest, sale or payment.

650. The provisions of chapters XIV and XV relating to witnesses shall apply to all persons required to give evidence or to produce documents in any proceeding under this Code.

Application of rules as to witnesses.

651. Whoever offers any resistance or illegal obstruction to the lawful apprehension of himself under this Code, or under the warrant of any Court of Civil Judicature, or escapes or attempts to escape from any custody in which he is lawfully detained under this Code or under such warrant, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for resisting apprehension or escaping from custody under Code or civil process.

652. The High Court may from time to time make rules consistent with this Code to regulate any matter connected with the procedure of the Courts of Civil Judicature subject to its superintendence. All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

Power to make subsidiary rules of procedure.

THE FIRST SCHEDULE.

THE FIRST SCHEDULE.

(See section 3).

A.—STATUTE REPEALED.

Year and Chapter.	Title.	Extent of repeal.
29 Char. II, Chap. 7	An Act for the better observance of the Lord's day commonly called Sunday.	The whole.

B.—ACTS REPEALED.

Number and year.	Subject or title.	Extent of repeal.
IX of 1840 ...	For amending the law administered in Her Majesty's Courts of Justice with reference to Arbitrations, Damages, and interested Witnesses.	So much as has not been repealed.
XXIII of 1840 ...	For executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by authorities in the Mufassal.	So far as it relates to the execution of the process of Civil Courts.
VIII of 1841 ...	Interpleader	The whole.
XXVI of 1841 ...	Extending 3 & 4 Wm. IV, c. 42 ...	So much as has not been repealed.
XIV of 1848 ...	Commissions for taking affidavits ...	The whole.
XVII of 1852 ...	Special cases	The whole.
XXXIII of 1852 ...	Enforcement of judgments ...	The whole Act, except so far as it relates to the decrees of Military Courts of Requests.
VI of 1855 ...	Writs of execution	The whole.
XXXIV of 1855 ...	Execution of judgments ...	The whole.
VIII of 1859 ...	For simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.	So much as has not been repealed.
XXIII of 1861 ...	To amend Act VIII of 1859 ...	So much as has not been repealed.

THE FIRST SCHEDULE—*continued.*ACTS REPEALED—*continued.*

Number and year.	Subject or title.	Extent of repeal.
XX of 1862 --	To provide for the levy of Fees and Stamp-duties in the High Court, &c.	So much as has not been repealed.
XXIV of 1862 ...	To continue in force Act XX of 1862.	So much as has not been repealed.
IX of 1863 ...	To amend the Code of Civil Procedure.	The whole.
XVIII of 1863 ...	To make provision for the speedy and efficient disposal of the business, &c.	So much as has not been repealed.
XXXII of 1863 ...	To continue in force Act XX of 1862.	So much as has not been repealed.
XI of 1865 ...	Mufassal Small Cause Courts Act ...	Sections 8, 9, 10, 11, para. 2, 22, 23, 24, 25, 26, 27, 28, 42 and 47, and in section 33 the words "in the manner prescribed in the twenty-second section of this Act" and "contained in the twenty-second, twenty-third, twenty-fourth and twenty-fifth sections of this Act."
XIV of 1865 --	Central Provinces Courts Act ...	Sections 17 and 18.
XIX of 1865 ...	Panjāb Courts Act ...	Sections 13 and 17.
V of 1866 ...	To provide a summary procedure on Bills of Exchange, &c.	In the title, the words ' <i>to provide a summary procedure on Bills of Exchange and</i> ' The preamble down to and including the words 'Notes; and' In section 1, the definitions of 'High Court' and 'Local Government.' Sections two to eight (both inclusive). Section fourteen.
XXIV of 1866 ...	High Court, North-Western Provinces.	So much as has not been repealed.

THE FIRST SCHEDULE—concluded.

ACTS REPEALED—concluded.

Number and year.	Subject or title.	Extent of repeal.
X of 1867 ...	References by Mufassal Small Cause Courts.	The whole.
XXVI of 1867 ...	To amend the law relating to Stamp Duties.	So much as has not been repealed.
XV of 1869 ...	Prisoners' Testimony Act ...	So much of sections 15 and 16 as relates to process issued by a Civil Court.
IX of 1873 ...	Panjáb Appeals Act, 1873 ...	Sections 9 and 10.
VI of 1874 ...	The Privy Council Appeals Act, 1874.	The whole.

C.—REGULATIONS REPEALED.

Bengal Regulation XX of 1810.	Cantonments	So much of section XIX as relates to civil process.
Madras Regulation XIV of 1816.	Vakils	Section 27.

THE SECOND SCHEDULE.

(See section 5).

Chapters and Sections of this Code extending to Mufassal Courts of Small Causes.

PRELIMINARY: Sections 1, 2, 3 and 5.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.

CHAPTER II.—Of the Place of Suing, except section 20, paragraph 4, and sections 22 to 24 (both inclusive).

CHAPTER III.—Of Parties and their Appearances, Applications and Acts.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule a.

CHAPTER V.—Of the Institution of Suits.

CHAPTER VI.—Of the Issue and Service of Summons, except section 77.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Section 111, Set-off.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Of Discovery and the Admission, &c., of Documents.

CHAPTER XII.—Section 155, first paragraph, Judgment where either party fails to produce his evidence.

THE SECOND SCHEDULE—concluded.

Chapters and Sections of this Code extending to Mufassal Courts of Small Causes—concluded.

CHAPTER	XIII.—Of Adjournments.
CHAPTER	XIV.—Of the Summoning and Attendance of Witnesses.
CHAPTER	XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 188 (both inclusive).
CHAPTER	XVII.—Of Judgment and Decree, except sections 204, 207, 211, 212, 213, 214 and 215.
CHAPTER	XVIII.—Sections 220, 221 and 222, Of Costs.
CHAPTER	XIX.—Of the Execution of Decrees, sections 230 to 236 (both inclusive), 239 to 258 (both inclusive), 259 (except so far as relates to the recovery of wives), 266 (except so far as relates to immoveable property), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 280 (both inclusive), 283, 284 (so far as relates to moveable property), 285, 286, 287, 288, 289, 290, 291, 292, 293 (so far as relates to re-sales under 297), 294 to 303 (both inclusive), 328 to 333 (both inclusive, so far as relates to moveable property), 336 to 343 (both inclusive).
CHAPTER	XXI.—Of the Death, Marriage and Insolvency of Parties.
CHAPTER	XXII.—Of the Withdrawal and Adjustment of Suits.
CHAPTER	XXIII.—Of Payment into Court.
CHAPTER	XXIV.—Of requiring Security for Costs.
CHAPTER	XXV.—Of Commissions.
CHAPTER	XXVI.—Suits by Paupers.
CHAPTER	XXVII.—Suits by and against Government or Government Servants.
CHAPTER	XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers, except the first paragraph of section 433.
CHAPTER	XXIX.—Suits by and against Corporations and Companies.
CHAPTER	XXX.—Suits by and against Trustees, Executors and Administrators.
CHAPTER	XXXI.—Suits by and against Minors and Persons of unsound Mind.
CHAPTER	XXXII.—Suits by and against Military Men.
CHAPTER	XXXIII.—Interpleader.
CHAPTER	XXXIV.—Of Arrest and Attachment before Judgment.
CHAPTER	XXXV.—Reference to Arbitration, sections 506 to 522 (both inclusive).
CHAPTER	XXXVIII.—Of Proceedings on Agreement of Parties.
CHAPTER	XLVI.—Reference to and Revision by High Court.
CHAPTER	XLVII.—Of Review of Judgment.
CHAPTER	XLIX.—Miscellaneous, sections 640 to 647 (both inclusive), section 648 (so far as relates to arrests), sections 649 to 652 (both inclusive).

THE THIRD SCHEDULE.

(See section 7).

Bombay Enactments.

Bombay Regulation XXIX,	1827.
" "	VII, 1830.
" "	I, 1831.
" "	XVI, 1831.
Act XIX of 1835.	
" XIII of 1842.	

THE FOURTH SCHEDULE.

THE FOURTH SCHEDULE.

(See section 644.)

FORMS OF PLEADINGS AND DECREES.

A.—PART I. PLAINTS.

No. 1.

FOR MONEY LENT.

IN THE COURT OF _____ AT _____

Civil Suit, No. _____

A. B. of _____

against _____

C. D. of _____

A. B., the above-named plaintiff, states as follows:—

1. That on the _____ day of _____ 18____, at _____, he lent the defendant _____ rupees repayable on demand [or on the _____ day of _____].
2. That the defendant has not paid the same, except _____ rupees paid on _____ the day of _____ 18____.

[If the plaintiff claims exemption from any law of limitation, say:—

3. The plaintiff was a minor [or insane] from the _____ day of _____ till the day of _____].
4. The plaintiff prays judgment for _____ rupees, with interest at _____ per cent. from the _____ day of _____ 18____.

[NOTE.—The object of stating when the debt is to be repaid is merely to fix a date for interest. If therefore interest is not claimed, the statement may be omitted.]

No. 2.

FOR MONEY RECEIVED TO PLAINTIFF'S USE.

(Title.)

A. B., and G. H., the above-named plaintiffs, state as follows:—

1. That on the _____ day of _____ 18____, at _____, the defendant received _____ rupees [or a cheque on the _____ Bank for _____ Rs.] from one E. F. for the use of the plaintiffs.
2. That the defendant has not paid [or delivered] the same accordingly.
3. The plaintiffs pray judgment for _____ rupees, with interest at _____ per cent. from the _____ day of _____ 18____.

No. 3

THE FOURTH SCHEDULE—*continued.*

No. 6.

FOR GOODS SOLD AT A FIXED PRICE AND DELIVERED.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , *E. F.* of , deceased, sold and delivered to the defendant [one hundred barrels of flour, or, the goods mentioned in the schedule hereto annexed, or, sundry goods].
2. That the defendant promised to pay rupees for the said goods on delivery [or on the day of some day before the plaint was filed].
3. That he has not paid the same.
4. That the said *E. F.* in his lifetime made his will, whereby he appointed the plaintiff executor thereof.
5. That on the day of 187 the said *E. F.* died.
6. That on the day of probate of the said will was granted to the plaintiff by the Court of .
7. The plaintiff as executor as aforesaid [*Demand of judgment*].

[NOTE.—If a day was fixed for payment it should be stated as furnishing a date for the commencement of interest.]

No. 7.

GOODS SOLD AT A REASONABLE PRICE AND DELIVERED.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , plaintiff sold and delivered to the defendant [sundry articles of house-furniture] but no express agreement was made as to the price.
2. That the same were reasonably worth rupees.
3. That the defendant has not paid the same.

[*Demand of judgment.*]

[NOTE.—The law implies a promise to pay so much as the goods are reasonably worth.]

No. 8.

FOR GOODS DELIVERED TO A THIRD PARTY AT DEFENDANT'S REQUEST AT A FIXED PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , plaintiff sold to the defendant [one hundred barrels of flour] and, at the request of the defendant, delivered the same to one *E. F.*
2. That the defendant promised to pay to the plaintiff rupees therefor.
3. That he has not paid the same.

[*Demand of judgment.*]

THE FOURTH SCHEDULE—continued.

No. 9.

FOR NECESSARIES FURNISHED TO THE FAMILY OF DEFENDANT'S TESTATOR WITHOUT HIS EXPRESS REQUEST, AT A REASONABLE PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , plaintiff furnished to [Mary Jones] the wife of [James Jones] deceased, at her request, sundry articles of [food and clothing], but no express agreement was made as to the price.
2. That the same were necessary for her.
3. That the same were reasonably worth rupees.
4. That the said James Jones refused to pay the same.
5. That the defendant is the executor of the last will of the said James Jones.

[Demand of judgment.]

No. 10.

FOR GOODS SOLD AT A FIXED PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff sold to E. F. of , deceased, [all the crops then growing on his farm in].
2. That the said E. F. promised to pay the plaintiff rupees for the same.
3. That he did not pay the same.
4. That the defendant is administrator of the estate of the said E. F.

[Demand of judgment.]

No. 11.

FOR GOODS SOLD AT A REASONABLE PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , E. F. of sold to the defendant [all the fruit growing in his orchard in], but no express agreement was made as to the price.
2. That the same was reasonably worth rupees.
3. That the defendant has not paid the same.
4. That on the day of the High Court of Judicature at Fort William duly adjudged the said E. F. to be a lunatic and appointed the plaintiff committee of his estate with the usual powers for the management thereof.
5. The plaintiff as committee as aforesaid [Demand of judgment.]

[NOTE.—When the lunatic's estate is not subject to the ordinary original jurisdiction of a High Court, for paragraphs 4 and 5 substitute the following:—]

4. That on the day of the Civil Court of duly adjudged the said E. F. to be of unsound mind and incapable of managing his affairs and appointed the plaintiff Manager of his estate.

5. The plaintiff as Manager as aforesaid [Demand of judgment.]

No. 12.

THE FOURTH SCHEDULE—*continued.*

No. 12.

FOR GOODS MADE AT DEFENDANT'S REQUEST, AND NOT ACCEPTED.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , *E. F.* of agreed with the plaintiff that the plaintiff should make for him [*six tables and fifty chairs*], and that the said *E. F.* should pay for the same upon delivery thereof rupees.
2. That the plaintiff made the said goods, and on the day of 18 offered to deliver the same to the said *E. F.*, and has ever since been ready and willing so to do.
3. That the said *E. F.* has not accepted the said goods or paid for the same.
4. That on the day of 18 the High Court of Judicature at Fort William duly adjudged the said *E. F.* to be a lunatic and appointed the defendant committee of his estate.
5. The plaintiff prays judgment for rupees with interest from the day of , at the rate of per cent. per annum, to be paid out of the estate of the said *E. F.* in the hands of the defendant.

No. 13.

FOR DEFICIENCY UPON A RE-SALE [GOODS SOLD AT AUCTION].

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , plaintiff put up at auction sundry [*articles of merchandise*], subject to the condition that all goods not paid for and removed by the purchaser thereof within [*ten days*] after the sale, should be re-sold by auction on his account, of which condition the defendant had notice.
2. That the defendant purchased [*one crate of crockery*] at the said auction at the price of rupees.
3. That the plaintiff was ready and willing to deliver the same to the defendant on the said day and for [*ten days*] thereafter, of which the defendant had notice.
4. That the defendant did not take away the said goods purchased by him, nor pay therefor, within [*ten days*] after the sale, nor afterwards.
5. That on the day of 18 , at , the plaintiff re-sold the said [*crate of crockery*], on account of the defendant, by public auction, for rupees.
6. That the expenses attendant upon such re-sale amounted to rupees.
7. That the defendant has not paid the deficiency thus arising, amounting to rupees.

[Demand of judgment.]

[NOTE to § 4. Unless the seller agreed to deliver, the purchaser must fetch the goods, see Act IX of 1872, sec. 93.]

No. 14.

THE FOURTH SCHEDULE—*continued.*

No. 14.

FOR THE PURCHASE-MONEY OF LANDS CONVEYED.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff sold [and conveyed] to the defendant [the house and compound No. , in the city of , or, a farm known as , in , or, a piece of land lying, &c.]
2. That the defendant promised to pay the plaintiff rupees for the said [house and compound, or farm, or land].
3. That he has not paid the same.

[Demand of judgment.]

[*NOTE.*—Where there has been no actual conveyance, say, in § 1, “sold to the defendant the house, &c., and placed him in possession of the same.”]

No. 15.

FOR THE PURCHASE-MONEY OF IMMOVEABLE PROPERTY CONTRACTED TO BE SOLD, BUT NOT CONVEYED.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should sell to the defendant, and that the defendant should purchase from the plaintiff [the house No. in the town of , or one hundred bighás of land in , bounded by the East Indian railroad, and by other lands of the plaintiff] for rupees.
2. That on the day of 18 , at , the plaintiff tendered [or, was ready and willing, and offered to execute] a sufficient instrument of conveyance of the said property to the defendant, on payment of the said sum, and still is ready and willing to execute the same.
3. That the defendant has not paid the said sum.

[Demand of judgment.]

No. 16.

FOR SERVICES AT A FIXED PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant [hired plaintiff as a clerk, at the salary of rupees per year].
2. That from the [said day] until the day of 18 , the plaintiff served the defendant as his clerk].
3. That the defendant has not paid the said salary.

[Demand of judgment.]

No. 17.

THE FOURTH SCHEDULE—*continued.*

No. 17.

FOR SERVICES AT A REASONABLE PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That between the day of 18 , and the day of 18 , at , plaintiff [executed sundry drawings, designs and diagrams] for the defendant, at his request; but no express agreement was made as to the sum to be paid for such services.
2. That the said services were reasonably worth rupees.
3. That the defendant has not paid the same.

[Demand of judgment.]

No. 18.

FOR SERVICES AND MATERIALS AT A FIXED PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff [furnished the paper for and printed one thousand copies of a book called] for the defendant, at his request [and delivered the same to him].
2. That the defendant promised to pay rupees therefor.
3. That he has not paid the same.

[Demand of judgment.]

No. 19.

FOR SERVICES AND MATERIALS AT A REASONABLE PRICE.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff built a house [known as No. , in], and furnished the materials therefor, for the defendant, at his request; but no express agreement was made as to the price to be paid for such work and materials.
2. That the said work and materials were reasonably worth rupees.
3. That the defendant has not paid the same.

[Demand of judgment.]

No. 20.

THE FOURTH SCHEDULE—*continued.*

No. 20.

FOR RENT RESERVED IN A LEASE.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant entered into a covenant with the plaintiff, under their hands, a copy of which is hereto annexed.

[Or state the substance of the agreement.]

2. That the defendant has not paid the rent of the [month] ending on the day of 18 , amounting to rupees.

*[Demand of judgment.]**Another Form.*

1. That the plaintiff let to the defendant a house No. 27 Chowringhee for seven years to hold from the day of 187 , at rupees a year, payable quarterly.

2. That of such rent quarters are due and unpaid.

[Demand of judgment.]

No. 21.

FOR USE AND OCCUPATION AT A FIXED RENT.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant hired from the plaintiff [the house No. , at street], at the rent of rupees, payable on the first days of .

2. That the defendant occupied the said premises from the day of 18 to the day of 18 .

3. That the defendant has not paid rupees, being the part of said rent due on the first day of 18 .

[Demand of judgment.]

No. 22.

FOR USE AND OCCUPATION AT A REASONABLE RENT.

*(Title.)**A. B.*, the above-named plaintiff, executor of the will of *X. Y.*, deceased, states as follows:—

1. That the defendant occupied the [house No. street], by permission of the said *X. Y.*, from the day of 18 , until the day of 18 and no agreement was made as to payment for the use of the said premises.

2. That the use of the said premises for the said period was reasonably worth rupees.

3. That the defendant has not paid the same.

4. The plaintiff as such executor as aforesaid prays judgment for rupees.

THE FOURTH SCHEDULE—*continued.*

No. 23.

FOR BOARD AND LODGING.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That from the day of 18 , until the day of
18 , the defendant occupied certain rooms in the house [No. ,
street], by permission of the plaintiff, and was furnished by the plaintiff, at his request,
with meat, drink, attendance and other necessaries.
2. That in consideration thereof, the defendant promised to pay, [or that no agreement
was made as to payment for such meat, drink, attendance or necessaries, but the same were
reasonably worth] the sum of rupees.
3. That the defendant has not paid the same.

[Demand of judgment.]

No. 24.

FOR FREIGHT OF GOODS.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , plaintiff transported in
[his barge, or otherwise] [one thousand barrels of flour, or sundry goods], from
to , at the request of the defendant.
2. That the defendant promised to pay the plaintiff the sum of [one rupee per barrel]
as freight thereon. [Or, that no agreement was made as to payment for such transportation,
but that such transportation was reasonably worth rupees.]
3. That the defendant has not paid the same.

[Demand of judgment.]

No. 25.

FOR PASSAGE-MONEY.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , plaintiff conveyed the defendant
[in his ship, called the], from ,
to at his request.
2. That the defendant promised to pay the plaintiff rupees therefor. [Or
that no agreement was made as to the price of the said passage ; but that the said passage was
reasonably worth rupees.]
3. That the defendant has not paid the same.

[Demand of judgment.]

No. 26.

THE FOURTH SCHEDULE—*continued.*

No. 26.

ON AN AWARD.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant, having a controversy between them concerning [a demand of the plaintiff for the price of ten barrels of oil, which the defendant refused to pay], agreed to submit the same to the award of *E. F.* and *G. H.*, as arbitrators [or, entered into an agreement, a copy of which is hereto annexed].
2. That on the day of 18 , at , the said arbitrators awarded that the defendant should [pay the plaintiff rupees].
3. That the defendant has not paid the same.

*[Demand of judgment.]**[NOTE.—This will apply where the agreement to refer is not filed in court.]*

No. 27.

ON A FOREIGN JUDGMENT.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , in the State [or Kingdom] of , the Court of that State [or Kingdom], in a suit therein pending between the plaintiff and the defendant, duly adjudged that the defendant should pay to the plaintiff rupees, with interest from the said date.
2. That the defendant has not paid the same.

[Demand of judgment.]

PLAINTS UPON INSTRUMENTS FOR THE PAYMENT OF MONEY ONLY.

No. 28.

ON AN ANNUITY BOND.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant by his bond became bound to the plaintiff in the sum of rupees to be paid by the defendant to the plaintiff, subject to a condition that if the defendant should pay to the plaintiff rupees half-yearly on the day of and the day of in every year during the life of the plaintiff, the said bond should be void.
2. That afterwards, on the day of 18 , the sum of rupees for of the said half-yearly payments of the said annuity, became due to the plaintiff and is still unpaid.

[Demand of judgment.]

No. 29

THE FOURTH SCHEDULE—*continued.*

No. 29.

PAYER AGAINST MAKER.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant by his promissory note now overdue, promised to pay to the plaintiff [days] after date. rupees
2. That he has not paid the same [except rupees, paid on the day of 18].

[Demand of judgment.]

[NOTE.—Where the note is payable after notice, for paragraphs 1 and 2 substitute.—]

1. That on the day of 18 , at , the defendant by his promissory note promised to pay to the plaintiff rupees months after notice.
2. That notice was afterwards given by the plaintiff to the defendant to pay the same months after the said notice.
3. That the said time for payment has elapsed, but the defendant has not paid the same.

[Where the note is payable at a particular place, say—]

- 1.—That on the day of 18 , at , the defendant by his promissory note now overdue promised to pay to the plaintiff [at Messrs. *A. and Co.* Madras] rupees months after date.
- 2.—That the said note was duly presented for payment [at Messrs. *A. and Co.*] aforesaid, but has not been paid.

Written Statement of the Defendant.

In the Court, &c.

C. D., the above-named defendant, states as follows:—

1. The defendant made the note sued upon under the following circumstances: The plaintiff and defendant had for some years been in partnership as indigo-manufacturers, and it had been agreed between them that they should dissolve partnership, that the plaintiff should retire from the business, that the defendant should take over the whole of the partnership-assets and liabilities and should pay the plaintiff the value of his share in the assets after deducting the liabilities.

2. The plaintiff thereupon undertook to examine the partnership-books and enquire into the state of the partnership-assets and liabilities; and he did accordingly examine the said books and make the said enquiries, and he thereupon represented to the defendant that the assets of the firm exceeded Rs. 1,00,000 and that the liabilities of the firm were less than Rs. 30,000, whereas the fact was that the assets of the firm were less than Rs. 50,000 and the liabilities of the firm largely exceeded the assets.

3. The misrepresentations mentioned in the second paragraph of this statement induced the defendant to make the note now sued on, and there never was any other consideration for the making of such note.

No. 30.

THE FOURTH SCHEDULE—*continued.*

No. 33.

SUBSEQUENT INDORSEE AGAINST FIRST INDORSER; THE INDORSEMENT BEING SPECIAL.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to one *E. F.* a promissory note, now overdue, made [*or* purporting to have been made] by one *G. H.*, on the day of 18 , at , to the order of the defendant, for the sum of rupees [payable days after date].

2. That the same was, by the indorsement of the said *E. F.* [and others], transferred to the plaintiff. [*Or*, that the said *E. F.* indorsed the same to the plaintiff.]

3, 4 and 5. [*Same as 3, 4 and 5 of the preceding form.*]

[Demand of judgment.]

No. 34.

SUBSEQUENT INDORSEE AGAINST HIS IMMEDIATE INDORSER.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to him a promissory note, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , to the order of one *G. H.*, for the sum of rupees [payable days after date], and indorsed by the said *G. H.* to the defendant.

2, 3 and 4. [*As in No. 33.*]

[Demand of judgment.]

No. 35.

SUBSEQUENT INDORSEE AGAINST INTERMEDIATE INDORSER.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That a promissory note, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18 , at , to the order of one *G. H.*, for the sum of rupees [payable days after date], and indorsed by the said *G. H.* to the defendant, was by the indorsement of the defendant [and others] transferred to the plaintiff.

2, 3 and 4. [*As in No. 33.*]

[Demand of judgment.]

No. 36.

THE FOURTH SCHEDULE—*continued.*

No. 36.

SUBSEQUENT INDORSEER AGAINST MAKER, FIRST AND SECOND INDORSEER.

IN THE COURT OF

AT

Civil Suit, No.

A. B. of

against

C. D. of

E. F. of

and

G. H. of

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, C. D., by his promissory note, now overdue, promised to pay to the order of the defendant, E. F., rupees [months after date].
2. That the said E. F. indorsed the same to the defendant, G. H., who indorsed it to the plaintiff.
3. That on the day of 18 , the same was presented [*or states facts excusing want of presentment*] to the said C. D. for payment, but was not paid.
4. That the said E. F. and G. H. had notice thereof.
5. That they have not paid the same.

[Demand of judgment.]

No. 37.

DRAWER AGAINST ACCEPTOR.

(Tilla.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , by his bill of exchange, now overdue, the plaintiff required the defendant to pay to him rupees [days after date, *or* sight, thereof].
2. That the defendant accepted the said bill. [*If the bill is payable at a certain time after sight, the date of acceptance should be stated, otherwise it is not necessary.*]
3. That he has not paid the same.
4. That by reason thereof the plaintiff incurred expenses in and about the presenting and noting of the bill, and incidental to the dishonour thereof.

[Demand of judgment.]

[NOTE.—Where the bill is payable to a third party, for paragraphs 1, 2, 3, say—]

1. That on &c., at &c., by his bill of exchange, now overdue, directed to the defendant, the plaintiff required the defendant to pay to E. F. or order rupees months after date.
2. That the plaintiff delivered the said bill to the said E. F. on
3. That the defendant accepted the said bill, but did not pay the same, whereupon the same was returned to the plaintiff.

No. 38.

THE FOURTH SCHEDULE—*continued.*

No. 38.

PAYEE AGAINST ACCEPTOR.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18, the defendant accepted a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18, at , requiring the defendant to pay to the plaintiff rupees after sight thereof.
2. That he has not paid the same.

[Demand of judgment.]

No. 39.

FIRST INDORSEE AGAINST ACCEPTOR.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18, the defendant accepted a bill of exchange, now overdue, made [*or* purporting to have been made] by one *E. F.*, on the day of 18, at , requiring the defendant to pay to the order of one *G. H.* rupees after sight thereof.
2. That the said *G. H.* indorsed the same to the plaintiff.
3. That the defendant has not paid the same.

[Demand of judgment.]

No. 40.

SUBSEQUENT INDORSEE AGAINST ACCEPTOR.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. [*As in the preceding form, to the end of article 1.*]
2. That by the indorsement of the said *G. H.* [and others], the same was transferred to the plaintiff.
3. That the defendant has not paid the same.

[Demand of judgment.]

No. 41.

PAYEE AGAINST DRAWER FOR NON-ACCEPTANCE.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18, at , the defendant, by his bill of exchange, directed to *E. F.*, required the said *E. F.* to pay to the plaintiff rupees [days after sight].

2. That

THE FOURTH SCHEDULE—*continued.*

2. That on the day of 18 , the same was duly presented to the said *E. F.* for acceptance, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

[*NOTE.*—Notice of dishonour by non-acceptance must be given at once.]

No. 42.

FIRST INDORSEE AGAINST FIRST INDORSER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to the plaintiff a bill of exchange, now overdue, made [*or purporting to have been made*] by one *E. F.*, on the day of 18 , at , requiring one *G. H.* to pay to the order of the defendant rupees [days] after sight [*or after date, or at sight,*] thereof, [and accepted by the said *G. H.* on the day of 18 .]

2. That on the day of 18 , the same was presented to the said *G. H.* for payment, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[*Demand of judgment.*]

No. 43.

SUBSEQUENT INDORSEE AGAINST FIRST INDORSER; THE INDORSEMENT BEING SPECIAL.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to one *E. F.* a bill of exchange, now overdue, made [*or purporting to have been made*] by one *G. H.*, on the day of 18 , at , requiring one *I. J.* to pay to the order of the defendant rupees days after sight thereof [*or otherwise*], and accepted by the said *I. J.* on the day of 18 . [*This clause may be omitted, if not according to the fact.*]

2. That the same was, by the indorsement of the said *E. F.* [and others], transferred to the plaintiff.

3. That on the day of 18 the same was presented to the said *I. J.* for payment, and was dishonoured.

4. That the defendant had due notice thereof.

5. That he has not paid the same.

[*Demand of judgment.*]

No. 44.

THE FOURTH SCHEDULE—*continued.*

No. 44.

SUBSEQUENT INDORSEE AGAINST HIS IMMEDIATE INDORSER.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant indorsed to plaintiff a bill of exchange, now overdue, made [or purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring one *G. H.* to pay to the order of *I. J.* rupees days after sight thereof [or otherwise], [accepted by the said *G. H.*] and indorsed by the said *I. J.* to the defendant.

2. That on the day of 18 , the same was presented to the said *G. H.* for payment, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[Demand of judgment.]

No. 45.

SUBSEQUENT INDORSEE AGAINST INTERMEDIATE INDORSER.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That a bill of exchange, now overdue, made [or purporting to have been made] by one *E. F.*, on the day of 18 , at , requiring one *G. H.* to pay to the order of one *I. J.* rupees days after sight thereof [or otherwise], [accepted by the said *G. H.*] and indorsed by the said *I. J.* to the defendant, was, by the indorsement of the defendant [and others], transferred to the plaintiff.

2. That on the day of 18 , the same was presented to the said *G. H.* for payment, and was dishonoured.

3. That the defendant had due notice thereof.

4. That he has not paid the same.

[Demand of judgment.]

No. 46.

INDORSEE AGAINST DRAWER, ACCEPTOR AND INDORSER.

IN THE COURT OF

AT

Civil Suit, No.

A. B. of

against

C. D. of

E. F. of

G. H. of

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, *C. D.*, by his bill of exchange, now overdue, directed to the defendant *E. F.*, required the said

E. F.

THE FOURTH SCHEDULE—*continued.*

E. F. to pay to the order of the defendant *G. H.*, rupees [] days after sight thereof].

2. That on the day of 18 , the said *E. F.* accepted the same.
3. That the said *G. H.* indorsed the same to the plaintiff.
4. That on the day of 18 , the same was presented to the said *E. F.* for payment, and was dishonoured.
5. That the other defendants had due notice thereof.
6. That they have not paid the same.

[*Demand of judgment.*]

No. 47.

PAYEE AGAINST DRAWER FOR NON-ACCEPTANCE OF A FOREIGN BILL.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant by his bill of exchange drawn in Calcutta, required one *E. F.* to pay to the plaintiff in [London] pounds sterling, [sixty days] after sight thereof.
2. That on the day of 18 , the same was presented to the said *E. F.* for acceptance, and was dishonoured, and was thereupon duly protested.
3. That the defendant had due notice thereof.
4. That he has not paid the same.
5. That the value of pounds sterling, at the time of the service of notice of protest on the defendant, was rupees annas.]

Wherefore the plaintiff demands judgment against the defendant for rupees, with [ten per centum] compensation and interest from the day of 18 .

No. 48.

PAYEE AGAINST ACCEPTOR.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , one *E. F.*, by his bill of exchange, now overdue, directed to the defendant, required the defendant to pay to the plaintiff rupees after date [or days after sight] thereof.
2. That on the day of 18 , the defendant accepted the said bill.
3. That he has not paid the same.

[*Demand of judgment.*]

[NOTE.—This form omits to state the delivery of the bill to the plaintiff or his title to sue. See *Churchill v. Gardner*, 7 T. R. 596.]

No. 49.

THE FOURTH SCHEDULE—*continued.*

No. 49.

ON A MARINE [OPEN] POLICY, ON VESSEL LOST BY PERILS OF THE SEA.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That plaintiff was the owner of [or had an interest in] the ship at the time of its loss, as hereafter mentioned.

2. That on the day of 18, at , the defendants, in consideration of rupees to them paid [or, which the plaintiff then promised to pay], executed to him a policy of insurance upon the said ship, a copy of which is hereto annexed; [or, whereby they promised to pay to the plaintiff, within days after proof of loss and interest, all loss and damage accruing to him by reason of the destruction or injury of the said ship, during its next voyage from to , whether by perils of the sea or by fire, or by other causes therein mentioned, not exceeding rupees].

3. That the said vessel, while proceeding on the voyage mentioned in the said policy, was on the day of 18, totally lost by the perils of the sea [or otherwise].

4. That the plaintiff's loss thereby was rupees.

5. That on the day of 18, he furnished the defendants with proof of his loss and interest, and otherwise duly performed all the conditions of the said policy on his part.

6. That the defendants have not paid the said loss.

[Demand of judgment.]

No. 50.

ON CARGO, LOST BY FIRE:—VALUED POLICY.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That plaintiff was the owner of [or had an interest in] [one hundred bales of cotton] on board the ship at the time of its loss as hereafter mentioned.

2. That on the day of 18, at , the defendant, in consideration of rupees which the plaintiff then paid [or promised to pay], executed to him a policy of insurance upon the said goods, a copy of which is hereto annexed; [or, whereby it promised to pay to the plaintiff rupees in case of the total loss, by fire or other causes mentioned, of the said goods before their landing at ; or, in case of partial loss, such damage as the plaintiff might sustain thereby, provided the same should exceed per centum of the whole value of the goods].

3. That on the day of 18, at , while proceeding on the voyage mentioned in the said policy, the said goods were totally destroyed by fire.

4 and 5. [As in paragraphs 5 and 6 of the last preceding Form.]

[Demand of judgment.]

No. 51.

THE FOURTH SCHEDULE—*continued.*

No. 51.

ON FREIGHT:—VALUED POLICY.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That the plaintiff had an interest in the freight to be earned by the ship [] on her voyage from to , at the time of her loss as hereafter mentioned, and that a large quantity of goods was shipped upon freight in her at that time.

2. That on the day of 18 , at , the defendant, in consideration of rupees to him paid, executed to the plaintiff a policy of insurance upon the said freight, a copy of which is hereto annexed [*or state its tenor, as before*].

3. That the said vessel, while proceeding upon the voyage mentioned in the said policy, was, on the day of 18 , totally lost by [the perils of the sea].

4. That the plaintiff has not received any freight from the said vessel, nor did she earn any on the said voyage, by reason of her loss as aforesaid.

5 and 6. [*As in Form No. 49.*]

[Demand of judgment.]

No. 52.

FOR A LOSS BY GENERAL AVERAGE.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That plaintiff was the owner of [*or had an interest in*] [one hundred bales of cotton] shipped on board a vessel called the *Y. Z.*, from to , at the time of the loss hereafter mentioned.

2. That on the day of 18 , at , in consideration of rupees [which the plaintiff then promised to pay], the defendant executed to the plaintiff a policy of insurance upon his said goods, a copy of which is hereto annexed [*or state its tenor, as before.*]

3. That on the day of 18 , while proceeding on the voyage mentioned in the said policy, the said vessel was so endangered by perils of the sea, that the master and crew thereof were compelled to, and did, cast into the sea a large part of her rigging and furniture.

4. That the plaintiff was, by reason thereof, compelled to, and did, pay a general average loss of rupees.

5. That on the day of 18 , he furnished the defendant with proof of his loss and interest, and otherwise duly performed all the conditions of the said policy on his part.

6. That the defendant has not paid the said loss.

[Demand of judgment.]

No. 53.

THE FOURTH SCHEDULE—*continued.*

No. 53.

FOR A PARTICULAR AVERAGE LOSS.

(Title.)

A. B., the above-named-plaintiff, states as follows:—

1 and 2. [*As in the preceding Form.*]

3. That on the day of 18 , while on the high seas, the sea-water broke into the said ship, and damaged the said [cotton] to the amount of rupees.

4 and 5. [*As in paragraphs 5 and 6 of the preceding Form.*]

[*Demand of judgment.*]

No. 54.

ON A FIRE-INSURANCE POLICY.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff [was the owner of, *or*] had an interest in a [dwelling-house, known as No. street, in the city of ,] at the time of its destruction [*or, injury*] by fire as hereinafter mentioned.

2. That on the day of 18 , at , in consideration of rupees [to it paid], the defendant executed to the plaintiff a policy of insurance on the said [premises], a copy of which is hereto annexed [*or state its tenor*].

3. That on the day of 18 , the said [dwelling-house] was totally destroyed [*or, greatly damaged*] by fire.

4. That the plaintiff's loss thereby was rupees.

5. That on the day of 18 , he furnished the defendant with proof of his said loss and interest, and otherwise duly performed all the conditions of the said policy on his part.

6. That the defendant has not paid the said loss.

[*Demand of judgment.*]

No. 55.

AGAINST SURETIES FOR PAYMENT OF RENT.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , one *E. F.* hired from the plaintiff, for the term of years, the [house No. street], at the annual rent of rupees, payable [monthly].

2. That [at the same time and place] the defendant agreed, in consideration of the letting of the said premises to the said *E. F.*, to guarantee the punctual payment of the said rent.

3. That

THE FOURTH SCHEDULE—continued.

3. That the rent aforesaid for the month of 18 , amounting to rupees, has not been paid.

[If, by the terms of the agreement, notice is required to be given to the surety, add:—]

4. That on the day of 18 , the plaintiff gave notice to the defendant of the non-payment of the said rent, and demanded payment thereof.

5. That he has not paid the same.

[Demand of judgment.]

B.—PLAINTS FOR COMPENSATION FOR BREACH OF CONTRACT.

No. 56.

FOR BREACH OF AGREEMENT TO CONVEY LAND.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant entered into an agreement, under their hands, of which a copy is hereto annexed.

[Or That on, &c., the defendant agreed with the plaintiff that, in consideration of a deposit of rupees then paid, and of the further sum of ten thousand rupees payable as hereafter mentioned, he would, on the day of 18 , at , execute to the plaintiff a sufficient conveyance of [the house No. , street, in the city of free from all incumbrances; and the plaintiff agreed to pay ten thousand rupees for the same on delivery thereof].

2. That on the day of 18 , the plaintiff demanded the conveyance of the said property from the defendant and tendered rupees to the defendant [or, that all conditions were fulfilled, and all things happened and all times elapsed necessary to entitle the plaintiff to have the said agreement performed by the defendant on his part].

3. That the defendant has not executed any conveyance of the said property to the plaintiff [or That there is a mortgage upon the said property, made by to , for rupees, registered in the office of , on the day of 18 , and still unsatisfied, or any other defect of title].

4. That the plaintiff has thereby lost the use of the money paid by him as such deposit as aforesaid and of other moneys provided by him for the completion of the said purchase, and has lost the expenses incurred by him in investigating the title of the defendant and in preparing to perform the agreement on his part, and has incurred expense in endeavouring to procure the performance thereof by the defendant.

The plaintiff prays judgment for rupees compensation.

No. 57.

FOR BREACH OF AGREEMENT TO PURCHASE LAND.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant entered into an agreement, under their hands, of which a copy is hereto annexed.

[Or That on the day of 18 , at , the plaintiff and defendant

Civil Procedure Code.

THE FOURTH SCHEDULE—contd.

defendant mutually agreed that the plaintiff should sell to the defendant should purchase from the plaintiff, forty bighás of land in the [] for rupees].

2. That on the day of 18, at being then the absolute owner of the said property [and the said incumbrances, as was made to appear to the defendant], tendered to [] instrument of conveyance of the same [or, was ready and willing, to give the same to the defendant by a sufficient instrument,] on the payment of the said sum.

3. That the defendant has not paid the same.

[Demand of judgment.]

No. 58.

Another Form.

FOR NOT COMPLETING A PURCHASE OF IMMOVEABLE PROPERTY

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That by an agreement dated the day of 18, by and between the plaintiff and the defendant that the plaintiff should sell and the defendant should purchase from the plaintiff a house and land rupees, upon the terms and conditions following (that is to say)—

(a) That the defendant should pay the plaintiff a deposit of the said purchase-money on the signing of the said agreement, and the remainder of the said purchase-money on the day of 18, on which day the said purchase was completed.

(b) That the plaintiff should deduce and make a good title to the said premises on or before the day of 18, and on payment of the said purchase-money of the said purchase-money as aforesaid should execute to the defendant a proper instrument of the said premises, to be prepared at the defendant's expense.

2. That all conditions were fulfilled, and all things happened and all things necessary to entitle the plaintiff to have the said agreement performed by the defendant on his part, yet the defendant did not pay the plaintiff the remainder of the said purchase-money as aforesaid on his part.

3. That the plaintiff has thereby lost the expense which he incurred in performing the said agreement on his part, and has been put to expense in endeavouring to procure the performance thereof by the defendant.

[Demand of judgment.]

No. 59.

FOR NOT DELIVERING GOODS SOLD.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18, at [], the plaintiff and the defendant mutually agreed that the defendant should deliver [one hundred barrels

Civil Procedure Code.

THE FOURTH SCHEDULE—continued.

That plaintiff [on the day of 18 ,] and that the plaintiff should refer rupees on delivery.

That on the [said] day the plaintiff was ready and willing, and offered, to pay the [said] sum upon delivery of the said goods.

That the defendant has not delivered the same, whereby the plaintiff has been deprived of the profits which would have accrued to him from such delivery.

[Demand of judgment.]

No. 60.

FOR BREACH OF CONTRACT TO EMPLOY.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. That on the day of 18 , at , the plaintiff and defendant mutually agreed that the plaintiff should serve the defendant as an accountant, or in the capacity of foreman, or as the case may be, and that the defendant should employ the plaintiff as such, for the term of [one year], and pay him for his services rupees [monthly].

2. That on the day of 18 , the plaintiff entered upon the service in parvice of the defendant as aforesaid, and has ever since been, and still is, ready and willing to continue in such service during the remainder of the said year, whereof the defendant should have had notice.

3. That on the day of 18 , the defendant wrongfully dismissed the plaintiff, and refused to permit him to serve as aforesaid, or to pay him for his services.

[Demand of judgment.]

No. 61.

FOR BREACH OF CONTRACT TO EMPLOY, WHERE THE EMPLOYMENT NEVER TOOK EFFECT.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. [As in last preceding Form.]

2. That on the day of 18 , at , the plaintiff offered to enter upon the service of the defendant, and has ever since been ready and willing so to do.

3. That the defendant refused to permit the plaintiff to enter upon such service, or to pay him for his services.

[Demand of judgment.]

No. 62.

THE FOURTH SCHEDULE—continued.

No. 62.

FOR BREACH OF CONTRACT TO SERVE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18, at , the plaintiff and defendant mutually agreed that the plaintiff should employ the defendant at [an annual] compensation of rupees, and that the defendant should serve the plaintiff as [an artist] for the term of [one year].

2. That the plaintiff has always been ready and willing to perform his part of the said agreement [and on the day of 18 offered so to do].

3. That the defendant [entered upon the service of the plaintiff on the above-mentioned day, but afterwards, on the day of 18, he] refused to serve the plaintiff as aforesaid.

[Demand of judgment.]

No. 63.

AGAINST A BUILDER FOR DEFECTIVE WORKMANSHIP.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18, at , the plaintiff and defendant entered into an agreement, of which a copy is hereto annexed.

[Or state the tenor of the contract.]

[2. That the plaintiff duly performed all the conditions of the said agreement on his part.]

3. That the defendant [built the house referred to in the said agreement in a bad and unworkmanlike manner].

[Demand of judgment.]

No. 64.

BY THE MASTER AGAINST THE FATHER OR GUARDIAN OF AN APPRENTICE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18, at , the defendant entered into an agreement, under his hand and seal,* a copy of which is hereto annexed.

[Or state the tenor of the covenants.]

2. That after the making of the said agreement the plaintiff received the said [apprentice] into his service as such apprentice for the term aforesaid, and has always performed and been ready and willing to perform all things in the said agreement on his part to be performed,

3. That on the day of 18, the said [apprentice] wilfully absented himself from the service of the plaintiff, and continues so to do.

[Demand of judgment.]

* The form given in Act XIX of 1859 requires the seal of the father or guardian.

No. 65.

THE FOURTH SCHEDULE—continued.

No. 65.

BY THE APPRENTICE AGAINST THE MASTER.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant entered into an agreement with the plaintiff and his father, E. F., under their hands and seals, a copy of which is hereto annexed.

2. That after the making of the said agreement the plaintiff entered into the service of the defendant with him after the manner of an apprentice to serve for the term mentioned in the said agreement, and has always performed all things in the said agreement contained on his part to be performed.

3. That the defendant has not [instructed the plaintiff in the business of ; or state any other breach, such as cruelty, failure to provide sufficient food, or other ill-treatment].

[Demand of judgment.]

No. 66.

ON A BOND FOR THE FIDELITY OF A CLERK.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , plaintiff employed one E. F. as a clerk.

2. That on the day of 18 , at , the defendant agreed with the plaintiff, that if the said E. F. should not faithfully perform his duties as a clerk to the plaintiff, or should fail to account to the plaintiff for all moneys, evidences of debt, or other property received by him for the use of the plaintiff, the defendant would pay to the plaintiff whatever loss he might sustain by reason thereof, not exceeding rupees.

[Or, 2. That at the same time and place, the defendant bound himself to the plaintiff, by a writing under his hand, in the penal sum of rupees, conditioned that if the said E. F. should faithfully perform his duties as clerk and cashier to the plaintiff, and should justly account to the plaintiff for all moneys, evidences of debt, or other property which should be at any time held by him in trust for the plaintiff, the same should be void, but not otherwise.]

[Or, 2. That at the same time and place, the defendant executed to the plaintiff a bond, a copy of which is annexed.]

3. That between the day of 18 and the day of 18 , the said E. F. received money and other property, amounting to the value of rupees, for the use of the plaintiff, for which he has not accounted to him, and the same still remains due and unpaid.

[Demand of judgment.]

No. 67.

THE FOURTH SCHEDULE—*continued.*

No. 67.

BY TENANT AGAINST LANDLORD, WITH SPECIAL DAMAGE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant, by an instrument in writing, let to the plaintiff [the house No. street], for the term of years, covenanting with the plaintiff that he, the plaintiff, and his legal representatives should quietly enjoy possession thereof for the said term.

2. That all conditions were fulfilled and all things happened necessary to entitle the plaintiff to maintain this suit.

3. That on the day of during the said term, one *E. F.*, who was the lawful owner of the said house, lawfully evicted the plaintiff therefrom, and still withholds the possession thereof from him.

4. That the plaintiff was thereby [prevented from continuing the business of a tailor at the said place, was compelled to expend rupees in moving, and lost the custom of *G. H.* and *I. J.* by such removal].

[Demand of judgment.]

No. 68.

FOR BREACH OF WARRANTY OF MOVEABLES.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant warranted a steam-engine to be in good working order, and thereby induced the plaintiff to purchase the same of him, and to pay him rupees therefor.

2. That the said engine was not then in good working order, whereby the plaintiff incurred expense in having the said engine repaired, and lost the profits which would otherwise have accrued to him while the engine was under repair.

[Demand of judgment.]

No. 69.

ON AN AGREEMENT OF INDEMNITY.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the plaintiff and defendant, being partners in trade under the firm of *A. B. & C. D.*, dissolved the said partnership, and mutually agreed that the defendant should take and keep all the partnership-property, pay all debts of the firm, and indemnify the plaintiff against all claims that might be made upon him on account of any indebtedness of the said firm.

2. That the plaintiff duly performed all the conditions of the said agreement on his part.

3. That

THE FOURTH SCHEDULE—continued.

No. 72.

FOR TRESPASS IN ENTERING A DWELLING-HOUSE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the defendant entered a dwelling-house of the plaintiff called _____, and made a noise and disturbance therein for a long time, and broke open the doors of the said dwelling-house, and removed, took and carried away the fixtures and goods of the plaintiff therein, and disposed of the same to the defendant's own use, and expelled the plaintiff and his family from the possession of the said dwelling-house, and kept them so expelled for a long time.
2. That the plaintiff was thereby prevented from carrying on his business, and incurred expense in procuring another dwelling-house for himself and family.

[Demand of judgment.]

No. 73.

FOR TRESPASS ON MOVEABLES.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the _____ day of _____ 18____, at _____, the defendant broke open ten barrels of rum belonging to the plaintiff, and emptied their contents into the street [or seized and took the plaintiff's goods, that is to say, iron, rice and household furniture, or as the case may be], and carried away the same and disposed of them to his own use:
[or, seized and took the plaintiff's cows and bullocks, and impounded them and kept them impounded for a long time.
2. That the plaintiff was thereby deprived of the use of the cows and bullocks during that time, and incurred expense in feeding them and in getting them restored to him; and was also prevented from selling them at _____ fair, as he otherwise would have done, and the said cows and bullocks are diminished in value to the plaintiff [otherwise state the injury according to the facts].

[Demand of judgment.]

No. 74.

FOR THE CONVERSION OF MOVEABLE PROPERTY.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the _____ day of _____ 18____, plaintiff was in possession of certain goods described in the schedule hereto annexed [or of one thousand barrels of flour.]
2. That on that day, at _____, the defendant converted the same to his own use, and wrongfully deprived the plaintiff of the use and possession of the same.

[Demand of judgment.]

The Schedule.

THE FOURTH SCHEDULE—continued.

No. 75.

AGAINST A WAREHOUSEMAN FOR REFUSAL TO DELIVER GOODS.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18, at , the defendant, in consideration of the payment to him of rupees [or, rupees per barrel, per month, &c.], agreed to keep in his godown [one hundred barrels of flour], and to deliver the same to the plaintiff on payment of the said sum.

2. That thereupon the plaintiff deposited with the defendant the said [hundred barrels of flour].

3. That on the day of 18, the plaintiff requested the defendant to deliver the said goods, and tendered him rupees [or the full amount of storage due thereon], but the defendant refused to deliver the same.

4. That the plaintiff was thereby prevented from selling the said goods to *E. F.*, and the same are lost to the plaintiff.

[Demand of judgment.]

No. 76.

FOR PROCURING PROPERTY BY FRAUD.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18, at , the defendant, for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he, the defendant, was solvent, and worth rupees over all his liabilities].

2. That the plaintiff was thereby induced to sell [and deliver] to the defendant [dry goods] of the value of rupees.

3. That the said representations were false [or, state the particular falsehoods], and were then known by the defendant to be so.

4. That the defendant has not paid for the said goods. [Or, if the goods were not delivered] That the plaintiff, in preparing and shipping the said goods and procuring their restoration, expended rupees.

[Demand of judgment.]

No. 77.

FOR FRAUDULENTLY PROCURING CREDIT TO BE GIVEN TO ANOTHER PERSON.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18, at , the defendant represented to the plaintiff, that one *E. F.* was solvent and in good credit, and worth rupees over all his liabilities [or, that *E. F.* then held a responsible situation and was in good circumstances, and might safely be trusted with goods on credit].

2. That

THE FOURTH SCHEDULE—*continued.*

2. That the plaintiff was thereby induced to sell to the said *E. F.* [rice] of the value of rupees [on month's credit].
3. That the said representations were false and were then known by the defendant to be so, and were made by him with intent to deceive and defraud the plaintiff [or, to deceive and injure the plaintiff].
4. That the said *E. F.* [did not pay for the said goods at the expiration of the credit aforesaid, or,] has not paid for the said rice, and the plaintiff has wholly lost the same by reason of the premises.

[Demand of judgment.]

No. 78.

FOR POLLUTING THE WATER UNDER THE PLAINTIFF'S LAND.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That he is, and at all the times hereinafter mentioned was, possessed of certain land called and situate in , and of a well therein, and of water in the said well, and was entitled to the use and benefit of the said well and of the said water therein, and to have certain springs and streams of water which flowed and ran into the said well to supply the same to flow or run without being fouled or polluted.
2. That on the day of 18 , the defendant wrongfully fouled and polluted the said well and the said water therein and the said springs and streams of water which flowed into the said well.
3. That by reason of the premises the said water in the said well became impure and unfit for domestic and other necessary purposes, and the plaintiff and his family are deprived of the use and benefit of the said well and water.

[Demand of judgment.]

No. 79.

FOR CARRYING ON A NOXIOUS MANUFACTURE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and at all the times hereinafter mentioned was, possessed of certain lands called situate in .
2. That ever since the day of 18 , the defendant has wrongfully caused to issue from certain smelting works carried on by the defendant large quantities of offensive and unwholesome smoke and other vapours and noxious matter, which spread themselves over and upon the said lands, and corrupted the air, and settled on the surface of the said lands.
3. That thereby the trees, hedges, herbage and crops of the plaintiff growing on the said lands were damaged and deteriorated in value, and the cattle and live stock of the plaintiff on the said lands became unhealthy, and divers of them were poisoned and died.

4. That

THE FOURTH SCHEDULE—*continued.*

4. That by reason of the premises the plaintiff was unable to depasture the said lands with cattle and sheep, as he otherwise might have done, and was obliged to remove his cattle, sheep and farming stock therefrom, and has been prevented from having so beneficial and healthy a use and occupation of the said lands as he otherwise would have had.

[Demand of judgment.]

No. 80.

FOR OBSTRUCTING A WAY.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff is, and at the time hereafter mentioned was, possessed of [a house in the town of _____].
2. That he was accustomed to pass [with vehicles, or, on foot] along a certain way leading from his said house to [the highway].
3. That on the _____ day of _____ 18____, the defendant obstructed the said way, so that the plaintiff could not pass [with vehicles, or, on foot, or, in any manner] along the said way [and has ever since obstructed the same].
4. [State special damage, if any.]

[Demand of judgment.]

Another Form.

1. That the defendant wrongfully dug a trench and heaped up earth and stones in the public highway leading from _____ to _____ so as to obstruct it.
2. That thereby the plaintiff, while lawfully passing along the said highway, fell over the said earth and stones [or, into the said trench] and broke his arm, and suffered great pain, and was prevented from attending to his business for a long time, and incurred expense for medical attendance.

[Demand of judgment.]

No. 81.

FOR DIVERTING A WATER-COURSE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and at the time hereinafter mentioned was, possessed of a mill situated on a [stream], known as the _____, in the village of _____ district of _____.
2. That by reason of such possession the plaintiff was entitled to the flow of the said stream for working the said mill.
3. That on the _____ day of _____ 18____, the defendant, by cutting the bank of the said stream, diverted the water thereof, so that less water ran into the plaintiff's mill.
4. That by reason thereof, the plaintiff has been unable to grind more than _____ sacks per day, whereas, before the said diversion of water, he was able to grind _____ sacks per day.

[Demand of judgment.]

THE FOURTH SCHEDULE—continued.

No. 82.

FOR OBSTRUCTING A RIGHT TO USE WATER FOR IRRIGATION.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That the plaintiff is, and was at the time hereinafter mentioned, possessed of certain lands situate, &c., and entitled to take and use a portion of the water of a certain stream for irrigating the said lands.

2. That on the day of the defendant prevented the plaintiff from taking and using the said portion of the said water as aforesaid, by obstructing and diverting the said stream.

[Demand of judgment.]

No. 83.

FOR WASTE BY A LESSEE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18, the defendant hired from him the [house No. street] for the term of

2. That the defendant occupied the same under such hiring.

3. That during the period of such occupation, the defendant greatly injured the premises [defaced the walls, tore up the floors, and broke down the doors; or otherwise specify the injuries as far as possible].

The plaintiff prays judgment for rupees compensation.

No. 84.

FOR ASSAULT AND BATTERY.

(Title.)

A. B., the above-named plaintiff, states as follows:—

That on the day of 18, at, the defendant, assaulted and beat him.

The plaintiff prays judgment for, rupees compensation.

No. 85.

THE FOURTH SCHEDULE—*continued.*

No. 85.

FOR ASSAULT AND BATTERY, WITH SPECIAL DAMAGE.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant assaulted and beat the plaintiff, until he became insensible.

2. That the plaintiff was thereby disabled from attending to his business for [six weeks thereafter], and was compelled to pay rupees for medical attendance, and has been ever since disabled [from using his right arm]. [*Or otherwise state the damage, as the case may be.*]

[Demand of judgment.]

No. 86.

FOR ASSAULT AND FALSE IMPRISONMENT.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant assaulted the plaintiff and imprisoned him for days [or hours]; [*state special damage, if any, thus:—*]

2. That by reason thereof the plaintiff suffered great pain of body and mind and was exposed and injured in his credit and circumstances, and was prevented from carrying on his business and from providing for his family by his personal care and attention, and incurred expense in obtaining his liberation from the said imprisonment, [*or otherwise as the case may be.*]

[Demand of judgment.]

No. 87.

FOR INJURIES CAUSED BY NEGLIGENCE ON A RAILROAD.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , the defendants were common carriers of passengers by railway between and .

2. That on that day the plaintiff was a passenger in one of the carriages of the defendants on the said road.

3. That

THE FOURTH SCHEDULE—*continued.*

3. That while he was such passenger, at [or, near the station of
; or, between the stations of and],
a collision occurred on the said railway, caused by the negligence and unskilfulness of the
defendants' servants, whereby the plaintiff was much injured [having his leg broken, his
head cut, &c., and state the special damage, if any, as], and incurred expense for medical
attendance, and is permanently disabled from carrying on his former business as a salesman.

[Demand of judgment.]

[Or thus :—2. That on that day the defendants by their servants so negligently and
unskilfully drove and managed an engine and a train of carriages attached thereto upon and
along the defendants' railway which the plaintiff was then lawfully crossing, that the said
engine and train were driven and struck against the plaintiff, whereby, &c., as in § 3.]

No. 88.

FOR INJURIES CAUSED BY NEGLIGENT DRIVING.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is a shoe-maker, carrying on business at
The defendant is a merchant of

2. On the [23rd May 1875], the plaintiff was walking eastward along Chowringhee, in
the city of Calcutta, at about three o'clock in the afternoon. He was obliged to cross
Harrington Street, which is a street running into Chowringhee at right angles. While he
was crossing this street, and just before he could reach the foot-pavement on the further
side thereof, a carriage of the defendant's drawn by two horses, under the charge and con-
trol of the defendant's servants, was negligently, suddenly, and without any warning, turned
at a rapid and dangerous pace out of Harrington Street into Chowringhee. The pole of the
carriage struck the plaintiff, and knocked him down, and he was much trampled by the horses.

3. By the blow and fall and trampling the plaintiff's left arm was broken, and he
was bruised and injured on the side and back, as well as internally, and in consequence
thereof the plaintiff was for four months ill and in suffering, and unable to attend to his
business, and incurred heavy medical and other expenses, and sustained great loss of busi-
ness and profits.

The plaintiff claims rupees damages.

(Title.)

Written Statement of Defendant.

1. The defendant denies that the carriage mentioned in the plaint was the defend-
ant's carriage, or that it was under the charge or control of the defendant's servants.
The carriage belonged to [Messrs. E. F. and G. H.] of Street, Calcutta, livery
stable-keepers, employed by the defendant to supply him with carriages and horses; and the
person under whose charge and control the said carriage was, was the servant of the said
Messrs. E. F. and G. H.

2. The defendant does not admit that the said carriage was turned out of Harrington
Street either negligently, suddenly, or without warning, or at a rapid or dangerous pace.

3. The defendant says, that the plaintiff might and could, by the exercise of reasonable
care and diligence, have seen the said carriage approaching him, and avoided any collision
with it.

4. The defendant does not admit the statements of the third paragraph of the plaint.

THE FOURTH SCHEDULE—*continued.*

No. 89.

FOR LIBEL; THE WORDS BEING LIBELLOUS IN THEMSELVES.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant published in a newspaper, called the [or, in a letter addressed to *E. F.*], the following words concerning the plaintiff:—

[Set forth the words used.]

2. That the said publication was false and malicious.

[Demand of judgment.]

NOTE.—If the libel was in a language not the language of the Court, set out the libel *verbatim* in the foreign language in which it was published, and then proceed thus:—“Which said words, being translated into the language, have the meaning and effect following, and were so understood by the persons to whom they were so published, that is to say, [*here set out a literal translation of the libel in the language of the Court.*]

No. 90.

FOR LIBEL; THE WORDS NOT BEING LIBELLOUS IN THEMSELVES.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That the plaintiff [is, and] was, on and before the day of 18 a merchant, doing business in the city of

2. That on the day of 18 , at , the defendant published in a newspaper, called the [or, in a letter addressed to *E. F.*, or otherwise show how published], the following words concerning the plaintiff:—

["*A. B.*, of this city, has modestly retired to foreign lands. It is said that creditors to the amount of rupees are anxiously seeking his address."]

3. That the defendant meant thereby that [the plaintiff had absconded to avoid his creditors, and with intent to defraud them].

4. That the said publication was false and malicious.

[Demand of judgment.]

No. 91.

FOR SLANDER; THE WORDS BEING ACTIONABLE IN THEMSELVES.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant falsely and maliciously spoke, in the hearing of *E. F.* [or, sundry persons], the following words concerning the plaintiff: “He is a thief”].

2. That, in consequence of the said words, the plaintiff lost his situation as in the employ of

[Demand of judgment.]

No. 92.

THE FOURTH SCHEDULE—*continued.*

No. 92.

FOR SLANDER; THE WORDS NOT BEING ACTIONABLE IN THEMSELVES.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant falsely and maliciously said to one E. F. concerning the plaintiff: ["He is a young man of remarkably easy conscience"].

2. That the plaintiff was then seeking employment as a clerk, and the defendant meant, by the said words, that the plaintiff was not trustworthy as a clerk.

3. That, in consequence of the said words, [the said E. F. refused to employ the plaintiff as a clerk].

[Demand of judgment.]

No. 93.

FOR MALICIOUS PROSECUTION.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant obtained a warrant of arrest from [a magistrate of the said city, or, as the case may be,] on a charge of , and the plaintiff was arrested thereon, and imprisoned for [days, or, hours, and gave bail in the sum of rupees to obtain his release].

2. That in so doing, the defendant acted maliciously and without reasonable or probable cause.

3. That on the day of 18 , the said magistrate dismissed the complaint of the defendant, and acquitted the plaintiff.

4. That many persons, whose names are unknown to the plaintiff, hearing of the said arrest, and supposing the plaintiff to be a criminal, have ceased to do business with him; or, that, in consequence of the said arrest, the plaintiff lost his situation as clerk to one E. F., or, that by reason of the premises the plaintiff suffered pain of body and mind, and was prevented from transacting his business, and was injured in his credit, and incurred expense in obtaining his release from the said imprisonment and in defending himself against the said complaint.

[Demand of judgment.]

D.—PLAINTS

THE FOURTH SCHEDULE—*continued.*

D.—PLAINTS IN SUITS FOR SPECIFIC PROPERTY.

No. 94.

BY THE ABSOLUTE OWNER FOR THE POSSESSION OF IMMOVEABLE PROPERTY.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That *X. Y.* was the absolute owner of [the estate, *or*, the share of the estate, called _____, situate in the district of _____, the Government revenue of which is rupees _____ and the estimated value rupees _____ *or*, of the house No. _____, _____ street in the town of Calcutta, the estimated value of which is rupees _____].

2. That on the _____ day of _____ 18____, *Z.* illegally dispossessed the said *X. Y.* of the said estate [*or* share *or* house].

3. That the said *X. Y.* has since died intestate, leaving the plaintiff the said *A. B.* his heir him surviving.

4. That the defendant withholds the possession of the estate [*or* share *or* house] from the plaintiff.

The plaintiff prays judgment:

- (1) For the possession of the said premises;
- (2) For _____ rupees compensation for withholding the same.

*Another Form.**A. B.*, the above-named plaintiff, states as follows:—

1. On the _____ day of _____, the plaintiff, by an instrument in writing let to the defendant a house and premises [No. 52, Russell Street, in the _____] for a term of five years from the _____ day of _____, at the monthly rent of rupees 300.

2. By the said instrument the defendant covenanted to keep the said house and premises in good and tenantable repair.

3. The said instrument also contained a clause of re-entry, entitling the plaintiff to re-enter upon the said house and premises, in case the rent thereby reserved, whether demanded or not, should be in arrear for twenty-one days, or in case the defendant should make default in the performance of any covenant upon his part to be performed.

4. On the _____ day of _____ 18____ a month's rent became due, and on the _____ day of _____ 18____ another month's rent became due; on the _____ day of _____ 18____ both had been in arrear for twenty-one days, and both are still due.

5. On the same _____ day of _____ 18____ the house and premises were not and are not now in good or tenantable repair, and it would require the expenditure of a large sum of money to re-instate the same in good and tenantable repair, and the plaintiff's reversion is much depreciated in value. The plaintiff claims:

- (1) Possession of the said house and premises;
- (2) Rupees _____ for arrears of rent;
- (3) Rupees _____ compensation for the defendant's breach of his covenant to repair;
- (4) Rupees _____ for the occupation of the house and premises from the _____ day of _____ 18____ to the day of recovering possession.

No. 95.

THE FOURTH SCHEDULE—*continued.*

No. 95.

BY THE TENANT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That one *E. F.* is the absolute owner of [a piece of land in the town of Calcutta, bounded as follows: _____], the estimated value of which is rupees _____
2. That on the _____ day of _____ 18____, the said *E. F.* let the said premises to the plaintiff for _____ years, from _____
3. That the defendant withholds the possession thereof from the plaintiff.

[*Demand of judgment.*]

No. 96.

FOR MOVEABLE PROPERTY WRONGFULLY TAKEN.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the _____ day of _____ 18____, plaintiff owned [or was possessed of] one hundred barrels of flour, the estimated value of which is rupees _____
2. That on that day, at _____, the defendant took the same.

The plaintiff prays judgment:

- (1) for the possession of the said goods, or for _____ rupees in case such possession cannot be had;
- (2) for _____ rupees compensation for the detention thereof.

No. 97.

FOR MOVEABLES WRONGFULLY DETAINED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. That on the _____ day of _____ 18____, plaintiff owned [*or, state facts showing a right to the possession*] the goods mentioned in the schedule hereto annexed [*or describe the goods*], the estimated value of which is rupees _____

2. That from that day until the commencement of this suit, the defendant has detained the same from the plaintiff.

3. That before the commencement of this suit, to wit, on the _____ day of _____ 18____, the plaintiff demanded the same from the defendant, but he refused to deliver them.

The plaintiff prays judgment:

- (1) for the possession of the said goods, or for _____ rupees, in case such possession cannot be had;
- (2) for _____ rupees compensation for the detention thereof.

The schedule.

No. 98.

THE FOURTH SCHEDULE—*continued.*

No. 98.

AGAINST A FRAUDULENT PURCHASER AND HIS TRANSFERRE WITH NOTICE.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , at , the defendant [*C. D.*], for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [~~he~~ was solvent, and worth rupees over all his liabilities].
2. That the plaintiff was thereby induced to sell and deliver to the said *C. D.* [one hundred boxes of tea], the estimated value of which is rupees.
3. That the said representations were false, and were then known by the said *C. D.* to be so. [*Or*, That at the time of making the said representations, the said *C. D.* was insolvent, and knew himself to be so.]
4. That the said *C. D.* afterwards transferred the said goods to the defendant *E. F.*, without consideration [*or* who had notice of the falsity of the representation].

The plaintiff prays judgment:

- (1) for the possession of the said goods, or for rupees, in case such possession cannot be had;
- (2) for rupees compensation for the detention thereof.

E.—PLAINTS IN SUITS FOR SPECIAL RELIEF.

No. 99.

FOR RESCISSION OF A CONTRACT ON THE GROUND OF MISTAKE.

*(Title.)**A. B.*, the above-named plaintiff, states as follows:—

1. That on the day of 18 , the defendant represented to the plaintiff that a certain piece of ground belonging to the defendant, situated at , contained [ten bighas].
2. That the plaintiff was thereby induced to purchase the same at the price of rupees in the belief that the said representation was true, and signed an instrument of agreement, of which a copy is hereto annexed. But no conveyance of the same has been executed to him.
3. That on the day of 18 , the plaintiff paid the defendant rupees as part of such purchase-money.
4. That the said piece of ground contained in fact only [five bighas].

The plaintiff prays judgment:

- (1) for rupees, with interest from the day of 18 ;
- (2) that the said agreement of purchase be delivered up and cancelled.

No. 100.

THE FOURTH SCHEDULE—*continued.*

No. 100.

FOR AN INJUNCTION RESTRAINING WASTE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff is the absolute owner of [*describe the property*].
2. That the defendant is in possession of the same under a lease from the plaintiff.
3. That the defendant has [cut down a number of valuable trees, and threatens to cut down many more for the purpose of sale] without the consent of the plaintiff.

The plaintiff prays judgment, that the defendant be restrained by injunction from committing or permitting any further waste on the said premises.

[*Pecuniary compensation might also be prayed.*]

No. 101.

FOR ABATEMENT OF A NUISANCE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff is, and at all the times hereinafter mentioned was, the absolute owner of [the house No. , street, Calcutta].

2. That the defendant is, and at all the said times was, the absolute owner of [a plot of ground in the same street].

3. That on the day of 18 , the defendant erected upon his said lot a slaughter-house, and still maintains the same; and from that day until the present time has continually caused cattle to be brought and killed there [and has caused the blood and offal to be thrown into the street opposite the said house of the plaintiff].

4. That [the plaintiff has been compelled, by reason of the premises, to abandon the said house, and has been unable to rent the same].

The plaintiff prays judgment, that the said nuisance be abated.

No. 102.

FOR AN INJUNCTION AGAINST THE DIVERSION OF A WATER-COURSE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

[*As in No. 81.*]

The plaintiff prays judgment, that the defendant be restrained by injunction from diverting the water as aforesaid.

THE FOURTH SCHEDULE—*continued.*

No. 103.

FOR RESTORATION OF MOVEABLE PROPERTY, THREATENED WITH DESTRUCTION, AND FOR AN INJUNCTION.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That plaintiff is; and at all times hereinafter mentioned was, the owner of [a portrait of his grandfather, which was executed by an eminent painter], and of which no duplicate exists [or state any facts showing that the property is of a kind that cannot be replaced by money].

2. That on the day of 18 , he deposited the same for safe-keeping with the defendant.

3. That on the day of 18 , he demanded the same from the defendant, and offered to pay all reasonable charges for the storage of the same.

4. That the defendant refuses to deliver the same to the plaintiff and threatens to conceal, dispose of, cut or injure the same if required to deliver it up.

5. That no pecuniary compensation would be an adequate compensation to the plaintiff for the loss of the said [painting].

The plaintiff prays judgment:

(1) that the defendant be restrained by injunction from disposing of, injuring, or concealing the said [painting];

(2) that he return the same to the plaintiff.

No. 104.

INTERPLEADER.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. That before the date of the claims hereinafter mentioned, one *G. H.* deposited with the plaintiff [describe the property] for [safe keeping].

2. That the defendant, *C. D.*, claims the same [under an alleged assignment thereof to him from the said *G. H.*]

3. That the defendant, *E. F.*, also claims the same [under an order of the said *G. H.* transferring the same to him].

4. That the plaintiff is ignorant of the respective rights of the defendants.

5. That he has no claim upon the said property, and is ready and willing to deliver it to such persons as the Court shall direct.

6. That this suit is not brought by collusion with either of the defendants.

The plaintiff prays judgment:

(1) that the defendants be restrained, by injunction, from taking any proceedings against the plaintiff in relation thereto;

(2) that they be required to interplead together concerning their claims to the said property;

[(3) that some person be authorized to receive the said property pending such litigation];

(4) that upon delivering the same to such [person], the plaintiff be discharged from all liability to either of the defendants in relation thereto.

No. 105.

THE FOURTH SCHEDULE—*continued.*

No. 105.

ADMINISTRATION BY CREDITOR.

(Title.)

A. B., the above-named plaintiff, states as follows.—

1. E. F., late of _____, was at the time of his death, and his estate still is, indebted to the plaintiff in the sum of _____ [here insert nature of debt and security, if any].
2. The said E. F. made his will, dated the _____ day of _____ and thereof appointed C. D. executor [or, devised his estate in trust, &c.. or, died intestate, as the case may be].
3. The said will was proved by the said C. D. [or, letters of administration were granted, &c.].
4. The defendant has possessed himself of the moveable [and immoveable, or, the proceeds of the immoveable] property of the said E. F., and has not paid the plaintiff his said debt.
5. The said E. F. died on or about the _____ day of _____.
6. The plaintiff prays that an account may be taken of the moveable [and immoveable] property of the said E. F., deceased, and that the same may be administered under the decree of the Court.

No. 106.

ADMINISTRATION BY SPECIFIC LEGATEES.

(Title.)

[Alter Form 105 thus :—]

[Omit paragraph 1 and commence paragraph 2] E. F., late of _____, duly made his last will, dated the _____ day of _____ and thereof appointed C. D. executor, and by such will bequeathed to the plaintiff [here state the specific legacy].

For paragraph 4, substitute—

The defendant is in possession of the moveable property of the said E. F., and, amongst other things, of the said [here name the subject of the specific bequest].

For the commencement of paragraph 6 substitute—

The plaintiff prays that the defendant may be ordered to deliver to him the said [here name the subject of the specific bequest] or that, &c.

No. 107.

ADMINISTRATION BY PECUNIARY LEGATEES.

(Title.)

[Alter Form 105 thus :—].

[Omit paragraph 1 and substitute for paragraph 2] E. F., late of _____, duly made his last will, dated the _____ day of _____, and thereof appointed C. D. executor, and by such will bequeathed to the plaintiff a legacy of rupees _____.

In paragraph 4, substitute "legacy" for "debt."

Another

THE FOURTH SCHEDULE—*continued.**Another Form.*Between *E. F.* ... *Plaintiff,*

and

G. H. ... *Defendant.**A. B.*, the above-named plaintiff, states as follows :—

1. *A. B.* of *K* in the duly made his last will, dated the [first day of March 1873], whereby he appointed the defendant and *M. N.* [who died in the testator's life-time] executors thereof, and bequeathed his property, whether moveable or immoveable, to his executors in trust, to pay the rents and income thereof to the plaintiff for his life; and after his decease, and in default of his having a son who should attain twenty-one, or a daughter who should attain that age or marry, upon trust as to his immoveable property for the person who would be the testator's heir-at-law, and as to his moveable property for the persons who would be the testator's next-of-kin if he had died intestate at the time of the death of the plaintiff, and such failure of his issue as aforesaid.

2. The testator died on the [first day of July 1873], and his will was proved by the defendant on the [fourth of October 1873]. The plaintiff has not been married.

3. The testator was at his death entitled to moveable and immoveable property; the defendant entered into the receipt of the rents of the immoveable property and got in the moveable property; he has sold some part of the immoveable property.

The plaintiff claims—

- (1) to have the moveable and immoveable property of *A. B.* administered in this Court, and for that purpose to have all proper directions given and accounts taken;
- (2) such further or other relief as the nature of the case may require.

Between *E. F.* ... *Plaintiff,*

and

G. H. ... *Defendant.**Written Statement of Defendant.*

1. *A. B.*'s will contained a charge of debts; he died insolvent; he was entitled at his death to some immoveable property which the defendant sold, and which produced the nett sum of rupees _____, and the testator had some moveable property which the defendant got in, and which produced the nett sum of rupees _____

2. The defendant applied the whole of the said sums and the sum of rupees _____ which the defendant received from rents of the immoveable property in the payment of the funeral and testamentary expenses and some of the debts of the testator.

3. The defendant made up his accounts and sent a copy thereof to the plaintiff on the [tenth of January 1875], and offered the plaintiff free access to the vouchers to verify such accounts, but he declined to avail himself of the defendant's offer.

4. The defendant submits that the plaintiff ought to pay the costs of this suit.

No. 108.

THE FOURTH SCHEDULE—*continued.*

No. 108.

EXECUTION OF TRUSTS.

IN THE COURT OF

, AT

Civil Suit, No.

A. B. of , ... *Plaintiff,*

against

C. D. of the beneficiary [*or, one*
of the beneficiaries], ... *Defendant.*

A. B., the above-named plaintiff, states as follows :—

1. That he is one of the trustees under an instrument of settlement bearing date on or about the day of made upon the marriage of the said *E. F.* and *G. H.*, the father and mother of the defendant [*or, an instrument of assignment of the estate and effects of E. F. for the benefit of C. D., the defendant, and other the creditors of E. F.*].

2. The said *A. B.* has taken upon himself the burden of the said trust, and is in possession of [*or, of the proceeds of*] the moveable and immoveable property conveyed [*or assigned*] by the before-mentioned deed.

3. The said *C. D.* claims to be entitled to a beneficial interest under the before-mentioned deed.

4. The plaintiff is desirous to account for all the rents and profits of the said immoveable property [and the proceeds of the sale of the said, *or* of part of the said, immoveable property, *or* moveable, *or* the proceeds of the sale of, *or* of part of, the said moveable, property, *or* the profits accruing to the plaintiff as such trustee in the execution of the said trust]; and he prays that the Court will take the accounts of the said trust, and also that the whole of the said trust-estate may be administered in the Court for the benefit of the said *C. D.*, the defendant, and all other persons who may be interested in such administration, in the presence of the said *C. D.* and such other persons so interested as the Court may direct, or that the said *C. D.* may shew good cause to the contrary.

[*N. B.*—Where the suit is by a beneficiary, the plaint may be modelled, mutatis mutandis, on the plaint by a legatee.]

No. 109.

FORECLOSURE OR SALE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. By an instrument of mortgage bearing date on or about the day of 18 , a house with the garden and appurtenances, situated within the jurisdiction of this Court, were conveyed [*or assigned*] by the defendant to him the plaintiff, his heirs [*or executors, administrators,*] and assigns, for securing the principal sum of Rs. together with interest thereon after the rate of Rs. per centum per annum, subject to redemption upon payment by the said defendant of the said principal and interest at a day long since past.

2. There

THE FOURTH SCHEDULE—*continued.*

2. There is now due from the defendant to the plaintiff the sum of Rs. _____ for principal and interest on the said mortgage.

3. The plaintiff prays (a) that the Court will order the defendant to pay him the said sum of Rs. _____, with such further interest as may accrue between the filing of the plaint and the day of payment, and also the costs of this suit, on some day to be named by the Court, and in default that the equity of redemption of the said mortgaged premises may be foreclosed and the plaintiff placed in possession of the same premises; or (b) that the said premises may be sold, and the proceeds applied in and towards the payment of the amount of the said principal, interest and costs; and (c) that if such proceeds shall not be sufficient for the payment in full of such amount, the defendant do pay to the plaintiff the amount of the deficiency with interest thereon at the rate of six per cent. per annum until realization; and (d) that for that purpose all proper directions may be given and accounts taken by the Court.

No. 110.

REDEMPTION.

(Title.)

[Alter Form 109 thus:—]

Transpose parties and also the facts in paragraph 1.

For paragraph 2, substitute—

2. There is now due from the plaintiff to the defendant, for principal and interest on the said mortgage, the sum of Rs. _____ which the plaintiff is ready and willing to pay to the defendant, of which the defendant, before filing this plaint, had notice.

For paragraph 3, substitute—

The plaintiff prays that he may redeem the said premises and that the defendant may be ordered to re-convey [or re-assign] the same to him upon payment of the said sum of Rs. _____ and interest, with such costs (if any), as the Court may order upon a day to be named by the Court, and that the Court will give all proper directions for the preparation and execution of such re-conveyance [or assignment], and doing such other acts as may be necessary to put him into possession of the said premises, freed from the said mortgage:

No. 111.

SPECIFIC PERFORMANCE. (No. 1.)

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. By an agreement dated the _____ day of _____ and signed by the above-named defendant, *C. D.*, he the said *C. D.* contracted to buy of [or sell to] him certain immoveable property, therein described and referred to, for the sum of Rs. _____.

2. He has applied to the said *C. D.* specifically to perform the said agreement on his part, but he has not done so.

3. The said *A. B.* has been and still is ready and willing specifically to perform the agreement on his part, of which the said *C. D.* has had notice.

4. The plaintiff prays that the Court will order the said *A. B.* specifically to perform the said agreement, and to do all acts necessary to put the said *A. B.* in full possession of the said property [or to accept a conveyance and possession of the said property] and to pay the costs of the suit.

[*N. B.*—*In suit for delivery up, to be cancelled, of any agreement, omit paragraphs 2 and 3, and substitute a paragraph stating generally the grounds for requiring the agreement to be delivered up to be cancelled—such as that the plaintiff signed it by mistake, under distress, or by the fraud of the defendant—and alter the prayer according to the relief sought.*]

No. 112.

THE FOURTH SCHEDULE—*continued.*

No. 114.

FORMS OF CONCISE STATEMENTS.

[Code of Civil Procedure, section 58.]

Money lent.	The plaintiff's claim is	rs. for money lent [and interest].
Several demands.	The plaintiff's claim is price of goods sold, and interest.	rs., whereof rs. is for the rs. for money lent, and rs. for
Rent.	The plaintiff's claim is	rs. for arrears of rent.
Salary, &c.	The plaintiff's claim is <i>the case may be</i>].	rs. for arrears of salary as a clerk [<i>or, as</i>
Interest.	The plaintiff's claim is	rs. for interest upon money lent.
General average.	The plaintiff's claim is	rs. for a general average contribution.
Freight, &c.	The plaintiff's claim is	rs. for freight and demurrage.
Banker's balance.	The plaintiff's claim is ant as a banker.	rs. for money deposited with the defend-
Fees, &c., as pleader.	The plaintiff's claim is rs, money expended] as a pleader.	rs. for fees for work done [and
Commission.	The plaintiff's claim is <i>acter—as</i> auctioneer, cotton-broker, &c.].	rs. for commission earned as [<i>state char-</i>
Medical attendance, &c.	The plaintiff's claim is	rs. for medical attendances.
Return of premium.	The plaintiff's claim is policies of insurance.	rs. for a return of premiums paid upon
Warehouse-rent.	The plaintiff's claim is	rs. for the warehousing of goods.
Carriage of goods.	The plaintiff's claim is	rs. for the carriage of goods by railway.
Use and occupation of houses.	The plaintiff's claim is	rs. for the use and occupation of a house.
Hire of goods.	The plaintiff's claim is	rs. for the hire of [furniture].
Work done.	The plaintiff's claim is	rs. for work done as a [surveyor].
Board and lodging.	The plaintiff's claim is	rs. for board and lodging.
Schooling.	The plaintiff's claim is of <i>X. Y.</i>	rs. for the [board, lodging and] tuition
Money received.	The plaintiff's claim is as pleader [<i>or</i> factor, <i>or</i> collector, <i>or, &c.</i>] of the plaintiff.	rs. for money received by the defendant
Fees of office.	The plaintiff's claim is under colour of the office of	rs. for fees received by the defendant
Money over-paid.	The plaintiff's claim is the carriage of goods by railway.	rs. for a return of money overcharged for
	The plaintiff's claim is the defendant as	rs. for a return of fees overcharged by
	The plaintiff's claim is the defendant as stake-holder.	rs. for a return of money deposited with
Return of money by stake-holder.	The plaintiff's claim is	rs. for money entrusted to the defendant
Money won from stake-holder.	as stake-holder, and become payable to plaintiff.	
Money entrusted to agent.	The plaintiff's claim is defendant as agent of the plaintiff.	rs. for a return of money entrusted to the
Money obtained by fraud.	The plaintiff's claim is the plaintiff by fraud.	rs. for a return of money obtained from
Money paid by mistake.	The plaintiff's claim is defendant by mistake.	rs. for a return of money paid to the

The

THE FOURTH SCHEDULE—*continued.*

Money paid for consideration which has failed.	The plaintiff's claim is defendant for [work to be done, <i>or</i> , work left undone; <i>or</i> , a bill to be taken up, <i>or</i> , a bill not taken up; <i>or</i> , &c.].	rs. for a return of money paid to the
	The plaintiff's claim is deposit upon shares to be allotted.	rs. for a return of money paid as a
Money paid by surety for defendant.	The plaintiff's claim is his surety.	rs. for money paid for the defendant as
Rent paid.	The plaintiff's claim is defendant.	rs. for money paid for rent due by the
Money paid on accommodation-bill.	The plaintiff's claim is indorsed] for the defendant's accommodation.	rs. upon a bill of exchange accepted [<i>or</i>
Contribution by surety.	The plaintiff's claim is paid by the plaintiff as surety.	rs. for a contribution in respect of money
By co-debtor.	The plaintiff's claim is joint debt of the plaintiff and the defendant, paid by the plaintiff.	rs. for a contribution in respect of a
Money paid for calls.	The plaintiff's claim is against which the defendant was bound to indemnify the plaintiff.	rs. for money paid for calls upon shares,
Money payable under award.	The plaintiff's claim is	rs. for money payable under an award.
Life-policy.	The plaintiff's claim is of X. Y., deceased.	rs. upon a policy of insurance upon the life
Money-bond.	The plaintiff's claim is rs. and interest.	rs. upon a bond to secure payment of
Foreign judgment.	The plaintiff's claim is Court in [the Empire of Russia].	rs. upon a judgment of the
Bills of exchange, &c.	The plaintiff's claim is drawn, <i>or</i> indorsed] by the defendant.	rs. upon a cheque drawn by the defendant.
	The plaintiff's claim is indorsed] by the defendant.	rs. upon a bill of exchange accepted [<i>or</i>
	The plaintiff's claim is against the defendant, A. B., as acceptor, and against the defendant, C. D., as drawer [<i>or</i> indorser] of a bill of exchange.	rs. upon a promissory note made [<i>or</i>
Surety.	The plaintiff's claim is the price of goods sold.	rs. against the defendant, A. B., as
	The plaintiff's claim is principal, and against the defendant, C. D., as surety, for the price of goods sold [<i>or</i> for arrears of rent, <i>or</i> for money lent, <i>or</i> for money received by the defendant, A. B., as traveller for the plaintiff, <i>or</i> , &c.].	rs. against the defendant, A. B., as
Calls.	The plaintiff's claim is	rs. for calls upon shares.

Indorsement for Costs, &c.

[Add to the above Forms] and rs. for costs; and if the amount claimed be paid to the plaintiff or his pleader within days [*or*, if the summons is to be served out of the jurisdiction, insert the time for appearance limited by the order] from the service hereof, further proceedings will be stayed.

Damages and other Claims.

Agent, &c.	The plaintiff's claim is for damages for breach of a contract to employ the plaintiff as traveller.	
	The plaintiff's claim is for damages for wrongful dismissal from the defendant's employment as traveller [and rs. for arrears of wages].	
	The plaintiff's claim is for damages for the defendant's wrongfully quitting the plaintiff's employment as manager.	
	The plaintiff's claim is for damages for breach of duty as factor [<i>or</i> , &c.,] of the plaintiff [and rs. for money received as factor, <i>or</i> &c.].	

The

THE FOURTH SCHEDULE—*continued.*

Apprentices.	The plaintiff's claim is for damages for breach of the terms of a deed of apprenticeship of <i>X. Y.</i> to the defendant [<i>or</i> plaintiff].
Arbitration.	The plaintiff's claim is for damages for non-compliance with the award of <i>X. Y.</i>
Assault, &c.	The plaintiff's claim is for damages for assault [and false imprisonment, and for malicious prosecution].
By husband and wife.	The plaintiff's claim is for damages for assault and false imprisonment of the plaintiff, <i>C. D.</i>
Against husband and wife.	The plaintiff's claim is for damages for assault by the defendant, <i>C. D.</i>
Pleader.	The plaintiff's claim is for damages for injury by the defendant's negligence as pleader of the plaintiff.
Bailment.	The plaintiff's claim is for damages for negligence in the custody of goods [and for wrongfully detaining the same].
Pledge.	The plaintiff's claim is for damages for negligence in the keeping of goods pawned [and for wrongfully detaining the same].
Hire.	The plaintiff's claim is for damages for negligence in the custody of furniture [<i>or</i> , a carriage] lent on hire, [and for wrongfully, &c.].
Banker.	The plaintiff's claim is for damages for wrongfully neglecting [<i>or</i> refusing] to pay the plaintiff's cheque.
Bill.	The plaintiff's claim is for damages for breach of a contract to accept the plaintiff's drafts.
Bond.	The plaintiff's claim is upon a bond conditioned not to carry on the trade of a
Carrier.	The plaintiff's claim is for damages for refusing to carry the plaintiff's goods by railway. The plaintiff's claim is for damages for refusing to carry the plaintiff by railway. The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of coals by railway. The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of machinery by sea.
Charter-party.	The plaintiff's claim is for damages for breach of charter-party of ship [<i>Mary</i>].
Claim for return of goods; damages.	The plaintiff's claim is for return of household furniture, [<i>or</i> , &c.,] or their value, and for damages for detaining the same.
Damages for depriving of goods.	The plaintiff's claim is for wrongfully depriving plaintiff of goods, household furniture, &c.
Defamation.	The plaintiff's claim is for damages for libel.
Wrongful distress.	The plaintiff's claim is for damages for slander. The plaintiff's claim is for damages for improperly distraining. [<i>This Form shall be sufficient whether the distress complained of be wrongful or excessive, or irregular.</i>]
Ejectment.	The plaintiff's claim is to recover possession of a house, No. in Street, or of a farm called Blackacre, situate in the of in the of
To establish title and recover rents.	The plaintiff's claim is to establish his title to [<i>here describe property</i>] and to recover the rents thereof. [<i>The two previous Forms may be combined.</i>]
Fishery.	The plaintiff's claim is for damages for infringement of the plaintiff's right of fishing.
Fraud.	The plaintiff's claim is for damages for fraudulent misrepresentation on the sale of a horse [<i>or</i> a business, <i>or</i> shares, <i>or</i> , &c.]. The plaintiff's claim is for damages for fraudulent misrepresentation of the credit of <i>A. B.</i>

The

THE FOURTH SCHEDULE—*continued.*

- Guarantee. The plaintiff's claim is for damages for breach of a contract of guarantee for *A. B.*
The plaintiff's claim is for damages for breach of a contract to indemnify the plaintiff as the defendant's agent to distrain.
- Insurance. The plaintiff's claim is for a loss under a policy upon the ship [*Royal Charter*], and freight of cargo [*or for return of premiums*].
[*This Form shall be sufficient whether the loss claimed be total or partial.*]
- Fire-insurance. The plaintiff's claim is for a loss under a policy of fire-insurance upon house and furniture.
The plaintiff's claim is for damages for breach of a contract to insure a house.
- Landlord and tenant. The plaintiff's claim is for damages for breach of a contract to keep a house in repair.
The plaintiff's claim is for damages for breaches of covenants contained in a lease of a farm.
- Medical man. The plaintiff's claim is for damages for injury to the plaintiff from the defendant's negligence as a medical man.
- Mischievous animal. The plaintiff's claim is for damages for injury by the defendant's dog.
- Negligence. The plaintiff's claim is for damages for injury to the plaintiff by the negligent driving of the defendant or his servants.
The plaintiff's claim is for damages for injury to the plaintiff while a passenger on the defendant's railway by the negligence of the defendant's servants.
The plaintiff's claim is for damages for injury to the plaintiff at the defendant's railway-station from the defective condition of the station.
The plaintiff's claim is as executor of *A. B.* deceased, for damages for the death of the said *A. B.*, from injuries received while a passenger on the defendant's railway, by the negligence of the defendant's servants.
The plaintiff's claim is for damages for breach of promise of marriage.
- Act XIII of 1855. The plaintiff's claim is for damages for breach of contract to accept and pay for goods.
The plaintiff's claim is for damages for non-delivery [*or short delivery, or defective quality, or other breach of contract of sale*] of cotton [*or, &c.*].
The plaintiff's claim is for damages for breach of warranty of a horse.
- Sale of goods. The plaintiff's claim is for damages for breach of a contract to sell [*or purchase*] land.
The plaintiff's claim is for damages for breach of a contract to let [*or take*] a house.
The plaintiff's claim is for damages for breach of a contract to sell [*or purchase*] the lease, with good-will, fixtures, and stock-in-trade of a public-house.
The plaintiff's claim is for damages for breach of covenant for title [*or for quiet enjoyment, or, &c.*] in a conveyance of land.
- Sale of land. The plaintiff's claim is for damages for wrongfully entering the plaintiff's land and drawing water from his well [*or cutting his grass, or felling his timber, or pulling down his fences, or removing his gate, or using his road or path, or crossing his field, or depositing sand there, or carrying away gravel from thence, or carrying away stones from his river*].
- Trespass on and. The plaintiff's claim is for damages for wrongfully taking away the support of plaintiff's land [*or house, or mine*]:
The plaintiff's claim is for damages for wrongfully obstructing a way [*public highway, or private way*].
- Support. The plaintiff's claim is for damages for wrongfully diverting [*or obstructing, or polluting, or diverting water from*] a water-course.
The plaintiff's claim is for damages for wrongfully discharging water upon the plaintiff's land [*or into the plaintiff's mine*].
- Way. The plaintiff's claim is for damages for wrongfully diverting [*or obstructing, or polluting, or diverting water from*] a water-course.
The plaintiff's claim is for damages for wrongfully discharging water upon the plaintiff's land [*or into the plaintiff's mine*].
- Water-courses, &c.

THE FOURTH SCHEDULE—*continued.*

The plaintiff's claim is for damages for wrongfully obstructing the plaintiff's use of a well.

Pasture.

The plaintiff's claim is for damages for the infringement of the plaintiff's right of pasture.

[*This Form shall be sufficient whatever the nature of the right to pasture be.*]

Light.

The plaintiff's claim is for damages for obstructing the access of light to plaintiff's house.

Patent.

The plaintiff's claim is for damages for the infringement of the plaintiff's patent.

Copy-right.

The plaintiff's claim is for damages for the infringement of the plaintiff's copy-right.

Trade-mark.

The plaintiff's claim is for damages for wrongfully using [*or imitating*] the plaintiff's trade-mark.

Work.

The plaintiff's claim is for damages for breach of a contract to build a ship [*or to repair a house, &c.*].

The plaintiff's claim is for damages for breach of a contract to employ the plaintiff to build a ship, &c.

Nuisance.

The plaintiff's claim is for damages to his house, trees, crops, &c., caused by noxious vapours from the defendant's factory [*or, &c.*].

The plaintiff's claim is for damages from nuisance by noise from the defendant's works [*or stables, or, &c.*].

Injunction.

[*Add to indorsement*]:—and for an injunction.

[*Add to indorsement where claim is to land, or to establish title, or both*]:—

Mesne profits.

and for mesne profits.

Arrears of rent.

and for an account of rents or arrears of rent.

Breach of covenant.

and for breach of covenant for [*repairs*].

1. *Creditor to administer Estate.*

The plaintiff's claim is as a creditor of *X. Y.*, of deceased, to have the moveable and immoveable property of the said *X. Y.* administered. The defendant, *C. D.*, is sued as the administrator of the said *X. Y.*, [and the defendants, *E. F.* and *G. H.*, as his coheirs at law].

2. *Legatee to administer Estate.*

The plaintiff's claim is as a legatee under the will dated the _____ day of _____ 18____, of *X. Y.*, deceased, to have the moveable and immoveable property of the said *X. Y.* administered. The defendant, *C. D.*, is sued as the executor of the said *X. Y.* [and the defendants, *E. F.* and *G. H.*, as his devisees].

3. *Partnership.*

The plaintiff's claim is to have an account taken of the partnership-dealings between the plaintiff and defendant [under articles of partnership dated the _____ day of _____], and to have the affairs of the partnership wound up.

4. *By Mortgagee.*

The plaintiff's claim is to have an account taken of what is due to him for principal, interest and costs on a mortgage dated the _____ day of _____, made between [*parties*] [*or, by deposit of title-deeds*], and that the mortgage may be enforced by foreclosure or sale.

5. *By*

THE FOURTH SCHEDULE—*continued.*5. *By Mortgagor.*

The plaintiff's claim is to have an account taken of what, if anything, is due on a mortgage dated _____ and made between [*parties*], and to redeem the property comprised therein.

6. *Raising Portions.*

The plaintiff's claim is that the sum of _____ Rs. which by an indenture of settlement, dated _____, was provided for the portions of the younger children of _____ may be raised.

7. *Execution of Trusts.*

The plaintiff's claim is to have the trusts of an indenture dated _____ and made between [*parties*] carried into execution.

8. *Cancellation, or Rectification.*

The plaintiff's claim is to have a deed dated _____ and made between [*parties*] set aside or rectified.

9. *Specific Performance.*

The plaintiff's claim is for specific performance of an agreement dated the _____ day of _____ for the sale by the plaintiff to the defendant of certain [*freehold*] hereditaments at _____

No. 115.

PROBATE.

1. *By an executor or legatee propounding a will in solemn form.*

The plaintiff claims to be executor of the last will dated the _____ day of _____ of C. W., late of _____, deceased, who died on the _____ day of _____ and to have the said will established. This summons is issued against you as one of the next-of-kin of the said deceased [*or, as the case may be*].

2. *By an executor or legatee of a former will, or a next-of-kin, &c., of the deceased, seeking to obtain the revocation of a probate granted in common form.*

The plaintiff claims to be executor of the last will dated the _____ day of _____ of C.D., late of _____, deceased, who died on the _____ day of _____ and to have the probate of a pretended will of the said deceased, dated the _____ day of _____ revoked. This summons is issued against you as the executor of the said pretended will [*or, as the case may be*].

3. *By an executor or legatee of a will when letters of administration have been granted as in an intestacy.*

The plaintiff claims to be executor of the last will of C. D., late of _____, deceased, who died on the _____ day of _____ ated the _____ day of _____

The

THE FOURTH SCHEDULE—*continued.*

The plaintiff claims that the grant of letters of administration of the estate of the said deceased obtained by you should be revoked, and probate of the said will granted to him.

4. *By a person claiming a grant of administration as a next-of-kin of the deceased, but whose interest as next-of-kin is disputed.*

The plaintiff claims to be the brother and sole next-of-kin of *C.D.*, of _____, deceased, who died on the _____ day of _____, intestate, and to have as such a grant of administration to the personal estate of the said intestate. This writ is issued against you because you have entered a caveat, and have alleged that you are the sole next-of-kin of the deceased [*or, as the case may be*].

Indorsements of Character of Parties.

The plaintiff's claim is as executor [*or administrator*] of *C.D.*, deceased, for, &c.

The plaintiff's claim is against the defendant, *A.B.*, as executor [*or, &c.*] of *C.D.*, deceased, for, &c.

The plaintiff's claim is against the defendant, *A.B.*, as executor of *X.Y.*, deceased, and against the defendant, *C.D.*, in his personal capacity, for, &c.

By husband
and wife-
executrix.
Trustees.

The claim of the plaintiff, *C.D.*, is as executrix of *X.Y.*, deceased, and the claim of the plaintiff, *A.B.*, as her husband, for _____.

The plaintiff's claim is as [*or, the plaintiff's claim is against the defendant as*] trustee under the will of *A.B.* [*or under the settlement upon the marriage of A.B. and X.Y. his wife*].

Public officer.

The plaintiff's claim is as public officer of the _____ Bank, for _____.

The plaintiff's claim is against the defendant as public officer of the _____ Bank, for _____.

The plaintiff's claim is against the defendant, *A.B.*, as principal, and against the defendant, *C.D.*, as public officer, of the _____ Bank, as surety, for _____.

Heir and
devisee.

The plaintiff's claim is against the defendant as heir-at-law of *A.B.*, deceased.

The plaintiff's claim is against the defendant, *C.D.*, as heir-at-law, and against the defendant, *E.F.*, as devisee, of lands under the will of *A.B.*

F.—MISCELLANEOUS.

No. 116.

Section 58 of the Code of Civil Procedure.

Cover of the _____ of _____
 REGISTER OF CIVIL SUITS in the year 18 _____ holden at _____

Date of presentation of plaint.	
No. of Suits.	
PLAINTIFF.	Name.
	Description.
	Place of abode.
DEFENDANT.	Name.
	Description.
	Place of abode.
CLAIM.	Particulars.
	Amount or value.
	When the Cause of Action accrued.
APPEARANCE.	Day for parties to appear.
	Plaintiff.
	Defendant.
JUDGMENT.	Date.
	For whom.
	For what, or amount.
APPEAL.	Date of Appeal.
	Judgment in Appeal.
EXECUTION.	Date of application.
	Date of Order.
	Against whom.
	For what, and amount if money.
RETURN OF EXECUTION.	Amount of Costs.
	Amount paid into court.
	Arrested.
Minute of other Return than Payment or Arrest, and date of every Return.	

THE FOURTH SCHEDULE—continued.

Civil Procedure Code.

[ACT X

THE FOURTH SCHEDULE—continued.

No. 117.

SUMMONS FOR DISPOSAL OF SUIT.

Sections 64 and 68 of the Code of Civil Procedure.

(Title.)

To

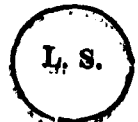
dwelling at

NOTICE.—1. Should you apprehend your witnesses will not attend of their own accord, you can have subpoenas from this Court to compel the attendance of any witness, and the production of any document that you have a right to call upon the witness to produce, on applying to the Court at any time before the trial, on your depositing their necessary subsistence-money.

2.—If you admit the demand, you should pay the money into court with the costs of the suit, to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

WHEREAS
has instituted a suit against you for
you are hereby summoned to appear in this Court in person or by a duly authorized pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions, on the
day of 18, at o'clock
in the forenoon, to answer the above-named plaintiff; and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all your witnesses on that day; and you are hereby required to take notice that, in default of your appearance on the day before-mentioned, the suit will be heard and determined in your absence; and you will bring with you, or send by your pleader, which the plaintiff desires to inspect, and any documents on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court this
day of 18.



Judge.

NOTE.—If written statements are required, say—You are (or such a party is, as the case may be) required to put in a written statement by the day of

No. 118.

SUMMONS FOR SETTLEMENT OF ISSUES.

Sections 64 and 68 of the Code of Civil Procedure.

(Title.)

To

dwelling at

NOTICE.—1. Should you apprehend your witnesses will not attend of their own accord, you can have summonses from this Court to compel the attendance of any witness, and the production of any document that you have a right to call on the witness to produce, on applying to the Court at any time before the trial,

WHEREAS
has instituted a suit against you for
you are hereby summoned to appear in this Court in person or by a duly authorized pleader of the Court, duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions, on the
day of 18, at o'clock in the forenoon, to answer the above-named plaintiff; and you are hereby required to take notice that, in default of your appearance on the day before-mentioned, the issues will be
settled

THE FOURTH SCHEDULE—continued.

2. If you admit the demand, you should pay the money into court with the costs of the suit, to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

settled in your absence; and you will bring with you, or send by your pleader, which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

GIVEN under my hand and the seal of the Court this day of 18



Judge.

NOTE.—If written statements are required, say—You are [or such a party is, as the case may be] required to put in a written statement by the day of

No. 119.

SUMMONS TO APPEAR.

Section 68 of the Code of Civil Procedure.

No. of Suit.

IN THE COURT OF AT

Plaintiff.

Defendant.

To (Name, description and address.)

WHEREAS [here enter the name, description and address of the plaintiff] has instituted a suit in this Court against you [here state the particulars of the claim as in the register]: you are hereby summoned to appear in this Court in person on the day of at in the forenoon [If not specially required to appear in person, state—"in person or by a pleader of the Court duly instructed and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions"] to answer the above-named plaintiff. [If the summons be for the final disposal of the suit, this further direction shall be added here; "and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce all your witnesses on that day"; and you are hereby required to take notice that, in default of your appearance on the day before-mentioned, the suit will be heard and determined in your absence; and you will bring with you (or send by your agent) [here mention any document the production of which may be required by the plaintiff], which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

No. 120.

ORDER FOR TRANSMISSION OF SUMMONS FOR SERVICE IN THE JURISDICTION OF ANOTHER COURT.

Section 85 of the Code of Civil Procedure.

IN THE COURT OF AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

The day of 18

WHEREAS it is stated in the plaint that the defendant in the above suit is at present residing in, but that the right to sue accrued

THE FOURTH SCHEDULE—continued.

accrued within the jurisdiction of this Court: it is ordered that a summons returnable on the day of 18 be forwarded for service on the said defendant, to the Court of with a duplicate of this proceeding.



Judge.

No. 121.

TO ACCOMPANY RETURN OF SUMMONS OF ANOTHER COURT.

Section 85 of the Code of Civil Procedure.

IN THE COURT OF

AT

Civil suit, No. of 18 .
 The day of 18 .
A. B. of
against
C. D. of

Read proceeding from the

forwarding
 in

civil No. of that Court.

Read bailiff's endorsement on the back of the process stating that the and proof of the above having been duly taken by me on the [oath or] affirmation of it is ordered that the be returned to the with a copy of this proceeding.



Judge.

NOTE.—This form will be applicable to process other than summons, the service of which may have to be effected in the same manner.

No. 122.

DEFENDANT'S STATEMENT.

Section 110 of the Code of Civil Procedure.

(Title.)

I, the undersigned defendant [or one of the defendants], disclaim all interest under the will of the said *E. F.* in the plaint named [or, as heir-at-law, or, as next-of-kin, or one of the next-of-kin, of *E. F.*, deceased, in the said plaint named].

Or, I the undersigned defendant state, that I admit [or deny] [*here repeat in the language of the plaint the statements admitted or denied*].

Or

THE FOURTH SCHEDULE—*continued.*

Or, I the undersigned defendant submit that, upon the facts stated in the plaint, it does not appear that there is any agreement which can be legally enforced [*or*, that it appears upon the said plaint that I am jointly liable with one *E. F.*, who is not a party to the suit, and not severally liable as by the plaint appears, *or*, that it appears by the said plaint that *G. H.* should have been a joint plaintiff with the said *A. B.* in the said suit, *or*, as the case may be].

Or, that the plaintiff has conveyed [*or* assigned] his interest in the said mortgage [*or* equity of redemption] to one *I. J.* [*or*, that I have conveyed or assigned to *H. L.* by way of further charge for securing the sum of Rs. _____, the equity of redemption in the property sought by the suit to be foreclosed].

Or, that since the dissolution of the partnership the plaintiff has executed an instrument, whereby the plaintiff covenants to discharge all debts and liabilities of the partnership, and generally to release me from all claims and liabilities either by or to himself and others in respect of the said partnership-trading [*or*, as the case may be].

(Signed) C. D.,
Defendant.

No. 123.

INTERROGATORIES.

Section 121 of the Code of Civil Procedure.

IN THE COURT OF

AT

Civil Suit, No.

of 18

A. B.

against

C. D., E. F. and G. H.

Interrogatories on behalf of the above-named *A. B.* [*or C. D.*] for the examination of the above-named [*E. F. and G. H., or A. B.*].

1. Did not &c.
2. Has not &c.

The defendant *E. F.* is required to answer the interrogatories numbered

The defendant *G. H.* is required to answer the interrogatories numbered

No. 124.

FORM OF NOTICE TO PRODUCE DOCUMENTS.

Section 131 of the Code of Civil Procedure.

IN THE COURT OF

AT

Civil Suit, No.

of 18

A. B.

against

C. D.

Take notice that the plaintiff [*or* defendant] requires you to produce for his inspection the following documents referred to in your plaint [*or* written statement, *or* affidavit], dated the _____ day of 18 _____.

Describe documents required.

X. Y., Pleader for the plaintiff [*or* the defendant].

To *Z.*,

Pleader for the defendant [*or* plaintiff].

No. 125.

THE FOURTH SCHEDULE—*continued.*

No. 125.

SUMMONS TO ATTEND AND GIVE EVIDENCE.

Sections 159 and 163 of the Code of Civil Procedure.

(Title.)

To

WHEREAS your attendance is required to
 on behalf of the _____ in the above cause, you are hereby required [personally
 to appear before this Court] on the _____ day of _____ 18____, at the hour of _____ A. M.
 [and] to bring with you or to send to this Court _____

A sum of Rs. _____, being your travelling and other expenses and subsistence-
 allowance for one day, is herewith sent. If you do not comply with this order, you will be
 subject to the consequence of non-attendance laid down in the Code of Civil Procedure,
 section 170.

Notice—(1). If you are summoned only to produce a document and not to give evidence,
 you shall be deemed to have complied with the summons if you cause such document to be
 produced in this Court on the day and hour aforesaid.

(2). If you are to be detained beyond the day aforesaid, a sum of Rs.
 _____ will be tendered to you for each day's attendance beyond the day specified.

GIVEN under my hand and the seal of the Court, this _____ day of _____ 18____

L. S.

Judge.

No. 126.

Another Form.

No. of Suit.

IN THE COURT OF _____

AT _____

Plaintiff.

Defendant.

To

[Name, description and address.]

You are hereby summoned to appear in this Court in person on the
 day of _____ at _____ in the forenoon, to give evidence on behalf of the
 plaintiff [or the defendant] in the above-mentioned suit, and to produce [here describe with
 convenient certainty any document the production of which may be required. If the sum-
 mons be only to give evidence, or if it be only to produce a document, it must be expressed
 accordingly], and you are not to depart thence until you have been examined [or have pro-
 duced the document] and the Court has risen, or unless you have obtained the leave of the
 Court.

FORMS

THE FOURTH SCHEDULE—continued.

FORMS OF DECREES.

No. 127.

SIMPLE MONEY-DECREE.

(Title.)

Claim for

THIS cause coming on for final disposal before in the presence of , on the part of the plaintiff, and on the part of the defendant, it is ordered that the do pay to the sum of Rs. , with interest thereon at the rate of per cent. per from to the date of realization of the said sum, and do also pay to the the costs of this suit as taxed by the officer of the Court, with interest thereon at the rate aforesaid from the date of taxation to the date of realization.

Costs of suit.

PLAINTIFF.				DEFENDANT.			
	Rs.	A.	P.		Rs.	A.	P.
1. Stamp for plaint ...				Stamp for power ...			
2. Do. for power ...				Do. petition ...			
3. Do. exhibits ...				Pleader's fee ...			
4. Pleader's fees on Rs. ...				Subsistence for witnesses ...			
5. Translation-fee ...				Service of process ...			
6. Subsistence for witness for attendance ...				Translation-fee ...			
7. Commissioner's fee ...				Commissioner's fee ...			
8. Service of process ...							
9. &c. ...							
TOTAL ...				TOTAL ...			

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.
No. 128.

THE FOURTH SCHEDULE—*continued.*

No. 128.

DECREE FOR SALE IN A SUIT BY A MORTGAGEE OR PERSON ENTITLED TO A LIEN.

(Title.)

It is ordered that it be referred to the Registrar [*or Taxing Officer*] to take an account of what is due to the plaintiff for principal and interest on the mortgage [*or lien*] mentioned in the plaint, and to tax the plaintiff's costs of this suit, and that the Registrar do certify to the Court on the _____ day of _____ what he shall find to be due for principal and interest as aforesaid, and for costs; And upon the defendant paying into court what shall be certified to be due to the plaintiff for principal and interest as aforesaid, together with the said costs, within six months after the Registrar [*or Taxing Officer*] shall have presented his certificate; it is ordered that the plaintiff do reconvey the said mortgaged premises free and clear from all incumbrances done by him, or any claiming by, from, or under, him, and do deliver up to the Registrar [*or Taxing Officer*] all deeds and writings in his custody or power relating thereto, and that upon such reconveyance being made, and deeds and writings being delivered up, the Registrar [*or Taxing Officer*] shall pay out to the plaintiff the said sum so paid in as aforesaid for principal, interest and costs; but in default of the defendant paying into court such principal, interest and costs as aforesaid by the time aforesaid, then it is ordered that the said mortgaged premises [*or the premises subject to the said lien*] be sold with the approbation of the Registrar [*or Taxing Officer*]. And it is ordered that the money to arise by such sale be paid into court, to the end that the same may be duly applied in payment of what shall be found due to the plaintiff for principal, interest and costs as aforesaid, and that the balance (if any) shall be paid to the defendant.

No. 129.

FINAL DECREE FOR FORECLOSURE.

(Title.)

WHEREAS it appears to the Court that the defendant has not paid into court the sum _____ which was on the _____ day of _____ last certified by the Registrar to be due to the plaintiff for principal and interest upon the mortgage in the plaint mentioned, and for costs, pursuant to the order made in this suit on the _____ day of _____ last, and that the period of six months has elapsed since the said _____ day of _____

It is ordered that the defendant do stand absolutely debarred and foreclosed of and from all equity of redemption of, in, and to, the said mortgaged premises.

No. 130.

PRELIMINARY ORDER—ADMINISTRATION-SUIT.

Section 213 of the Code of Civil Procedure.

(Title.)

It is ordered that the following accounts and inquiries be taken and made; that is to say:—

In creditor's suit—

1. That an account be taken of what is due to the plaintiff and all other the creditors of the deceased.

In

THE FOURTH SCHEDULE—continued.

In suits by legatees—

2. An account be taken of the legacies given by the testator's will.

In suits by next-of-kin—

An inquiry be made and account taken of what, or of what share, if any, the plaintiff is entitled to as next-of-kin [or one of the next-of-kin] of the intestate.

[After the first paragraph, the Order will, where necessary, order, in a creditor's suit, inquiry and accounts for legatees, heirs-at-law, and next-of-kin. In suits by claimants other than creditors, after the first paragraph, in all cases, an order to inquire and take an account of creditors will follow the first paragraph, and such of the others as may be necessary will follow, omitting the first formal words. The form is continued as in a creditor's suit.]

3. An account of the funeral and testamentary expenses.

4. An account of the moveable property of the deceased come to the hands of the defendant, or to the hands of any other person by his order or for his use.

5. An inquiry what part (if any) of the moveable property of the deceased is outstanding and undisposed of.

6. And it is further ordered, that the defendant do, on or before the _____ day of _____ next, pay into court all sums of money which shall be found to have come to his hands, or to the hands of any person by his order or to his use.

7. And that if the Registrar shall find it necessary for carrying out the objects of the suit to sell any part of the moveable property of the deceased, that the same be sold accordingly, and the proceeds paid into court.

8. And that Mr. E. F. be Receiver in the suit [or proceeding], and receive and get in all outstanding debts and outstanding moveable property of the deceased, and pay the same into the hands of the Registrar [and shall give security by bond for the due performance of his duties to the amount of _____ rupees].

9. And it is further ordered, that if the moveable property of the deceased be found insufficient for carrying out the objects of the suit, then the following further inquiries be made, and accounts taken, that is to say,—

(a) an inquiry what immoveable property the deceased was seised of or entitled to at the time of his death;

(b) an inquiry what are the incumbrances (if any) affecting the immoveable property of the deceased, or any part thereof;

(c) an account, so far as possible, of what is due to the several incumbrancers, and to include a statement of the priorities of such of the incumbrancers as shall consent to the sale hereinafter directed.

10. And that the immoveable property of the deceased, or so much thereof as shall be necessary to make up the fund in court sufficient to carry out the object of the suit, be sold with the approbation of the Judge, free from incumbrances (if any) of such incumbrancers as shall consent to the sale, and subject to the incumbrances of such of them as shall not consent.

11. And it is ordered, that G. H. shall have the conduct of the sale of the immoveable property, and shall prepare the conditions and contracts of sale subject to the approval of the Registrar, and that in case any doubt or difficulty shall arise the papers shall be submitted to the Judge to settle.

12. And it is further ordered, that, for the purpose of the inquiries hereinbefore directed, the Registrar shall advertise in the newspapers according to the practice of the Court, or shall make such inquiries in any other way which shall appear to the Registrar to give the most useful publicity to such inquiries.

13. And it is ordered, that the above inquiries and accounts be made and taken, and that all other acts ordered to be done be completed, before the _____ day of _____, and that the Registrar do certify the result of the inquiries, and the accounts, and that all other acts ordered are completed, and have his certificate in that behalf ready for the inspection of the parties on the _____ day of _____.

14. And, lastly, it is ordered, that this suit [or matter] stand adjourned for making final decree to the _____ day of _____.

[Such part only of this order is to be used as is applicable to the particular case.]

THE FOURTH SCHEDULE—*continued*.

No. 131.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE.

Section 213 of the Code of Civil Procedure.

1. It is ordered that the defendant do on or before the day of pay into court the sum of Rs. , the balance by the said certificate found to be due from the said defendant on account of the estate of , the testator, and also the sum of Rs. for interest, at the rate of Rs. per centum per annum, from the day of to the day of amounting together to the sum of Rs.

2. Let the Registrar [or Taxing Officer] of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said costs, when so taxed, be paid out of the said sum of Rs. ordered to be paid into court as aforesaid, as follows:—

(a.)—The costs of the plaintiff to Mr. , his attorney [or pleader], and the costs of the defendant to Mr. , his attorney [or pleader].

(b.)—And (if any debts are due) with the residue of the said sum of Rs. , after payment of the plaintiff's and defendant's costs as aforesaid, let the sums found to be owing to the several creditors mentioned in the schedule to the Registrar's certificate, together with subsequent interest on such of the debts as bear interest, be paid; and after making such payments, let the amount coming to the several legatees mentioned in the schedule, together with subsequent interest (to be verified as aforesaid), be paid to them.

3. And if there should then be any residue, let the same be paid to the residuary legatees.

DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE, WHERE AN EXECUTOR IS HELD PERSONALLY LIABLE FOR THE PAYMENT OF LEGACIES.

Section 213 of the Code of Civil Procedure.

1. Declare that the defendant is personally liable to pay the legacy of Rs. bequeathed to the plaintiff;

2. And it is ordered, that an account be taken of what is due for principal and interest on the said legacy;

3. And it is also ordered, that the defendant do within weeks after the date of the Registrar's certificate, pay to the plaintiff the amount of what the Registrar shall certify to be due for principal and interest;

4. And it is ordered, that the defendant do pay the plaintiff his costs of suit, the same to be taxed in case the parties differ.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY NEXT-OF-KIN.

Section 213 of the Code of Civil Procedure.

1. Let the Registrar of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said plaintiff's costs, when so taxed, be paid by the defendant to the plaintiff out of the sum of Rs. , the balance by the said certificate found to be due from the said defendant on account of the personal estate of *E. F.*, the intestate, within one week after the taxation of the said costs by the said Registrar, and let the defendant retain for her own use out of such sum her costs, when taxed.

2. And it is ordered, that the residue of the said sum of Rs. , after payment of the plaintiff's and defendant's costs as aforesaid, be paid and applied by defendant as follows:—

(a.)—Let the defendant, within one week after the taxation of the said costs by the Registrar as aforesaid, pay one-third share of the said residue to the plaintiffs, *A. B.*, and *C.*, his wife, in her right, as the sister and one of the next-of-kin of the said *E. F.*, the intestate.

(b.)—Let

THE FOURTH SCHEDULE—*continued.*

- (b.)—Let the defendant retain for her own use one other third share of the said residue, as the mother, and one other of the next-of-kin of the said *E. F.*, the intestate.
- (c.)—And let the defendant, within one week after the taxation of the said costs by the Registrar as aforesaid, pay the remaining one-third share of the said residue to *G. H.*, as the brother and the other next-of-kin of the said *E. F.*, the intestate.

No. 132.

ORDER—DISSOLUTION OF PARTNERSHIP,
Section 215 of the Code of Civil Procedure.

(Title.)

It is declared that the partnership in the plaint mentioned between the plaintiff and defendant ought to stand dissolved as from the _____ day of _____, and it is ordered that the dissolution thereof as from that day be advertised in the _____ Gazette, &c.

And it is ordered that _____ be the Receiver of the partnership-estate and effects in this suit, and do get in all the outstanding book-debts and claims of the partnership.

And it is ordered that the following accounts be taken :—

1. An account of the credits, property and effects now belonging to the said partnership;
2. An account of the debts and liabilities of the said partnership;
3. An account of all dealings and transactions between the plaintiff and defendant, from the foot of the settled account exhibited in this suit and marked (A), and not disturbing any subsequent settled accounts.

And it is ordered that the goodwill of the business heretofore carried on by the plaintiff and defendant as in the plaint mentioned, and the stock-in-trade, be sold on the premises, and that the Registrar may, on the application of any of the parties, fix a reserved bidding for all or any of the lots at such sale, and that either of the parties is to be at liberty to bid at the sale.

And it is ordered that the above accounts be taken and all the other acts required to be done be completed before the _____ day of _____, and that the Registrar do certify the result of the accounts, and that all other acts are completed, and have his certificate in that behalf ready for the inspection of the parties on the _____ day of _____.

And, lastly, it is ordered that this suit stand adjourned for making a final decree to the _____ day of _____.

No. 133.

PARTNERSHIP. FINAL DECREE.

Section 215 of the Code of Civil Procedure

IN THE COURT OF _____ AT _____

Civil Suit, No. _____

A. B. of _____
against
C. D. of _____

It is ordered that the fund now in court, amounting to the sum of Rs. _____ be applied as follows :—

1. In payment of the debts due by the partnership set forth in the Registrar's certificate amounting in the whole to Rs. _____
2. In payment of the costs of all parties in this suit, amounting to Rs. _____ [These costs must be ascertained before the decree is drawn up].
3. In payment of the sum of Rs. _____ to the plaintiff as his share of the partnership-assets, of the sum of Rs. _____, being the residue of the said sum of Rs. _____ now in court to the defendant as his share of the partnership-assets.

[Or,

THE FOURTH SCHEDULE—*continued.*

[Or, And that the remainder of the said sum of Rs. be paid to the said plain-
 tiff [or defendant] in part payment of the sum of Rs. certified to be due to him .
 in respect of the partnership-accounts.
 And that the defendant [or plaintiff] do on or before the day of
 pay to the plaintiff [or defendant] the sum of Rs. being the balance of the said
 sum of Rs. due to him, which will then remain due.

No. 134.

CERTIFICATE OF NON-SATISFACTION OF DECREE.
 Section 224 of the Code of Civil Procedure.

IN THE COURT OF AT of 18
 Civil Suit, No. • A. B. of
 against
 C. D. of

CERTIFIED that no [or partial, as the case may be, and if partial, state to what
 extent] satisfaction of the decree of this Court, in Civil Suit No. of 18 ,
 a copy of which is hereunto attached, has been obtained by execution within the jurisdiction
 of this Court.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 135.

NOTICE TO SHOW CAUSE WHY EXECUTION SHOULD NOT ISSUE.
 Section 248 of the Code of Civil Procedure.

IN THE COURT OF AT
 Civil Suit, No. of 18
 Miscellaneous, No. of 18
 A. B. of
 against
 C. D. of

To

WHEREAS
 has made application to this Court for execution of decree in Civil Suit
 No. 18 , this is to give you notice that you are to appear before this
 Court on the day of 18 , either in person or by
 a pleader of this Court, or agent duly authorized and instructed to show cause, if any,
 why execution should not be granted.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 136.

THE FOURTH SCHEDULE—continued.

No. 136.

WARRANT OF ATTACHMENT OF MOVEABLE PROPERTY IN DEFENDANT'S POSSESSION IN EXECUTION OF A DECREE FOR MONEY.

Section 254 of the Code of Civil Procedure.

(Title.)

TO THE BAILIFF OF THE COURT.

WHEREAS _____ was ordered, by decree of this Court, passed on the _____ day of _____ 18____, in Suit No. _____ of _____, to pay to the plaintiff the sum of Rs. _____ as noted in the margin; and whereas the said sum of Rs. _____ has not been paid

DECREE.			
Principal			
Interest			
Costs			
Costs of decree			
Interest thereon			
Total of attachment			
TOTAL			

THESE ARE TO COMMAND YOU to attach the moveable property of the said _____ as set forth in the list hereunto annexed, or which shall be pointed out to you by the said _____, and unless the said _____ shall pay to you the said sum of Rs. _____ together with Rs. _____, the costs of this attachment, to hold the same until further orders from this Court.

YOU ARE FURTHER COMMANDED to return this Warrant on or before the _____ day of _____ 18____, with an endorsement certifying the date and manner in which it has been executed, or why it has not been executed.

GIVEN under my hand and the seal of the Court, this _____ day of _____ 18____

SCHEDULE.

L. S.

Judge.

No. 137.

WARRANT TO THE BAILIFF TO GIVE POSSESSION OF LAND, &c.

Section 263 of the Code of Civil Procedure.

(Title.)

TO THE BAILIFF OF THE COURT.

WHEREAS _____, in the occupancy of _____, has been decreed to _____, the plaintiff in this suit: you are hereby directed to put the said _____ in possession of the same, and you are hereby authorized to remove any person who may refuse to vacate the same.

GIVEN under my hand and the seal of the Court, this _____ day of _____ 18____

L. S.

Judge.

No. 138.

THE FOURTH SCHEDULE—continued.

No. 138.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVEABLE PROPERTY, TO WHICH THE DEFENDANT IS ENTITLED SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSON TO THE IMMEDIATE POSSESSION THEREOF.

Section 268 of the Code of Civil Procedure.

(Title.)

To

WHEREAS has failed to satisfy a decree passed against on the - day of 18 in favour of for Rs. it is ordered that the defendant be, and is hereby, prohibited and restrained, until the further order of this Court, from receiving from the following property in the possession of the said that is to say, to which the defendant is entitled, subject to any claim of the said, and the said is hereby prohibited and restrained, until the further order of this Court, from delivering the said property to any person or persons whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 139.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF DEBTS NOT SECURED BY NEGOTIABLE INSTRUMENTS.

Section 268 of the Code of Civil Procedure.

(Title.)

To

WHEREAS has failed to satisfy a decree passed against on the day of 18, in Civil Suit, No. of 18, in favour of for Rs. : it is ordered that the defendant be, and hereby, prohibited and restrained, until the further order of this Court, from receiving from you a certain debt alleged now to be due from you to the said defendant, namely, and that you, the said, be, and you are hereby, prohibited and restrained, until the further order of this Court, from making payment of the said debt, or any part thereof, to any person whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 140.

THE FOURTH SCHEDULE - continued.

No. 140.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF SHARES IN A PUBLIC COMPANY, &c.

Section 268 of the Code of Civil Procedure.

(Title.)

To

Defendant, and to

Manager of

Company.

WHEREAS

has failed

to satisfy a decree passed against

on the day of 18

, in Civil Suit, No.

of 18

in favour of for Rs.

it is ordered that you, the defendant, be, and you are hereby, prohibited and restrained, until the further order of this Court, from making any transfer of shares in the aforesaid Company, namely,

or from receiving payment of any dividends, thereof; and you

, the Manager of the said Company, are hereby prohibited and restrained from permitting any such transfer or making any such payment.

GIVEN under my hand and the seal of the Court, this day of

18



Judge.

No. 141.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVABLE PROPERTY.

Section 274 of the Code of Civil Procedure.

(Title.)

To

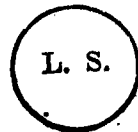
Defendant.

WHEREAS you have failed to satisfy a decree passed against you on the day of 18, in Civil Suit, No. of 18, in favour of for Rs. it is ordered that you, the said, be, and you are hereby, prohibited and restrained, until the further order of this Court, from alienating the property specified in the schedule hereunto annexed, by sale, gift, or otherwise, and that all persons be, and that they are hereby, prohibited from receiving the same by purchase, gift, or otherwise.

GIVEN under my hand and the seal of the Court, this day of

18

SCHEDULE.



Judge.

No. 142

THE FOURTH SCHEDULE—continued.

No. 142.

ATTACHMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY OR OF ANY SECURITY IN THE HANDS OF A COURT OF JUSTICE OR OFFICER OF GOVERNMENT.

Sections 272 and 486 of the Code of Civil Procedure.

IN THE COURT OF

AT

Civil Suit, No. of 18

A. B. of

against

C. D. of

To

SIR,

THE plaintiff having applied, under section of the Code of Civil Procedure, for an attachment of certain money now in your hands (here state how the money is supposed to be in the hands of the person addressed, on what account, &c.), I request that you will hold the said money subject to the further order of this Court.

I have the honour to be,

SIR,

Your most obedient Servant,

L. S.

Dated the

day of

18

Judge.

No. 143.

ORDER FOR PAYMENT TO THE PLAINTIFF, &C., OF MONEY, &C., IN THE HANDS OF A THIRD PARTY.

Section 277 of the Code of Civil Procedure.

IN THE COURT OF

AT

Civil Suit, No. of 18

Miscellaneous, No. of 18

A. B. of

against

C. D. of

TO THE BAILIFF OF THE COURT AND TO

WHEREAS the following property has been attached in execution of a decree in Civil Suit, No. of 18, passed on the day of 18, in favour of for Rs. : it is ordered that the property so attached, consisting of Rs. in money, and Rs. in Bank-notes, or a sufficient part thereof to satisfy the said decree, shall be paid over by you the said, to, and that the said property, so far as may be necessary for the satisfaction of the said decree, shall be sold by you, the Bailiff of the Court, by public auction in the manner prescribed for sale in execution of decrees, and that

THE FOURTH SCHEDULE—continued.

that the money which may be realized by such sale, or a sufficient part thereof to satisfy the said decree, shall be paid over to the said , and the remainder, if any, shall be paid to you, the said

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 144.

NOTICE TO ATTACHING CREDITOR. Section 278 of the Code of Civil Procedure.

IN THE COURT OF AT Civil Suit, No. of 18 Miscellaneous, No. of 18 A. B. of against C. D. of

To

WHEREAS has made application to this Court for the removal of attachment on placed at your instance in execution of the decree in Civil Suit, No. of 18 this is to give you notice to appear before this Court on , the day of 18 , either in person or by a pleader of the Court duly instructed, to support your claim as attaching creditor.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 145.

WARRANT OF SALE OF PROPERTY IN EXECUTION OF A DECREE FOR MONEY. Section 287 of the Code of Civil Procedure.

IN THE COURT OF AT Civil Suit, No. of 18 Miscellaneous, No. of 18 A. B. of against C. D. of

TO THE BAILIFF OF THE COURT.

THESE ARE TO COMMAND YOU to sell by auction, after giving days' previous notice, by affixing the same in this court-house, and after making due proclamation,

THE FOURTH SCHEDULE—continued.

clamation,* the

dated the _____ property attached under a warrant from this Court
 in favour of _____ day of _____ 18 _____, in execution of a decree
 so much of the said property as shall realize the sum of Rs. _____ suit No. _____ of 18 _____, or
 of the said decree and costs still remaining unsatisfied. _____, being the

YOU ARE FURTHER COMMANDED to return this warrant on or before the _____ day of
 18 _____, with an endorsement certifying the manner in which it has been
 executed, or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this _____ day of _____ 18 _____

L. S.

Judge.

* This proclamation shall specify the time, the place of sale, the property to be sold, the revenue assessed, should the property consist of land paying revenue to Government, and the amount for the recovery of which the sale is ordered.

No. 146.

NOTICE TO PERSON IN POSSESSION OF MOVEABLE PROPERTY SOLD IN EXECUTION.

Section 300 of the Code of Civil Procedure.

IN THE COURT OF _____ AT _____
 Civil Suit, No. _____ of 18 _____
 A. B. of _____
 against _____
 C. D. of _____

To _____

WHEREAS _____
 has been the purchaser at a sale by auction in execution of the decree in the above suit of
 hereby prohibited from delivering possession of the said _____ now in your possession, you are
 to any person except the said _____

GIVEN under my hand and the seal of the Court, this _____ day of _____ 18 _____

L. S.

Judge.

No. 147.

THE FOURTH SCHEDULE—continued.

No. 147.

PROHIBITORY ORDER AGAINST PAYMENT OF DEBTS SOLD IN EXECUTION TO ANY OTHER THAN THE PURCHASER.

Section 301 of the Code of Civil Procedure.

IN THE COURT OF AT Civil Suit, No. of 18 A. B. of against C. D. of

To and to

WHEREAS has become the purchaser at a public sale in execution of the decree in the above suit of certain debt due from you to you, that is to say, it is ordered that you be and you are hereby prohibited from receiving, and you from making payment of, the said debt to any person or persons except the said GIVEN under my hand and the seal of the Court, this day of

L. S.

Judge

No. 148.

PROHIBITORY ORDER AGAINST THE TRANSFER OF SHARES SOLD IN EXECUTION.

Section 301 of the Code of Civil Procedure.

IN THE COURT OF AT Civil Suit, No. of 18 A. B. of against C. D. of

To and Manager of Company. WHEREAS has become the purchaser at a public sale in execution of the decree in the above suit of certain shares in the above Company, that is to say of standing in the name of you, it is ordered that you be, and you are hereby, prohibited from making any transfer of the said shares to any person except the said the purchaser aforesaid, or from receiving any dividends thereon; and you, Manager of the said Company, from permitting any such transfer or making any such payment to any person except the said the purchaser aforesaid.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 149.

THE FOURTH SCHEDULE—*continued.*

No. 149.

ORDER CONFIRMING SALE OF LAND, &c.

Section 312 of the Code of Civil Procedure.

IN THE COURT OF

Civil Suit, No.

AT

of 18

A. B. of

against

C. D. of

WHEREAS the following land [*or immoveable property*] was on the day of 18 sold by the Bailiff of this Court in execution of the decree in this suit; and whereas thirty days have elapsed and no application has been made [*or objection allowed*] to the said sale, it is ordered that the said sale be, and the said sale is hereby, confirmed.

GIVEN under my hand and the seal of the Court, this day of 18

SCHEDULE.

L. S.

Judge.

No. 150.

CERTIFICATE OF SALE OF LAND.

Section 316 of the Code of Civil Procedure.

IN THE COURT OF

Civil Suit, No.

AT

of 18

A. B. of

against

C. D. of

THIS is to certify that has been declared the purchaser at a sale by public auction on the day of 18 of the in execution of decree in this suit, and that the said sale has been duly confirmed by the Court.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 151.

THE FOURTH SCHEDULE—continued.

No. 151.

ORDER FOR DELIVERY TO CERTIFIED PURCHASER OF LAND AT A SALE IN EXECUTION.

Section 318 of the Code of Civil Procedure.

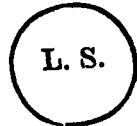
IN THE COURT OF Civil Suit, No. AT of 18

A. B. of
against
C. D. of

To THE BAILLIFF OF THE COURT.

WHEREAS has become the certified purchaser of at a sale in execution of decree in Civil Suit, No. of 18, and whereas such land is in the possession of, you are hereby ordered to put the said, the certified purchaser, as aforesaid, into possession of the said and if need be, to remove any person who may refuse to vacate the same.

GIVEN under my hand and the seal of the Court, this day of



Judge.

No. 152.

AUTHORITY TO THE COLLECTOR TO STAY PUBLIC SALE OF LAND ON SECURITIES BEING GIVEN.

Section 326 of the Code of Civil Procedure.

IN THE COURT OF Civil Suit, No. AT of 18

A. B. of
against
C. D. of

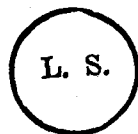
To

Collector of

SIR,

In answer to your communication No. , dated , representing that the sale in execution of decree in this suit of and, lying within your district, paying revenue to Government, is objectionable, I have the honour to inform you that you are authorized, on security to the amount of Rs. decreed to the in the above suit, being given to your satisfaction, to make provision for the satisfaction of the said decree in the manner recommended by you instead of proceeding to a public sale of

I have the honour to be,
SIR,
Your obedient Servant,



Judge.

No 153.

THE FOURTH SCHEDULE—continued.

No. 153.

ORDER FOR COMMITTAL FOR RESISTING, &c., EXECUTION OF DECREE FOR LAND.

Section 329 of the Code of Civil Procedure.

(Title.)

To

WHEREAS it appears to the Court that has without just cause resisted [or obstructed] the execution of the decree of the Court passed against on the day of 18, in Civil Suit, No. of 18, whereby certain land or immovable property was adjudged to , it is ordered that the said

be committed to custody for a period of 18 days. GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 154.

WARRANT OF ARREST IN EXECUTION.

Section 337 of the Code of Civil Procedure.

IN THE COURT OF

AT

Civil Suit, No. of 18
 Miscellaneous, No. of 18
 A. B. of
 against
 C. D. of

TO THE BAILIFF OF THE COURT.

WHEREAS

Principal			
Interest			
Costs			
Execution			
TOTAL			

the Court, in was adjudged by a decree of No. of 18, dated 18, to pay to the plaintiff the sum of Rs. as noted in the margin, and whereas the said sum of Rs.

has not been paid to the said plaintiff in satisfaction of the said decree, these are to command you to arrest the said defendant, and unless the said defendant shall pay to you the said sum of Rs. , together with Rs.

for the costs of executing this process, to bring the said defendant before the Court with all convenient speed. You are further commanded to return this warrant on or before the day of 18, with an endorsement certifying

the day and manner in which it has been executed, or the reason why it has not been executed. GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 155.

THE FOURTH SCHEDULE—continued.

No. 155.

NOTICE OF PAYMENT INTO COURT.
Section 377 of the Code of Civil Procedure,
187 .

IN THE B. No.

A. B. v. C. D.

TAKE notice that the defendant has paid into court Rs. , and says that that sum is enough to satisfy the plaintiff's claim [or the plaintiff's claim for, &c.].

To Mr. X. Z.,
the Plaintiff's Pleader,
Z.,
Defendant's Pleader.

No. 156.

COMMISSION TO EXAMINE ABSENT WITNESSES.
Section 386 of the Code of Civil Procedure.

IN THE COURT OF

Civil Suit, No. of 18 AT
A. B. of
against
C. D. of

To

WHEREAS the evidence of is required by the
in the above suit; and whereas you are requested to take the
examination on interrogatories [or viva voce] of such witnesses and you
are hereby appointed a Commissioner for that purpose, and you are further requested to
make return of such examination so soon as it may be taken [process to require the
attendance of the witness will be issued by this Court on your application.]*

GIVEN under my hand and the seal of the Court, this day of



Judge.

* Not necessary where the commission goes to another Court.

No. 157.

COMMISSION FOR A LOCAL INVESTIGATION, OR TO EXAMINE ACCOUNTS.
Sections 392 and 394 of the Code of Civil Procedure.

IN THE COURT OF

Civil Suit, No. of 18 AT
A. B. of
against
C. D. of

To

WHEREAS it is deemed requisite, for the purposes of this suit, that a commission for
should be
issued; you are hereby appointed Commissioner for the purpose of
[process to compel the attendance before you of any

THE FOURTH SCHEDULE—continued.

witnesses, or for the production of any documents which you may desire to examine or inspect, will be issued by this Court on your application.]*

A sum of Rs. _____, being your fee in the above, is herewith forwarded.
 GIVEN under my hand and the seal of the Court, this _____ day of _____ 18

L. S.

Judge.

* Not necessary where the commission goes to another Court.

No. 158.

WARRANT OF ARREST BEFORE JUDGMENT.

Section 478 of the Code of Civil Procedure.

IN THE COURT OF _____ AT _____
 Civil Suit, No. _____ of 18 _____
 A. B. of _____
 against _____
 C. D. of _____

TO THE BAILIFF OF THE COURT.

WHEREAS _____, the plaintiff in the above suit, has proved to the satisfaction of the Court that there is probable cause for believing that the defendant _____ is about to _____, these are to command you to take _____ the said _____ into custody, and to bring _____ before the Court, in order that he may show cause why he should not furnish security to the amount of rupees _____ for _____ personal appearance before the Court, until such time as the said suit shall be fully and finally disposed of, and until execution or satisfaction of any decree that may be passed against _____ in the suit.

GIVEN under my hand and the seal of the Court, this _____ day of _____ 18

L. S.

Judge.

No. 159.

ORDER FOR COMMITTAL.

Section 481 of the Code of Civil Procedure.

IN THE COURT OF _____ AT _____
 Civil Suit, No. _____ of 18 _____
 A. B. of _____
 against _____
 C. D. of _____

To _____

WHEREAS _____, plaintiff in this suit, has made application to the Court that security be taken for the appearance of the defendant _____

THE FOURTH SCHEDULE—continued.

ant to answer any judgment that may be passed against
 in the suit; and whereas the Court has called upon the defendant
 to furnish such security, or to offer a sufficient deposit in lieu of
 security, which has failed to do; it is ordered that the said defendant
 judgment be given against be committed to custody until the decision of the suit; or if
 , until the execution of the decree.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 160.

ATTACHMENT BEFORE JUDGMENT, WITH ORDER TO CALL FOR SECURITY FOR FULFILMENT OF DECREE.

Section 484 of the Code of Civil Procedure.

IN THE COURT OF AT
 Civil Suit, No. of 18
 A. B. of
 against
 C. D. of

To THE BAILIFF OF THE COURT.

WHEREAS has proved
 to the satisfaction of the Court that the defendant in the above suit
 these are to command you to call upon the said defendant
 on or before the day of either to
 furnish security for the sum of rupees to produce and place at the disposal
 of this Court when required
 or the value thereof, or such portion of the value as may be sufficient to fulfil any decree
 that may be passed against , or to appear and show cause why
 should not furnish security; and you are further ordered to attach the said
 and keep the same under safe and secure custody until the further order of the Court, and
 in what manner you shall have executed this warrant make appear to the Court immediately
 after the execution hereof, and have you here then this warrant.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

No. 161.

THE FOURTH SCHEDULE—continued.

No. 161.

ATTACHMENT BEFORE JUDGMENT, ON PROOF OF FAILURE TO FURNISH SECURITY.

Section 485 of the Code of Civil Procedure.

IN THE COURT OF

AT

Civil Suit, No.

of 18 .

A. B. of

against

C. D. of

To THE BAILIFF OF THE COURT.

WHEREAS, the plaintiff in this suit, has applied to the Court to call upon, the defendant, to furnish security to fulfil any decree that may be passed against in the suit, and whereas the Court has called upon the said to furnish such security which has failed to do; these are to command you to attach the property of the said and keep the same under safe and secure custody until the further order of the Court, and in what manner you shall have executed this warrant make appear to this Court immediately after the execution hereof, and have you here then this warrant.

GIVEN under my hand and the seal of the Court, this day of 18



Judge.

No. 162.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVEABLE PROPERTY, TO WHICH THE DEFENDANT IS ENTITLED, SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSONS TO THE IMMEDIATE POSSESSION THEREOF.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF

AT

Civil Suit, No.

of 18

A. B. of

against

C. D. of

To

Defendant.

It is ordered that you the said be, and you are hereby, prohibited and restrained until the further order of this Court from receiving from the following property in the possession of the said that is to say to which the defendant is entitled, subject to any claim of the said

THE FOURTH SCHEDULE—continued.

and the said is hereby prohibited and restrained, until the further order of this Court, from delivering the said property to any persons whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 163.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVEABLE PROPERTY.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF

AT

Civil Suit, No.

of 18

A. B. of

against

C. D. of

To

Defendant.

It is ordered that you the said be, and you are hereby, prohibited and restrained, until the further order of this Court, from alienating the property specified in the schedule hereunto annexed, by sale, gift or otherwise, and that all persons be, and that they are hereby, prohibited from receiving the same by purchase, gift or otherwise.

GIVEN under my hand and the seal of the Court, this day of 18

SCHEDULE.

L. S.

Judge.

No. 164.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY IN THE HANDS OF OTHER PERSONS, OR OF DEBTS NOT BEING NEGOTIABLE INSTRUMENTS.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF

AT

Civil Suit, No.

of 18

A. B. of

against

C. D. of

To

It is ordered that the defendant be, and he is hereby, prohibited and restrained, until the further order of this Court, from receiving

THE FOURTH SCHEDULE—continued.

from the [money now in hands belonging to the said defendant, or debts, as the case may be describing them] and that the said be and hereby prohibited and restrained, until the further order of this Court, from making payment of the said [money, &c.], or any part thereof, to any person whomsoever.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 165.

ATTACHMENT BEFORE JUDGMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF SHARES IN A PUBLIC COMPANY, &c.

Section 486 of the Code of Civil Procedure.

IN THE COURT OF

AT

Civil Suit, No. of 18 . A. B. of against C. D. of

To Defendant and to

Manager of

Company.

It is ordered that be and the further order of the Court, from making any transfer of being or from receiving payment of any dividends thereof, and you Manager of the said Company, are hereby prohibited and restrained from permitting any such transfer, or making any such payment.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 166.

TEMPORARY INJUNCTIONS.

Section 492 of the Code of Civil Procedure.

UPON motion made unto this Court by , Pleader of [or Counsel for] the plaintiff, A. B., and upon reading the petition of the said plaintiff in this matter filed [this day]

THE FOURTH SCHEDULE—continued.

day] [or the plaint filed in this cause on the day of , or the written statement of the said plaintiff filed on the day of] and upon hearing the evidence of and day of in support thereof, [*if after notice and defendant not appearing : add,* and also the evidence of as to service of notice of this motion upon the defendant, *C. D.*] This Court doth order that an injunction be awarded to restrain the defendant, *C. D.*, his servants, workmen and agents from pulling down, or suffering to be pulled down, the house in the plaint in the said suit of the plaintiff mentioned [or in the written statement, or petition, of the plaintiff and evidence at the hearing of this motion mentioned] being No. 9, Oilmongers Street, Hindúpur, in the Taluq of and from selling the materials whereof the said house is composed, until the hearing of this cause or until the further order of this Court.

Dated this day of 187

Civil Judge.

[*Where the injunction is sought to restrain the negotiation of a bill, note or security, the ordering part of the order may run thus :—*] to restrain the defendants and from parting with out of the custody of them or any of them, or endorsing, assigning or negotiating the promissory note in question, dated on or about the , &c., mentioned in the plaintiff's plaint [or petition] and the evidence heard at this motion, until the hearing of this cause, or until the further order of this Court.

[*In Copyright cases*] to restrain the defendant, *C. D.*, his servants, agents, or workmen from printing, publishing, or vending a book, called , or any part thereof, until the, &c.

[*Where part only of a book is to be restrained*] to restrain the defendant, *C. D.*, his servants, agents, or workmen, from printing, publishing, selling, or otherwise disposing of such parts of the book in the plaint [or petition and evidence, &c.,] mentioned to have been published by the defendant as hereinafter specified, namely, that part of the said book which is entitled and also that part which is entitled [or which is contained in page both inclusive] until the , &c.

[*In Patent cases*] to restrain the defendant, *C. D.*, his agents, servants and workmen, from making or vending any perforated bricks (*or, as the case may be*) upon the principle of the inventions in the plaintiff's plaint [or petition, &c., or written statement, &c.,] mentioned, belonging to the plaintiffs, or either of them, during the remainder of the respective terms of the patents in the plaintiff's plaint [or, as the case may be] mentioned, and from counterfeiting, imitating or resembling the same inventions, or either of them, or making any addition thereto, or subtraction therefrom, until the hearing, &c.

[*In cases of Trade-marks*] to restrain the defendant, *C. D.*, his servants, agents or workmen, from selling, or exposing for sale, or procuring to be sold, any composition or blacking [or, as the case may be] described as or purporting to be blacking manufactured by the plaintiff, *A. B.*, in bottles having affixed thereto such labels as in the plaintiff's plaint [or petition, &c.] mentioned, or any other labels so contrived or expressed as, by colourable imitation or otherwise, to represent the composition or blacking sold by the defendant to be the same as the composition or blacking manufactured and sold by the plaintiff, *A. B.*, and from using trade-cards so contrived or expressed as to represent that any composition or blacking sold or proposed to be sold by the defendant is the same as the composition or blacking manufactured or sold by the plaintiff, *A. B.*, until the, &c.

[*To restrain a partner from in any way interfering in the business*] to restrain the defendant, *C. D.*, his agents and servants, from entering into any contract, and from accepting, drawing, endorsing or negotiating any bill of exchange, note or written security, in the name of the partnership-firm of *B. & D.*, and from contracting any debt, buying and selling any goods, and from making or entering into any verbal or written promise, agreement or undertaking, and from doing or causing to be

THE FOURTH SCHEDULE—*continued.*

done, any act, in the name or on the credit of the said partnership-firm of *B. & D.*, or whereby the said partnership-firm can or may in any manner become or be made liable to or for the payment of any sum of money, or for the performance of any contract, promise or undertaking, until the, &c.

No. 167.

NOTICE OF APPLICATION FOR INJUNCTION.

Section 494 of the Code of Civil Procedure.

IN THE COURT OF

AT

A. B. of

against

C. D. of

TAKE notice that I, *A. B.*, intend to apply at the sitting of the Court at aforesaid, on the day of for an injunction to restrain *C. D.* from further prosecuting a suit which he has commenced against me in , to recover damages for the breach of the contract for the specific performance of which this suit was commenced [or to restrain him from receiving and giving discharges for any of the debts due to the partnership in the matter of the partnership between us for the winding-up of which the suit was commenced, or from digging the turf from the land which was agreed to be sold by him to me by the agreement, the specific performance of which this suit is commenced to enforce, or, as the case may be].

Dated this day of

18 .

To *C. D.**A. B.*

[*N. B.*—Where the injunction is to be applied for against a party whose name and address does not appear upon any proceeding already filed in the suit, it must be stated in full to enable the proper officer to serve the notice.]

No. 168.

APPOINTMENT OF A RECEIVER.

Section 503 of the Code of Civil Procedure.

IN THE COURT OF

AT

Civil Suit, No.

of 18

A. B. of

against

C. D. of

To

WHEREAS has been attached in execution of a decree passed in the above suit on the day of 18 , in favour of ; you are hereby (subject to your giving security to the satisfaction of the Registrar) appointed Receiver of the said property under section 503 of the Code of Civil Procedure, with full powers under the provisions of that section.

You are required to render a due and proper account of your receipts and disbursements in respect of the said property on . You will be entitled to remuneration at the rate of per cent. upon your receipts under the authority of this appointment.

GIVEN under my hand and the seal of the Court, this day of

18

L. S.

Judge.

No. 169.

THE FOURTH SCHEDULE—*continued.*

No. 169.

BOND TO BE GIVEN BY RECEIVER.
Section 503 of the Code of Civil Procedure.

IN THE COURT OF AT
Civil Suit, No. of

A. B. of
against
C. D. of

KNOW all men by these presents, that we, *I. J.* of, &c., and *K. L.* of, &c., and *M. N.* of, &c., are jointly and severally bound to *G. H.*, Registrar of the Court of in Rs. , to be paid to the said *G. H.* or his attorney, executors, administrators or assigns. For which payment to be made we bind ourselves, and each of us, in the whole, our and each of our heirs, executors and administrators, jointly and severally, by these presents.

Dated this day of 18

And whereas a plaint has been filed in this Court by *A. B.* against *C. D.* for the purpose of [*here insert object of suit*].

And whereas the said *I. J.* has been appointed, by order of the above-mentioned Court, to receive the rents and profits of the immoveable property, and to get in the outstanding moveable property of *O. P.*, the testator in the said plaint named.

Now the condition of this obligation is such, that if the above-bounden *I. J.* shall duly account for all and every the sum and sums of money which he shall so receive on account of the rents and profits of the immoveable property, and in respect of the moveable property of the said *O. P.* [*or, as may be*] at such periods as the said Court shall appoint, and shall duly pay the balances which shall from time to time be certified to be due from him as the said Court hath directed or shall hereafter direct, then this obligation shall be void, otherwise it shall remain in full force.

I. J.
K. L.
M. N.

Signed and delivered by the above-bounden in the presence of

NOTE.—*If deposit of money be made, the memorandum thereof should follow the terms of the condition of the bond.*

No. 170.

ORDER OF REFERENCE TO ARBITRATION UNDER AGREEMENT OF PARTIES.

Section 508 of the Code of Civil Procedure.

(Title.)

To

WHEREAS the above-mentioned plaintiff and defendant have agreed to refer the matters in difference between them in the above suit to your arbitration and award, you are hereby appointed accordingly to determine all the said matters in difference between the parties, and with power, by consent of the parties, to determine which party shall pay the costs of this reference.

You are required to deliver your award in writing to this Court on or before the day of 18 , or such other day as this Court may further fix.

Process to compel the attendance before you of any witnesses, or for the production of any documents which you may desire to examine or inspect, will be issued by this Court on your application, and you are empowered to administer to such witnesses oath or affirmation.

A sum of Rs. , being your fee in the above suit, is here-
with forwarded.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 171.

THE FOURTH SCHEDULE—*continued.*

No. 171.

ORDER OF REFERENCE TO ARBITRATION BY COURT, WITH CONSENT.

Section 508 of the Code of Civil Procedure.

(Title.)

UPON reading a petition of the plaintiff, filed this day, and on the consent of
 for the defendant, and upon hearing _____ for the plaintiff and
 for the defendant, it is ordered, by and with the consent
 of all the parties, that all matters in difference in this suit, including all dealings and trans-
 actions between all parties, be referred to the final determination of _____

_____, who is to make
 his award in writing and submit the same to this Court, together with all proceedings,
 depositions, and exhibits in this suit, within one month from the date hereof. And it is
 ordered further, by and with the like consent, that the said arbitrator is to be at liberty to
 examine the parties and their witnesses upon oath or affirmation, which he is empowered to
 administer, and that the said arbitrator shall have all such powers or authorities as are vested
 in arbitrators under the Code of Civil Procedure, including therein power to call for all books
 of account that he may consider necessary. And it is further ordered, by and with the like
 consent, that the costs of this suit, together with the costs of reference to arbitration, up
 to and including the award of the said arbitrator, and the enforcement thereof, do abide
 the result of the finding of the said arbitrator. And it is further ordered, by and with the
 like consent, that the said arbitrator be at liberty to appoint a competent accountant to
 assist him in the investigation of the several matters referred to him as aforesaid, and that
 the remuneration of such accountant and other charges attending thereto be in the discre-
 tion of the said arbitrator.

GIVEN under my hand and the seal of the Court, this _____ day of _____ 18

L. S.

Judge.

No. 172.

SUMMONS IN SUMMARY SUIT ON NEGOTIABLE INSTRUMENT.

Section 532 of the Code of Civil Procedure.

No. OF SUIT.

IN THE COURT OF _____

AT _____

Plaintiff.

To _____

Defendant.

[Here enter the defendant's name, description and address.]

WHEREAS [Here enter the plaintiff's name, description and address] has instituted a
 suit in this Court against you under Chapter XXXIX of the Code of Civil Procedure for Rs.
 principal and interest [or Rs. _____ balance of principal and interest] due
 to him as the payee [or indorsee] of a bill of exchange [or hundī or promissory note], of
 which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court

within

THE FOURTH SCHEDULE—*continued.*

within seven days from the service hereof, inclusive of the day of such service, to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such seven days to obtain a decree for any sum not exceeding the sum of Rs. [*here state the sum claimed*] and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

[*Here copy the bill of exchange, hundi or promissory note, and all endorsements upon it.*]

No. 173.

MEMORANDUM OF APPEAL.

Section 541 of the Code of Civil Procedure.

MEMORANDUM OF APPEAL.

(*Name, &c., as in Register.*) Plaintiff—Appellant.

(*Name, &c., as in Register.*) Defendant—Respondent.

[*Name of Appellant*] [*plaintiff or defendant*] above-named appeals to the High Court at [*or District Court at* , *as the case may be*] against the decree of in the above suit, dated the day of , for the following reasons, namely, [*here state the grounds of objection*].

No. 174.

REGISTER OF APPEALS.

Section 548 of the Code of Civil Procedure.

COURT (OR HIGH COURT) AT
REGISTER OF APPEALS FROM DECREES in the year 18 .

Date of Memorandum.	No. of appeal.	APPELLANT.			RESPONDENT.			DECREE APPEALED FROM.			APPEARANCE.			JUDGMENT.			
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed or altered.	For what, or Amount.

THE FOURTH SCHEDULE—continued.

No. 175.

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL.

Section 553 of the Code of Civil Procedure.

IN THE COURT OF AT

APPEAL from the , Appellant, v. Respondent.
of the Court of
dated the day of 18
Respondent.

To TAKE notice that an appeal from the decree of in this case has been presented by

and registered in this Court, and that the day of 18 has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, your pleader, or by some one by law authorized to act for you in this appeal, it will be heard and decided ex parte in your absence.

GIVEN under my hand and the seal of the Court, this day of 18

L. S. (circled)

Judge.

[NOTE.—If a stay of execution has been ordered, intimation should be given of the fact on this notice.]

No. 176.

DECREE ON APPEAL.

Section 579 of the Code of Civil Procedure.

IN THE COURT OF AT

Appeal from the , Appellant, v. Respondent.
of the Court of dated the
day of 18
Memorandum of Appeal.

, Plaintiff.
, Defendant.

Plaintiff [or defendant] above-named appeals to the Court at
against the decree of in the above suit, dated the
day of 18, for the following reasons, namely;

[here state the reasons]

This appeal coming on for hearing on the day of 18
before. , in the presence of
for the Appellant, and of for the Respondent, it is ordered—

[here state the relief granted]

The costs of this appeal, amounting to , are to be paid by

The costs of the original suit are to be paid by
GIVEN under my hand, this day of 18

Judge.

No. 177.

THE FOURTH SCHEDULE—concluded.

No. 178.

NOTICE TO SHOW CAUSE WHY A REVIEW SHOULD NOT BE GRANTED.

Section 626 of the Code of Civil Procedure.

IN THE COURT OF

AT

, Plaintiff, v.

, Defend.

To

TAKE notice that has applied to this Court for a review of its judgment passed on the day of 18 in the above case. The day of 18 is fixed for you to show cause why the Court should not grant a review of its judgment in this case.

GIVEN under my hand and the seal of the Court, this day of 18

L. S.

Judge.

No. 179.

NOTICE OF CHANGE OF PLEADER.

IN THE COURT OF

AT

A. B. of
against
C. D. of

TO THE REGISTRAR OF THE COURT.

TAKE notice that I, A. B. [or C. D.], have hitherto employed as my pleader G. H. of in the above-mentioned cause, but that I have ceased to employ him, and that my present pleader is J. K. of

A. B. [or C. D.]

No. 180.

MEMORANDUM TO BE PLACED AT FOOT OF EVERY SUMMONS, NOTICE, DECREE OR ORDER OF COURT, OR ANY OTHER PROCESS OF THE COURT.

Hours of attendance at the office of the Registrar [place of office] from ten till four, except on [here insert the day on which the office will be closed], when the office will be closed at one.

ACT No. XI OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 31st May 1877).

An Act to facilitate the admission of Military Lunatics into Asylums.

WHEREAS it is expedient to facilitate the admission of European Military Lunatics into Asylums, and to amend the law now in force with regard to the admission thereto of Native Military Lunatics; It is hereby enacted as follows:—

Preamble.

1. This Act may be called the "Military Lunatics Act, 1877:"

Short title.

It extends to the whole of British India and, so far as regards subjects of Her Majesty, to the dominions of Native Princes and States in India in alliance with Her Majesty;

Local extent.

And it shall come into force on the passing thereof.

Commencement.

2. Act XXI of 1872 (*to facilitate the admission of Native Military Lunatics into Asylums*) shall be repealed.

Repeal of Act XXI of 1872.

3. Whenever any European officer, Warrant-officer, Non-commissioned officer, soldier or other person subject to the provisions of the Act for punishing Mutiny and Desertion and for the better payment of the Army and their quarters, for the time being in force, has been declared a lunatic in accordance with the provisions of the military regulations of the Presidency to which he belongs, and has been ordered to be forwarded to any one of the Presidency-towns, and it appears to one of the Surgeons General, either of the British Forces or of the Indian Medical Service, according to the Presidency and the service to which the said lunatic belongs, that it is inexpedient that he should be removed to England, or that he should be detained in military

Procedure in respect of European officer or soldier declared lunatic.

[Price one anna and six pies.]

military custody until he can be conveniently sent to England, such Surgeon General may, if he think fit, make an order under his hand for the reception of the said lunatic into the Lunatic Asylum at Bhowanipur, Madras or Bombay, or such other Lunatic Asylum as may be duly authorized for the purpose by the Governor General in Council ;

and the officer in charge of such asylum shall receive the lunatic in the asylum, and detain him therein until he is discharged therefrom, in accordance with the local military regulations in force for the time being, or until the Surgeon General applies for his transfer to the military authorities in view to his removal to England.

Report in case of Native officer or soldier appearing to be insane.

4. Whenever any Native officer, Non-commissioned officer or soldier appears to be insane, the officer commanding the regiment or detachment to which he belongs shall report the case to the general officer commanding the division or district or force in which such regiment or detachment is serving.

Examination of Native by committee.

5. Such general officer shall thereupon cause the said Native to be examined by a committee composed of at least two medical officers, or (if this be impracticable) by a regimental committee comprising the officer in command of the wing or squadron to which the Native belongs, and the medical officer in charge of the corps or detachment of which such wing or squadron forms part.

Procedure on Native being found by committee to be insane!

6. If the said committee or regimental committee (as the case may be) are satisfied that the Native is insane, the officer commanding the division or district or force may, if he thinks fit, make an order under his hand for the reception of the said Native into a Lunatic Asylum, and shall then send him thither under military escort; and the officer in charge of such asylum shall receive the Native into the asylum and detain him therein until he is discharged therefrom in accordance with the local military regulations in force for the time being.

Procedure for discharge of European or

7. Whenever it appears to the officer in charge of a Lunatic Asylum that the discharge of a military lunatic,

lunatic, whether European or Native, is necessary either on account of his recovery, or for any other purpose, such person shall be brought before the visitors of the asylum, and on the visitors recording their opinion that the discharge should be made, the general officer commanding the division, district or force, or other officer authorized to order the admission of military lunatics into asylums, shall forthwith direct him to be discharged, and such discharge shall take place in accordance with the local military regulations in force for the time being.

Native military lunatic.

8. The Paymaster of the military circle within which any such asylum is situate shall pay to the officer in charge of such asylum the expense of the lodging, maintenance, clothing and medicine of every lunatic, whether European or Native, received and detained under this Act.

Payment of expenses of lunatic.

9. All military lunatics heretofore received into Lunatic Asylums shall be deemed to have been so received in accordance with law.

Legalization of past receptions in asylum.

ACT No. XII OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th June 1877).

An Act to amend the Chutia Nágpur Encumbered Estates Act, 1876.

FOR the purpose of amending the Chutia Nágpur Encumbered Estates Act No. VI of 1876; It is hereby enacted as follows:— Preamble.

1. For the word "six" shall be substituted the word "twelve" in the second clause of the twelfth section of the said Act. Amendment of Act VI of 1876, section 12, clause 2.

[*Price one anna.*]

ACT No. XIII OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th June 1877).

An Act to provide for the execution of works urgently required in connection with embankments in British Burma.

WHEREAS it is expedient to provide for the execution of works urgently required in connection with embankments in British Burma; It is hereby enacted as follows:—

Preamble.

1. This Act may be called "The Burma Embankment Act, 1877:"

Short title.

It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma;

Local extent.

And it shall come into force on the passing thereof.

Commencement.

2. In this Act—

Interpretation-clause.
"Embankment."

"Embankment" means any embankment constructed for the purpose of excluding, regulating or retaining water, and includes all earthen walls, dams, canals, drains, piers, groins, sluices, buildings, water-gauges, bench-marks and other works subsidiary to any such embankment; and

"Embankment-officer," used with reference to an embankment, means the officer appointed by the Chief Commissioner, by notification in the *British Burma Gazette*, to carry out this Act in respect of such embankment.

"Embankment-officer."

3. Whenever the embankment-officer has reason to believe that, unless some work is quickly executed in

Circumstances under which this Act may be

[Price one anna and six pies.]

put in operation.

in connection with an embankment, loss of life or extensive damage to property will ensue, and that the labourers or materials required for the execution of such work cannot be obtained in the ordinary course in time to enable him to execute such work with the expedition necessary in order to avert such loss or damage, he may, by order under his hand, direct that the provisions of this Act shall be put into operation for the execution of such work; and thereupon

Power to impress labour.

(a) every able-bodied person who resides in the neighbourhood of such embankment, and whose name appears in the list hereinafter mentioned, shall, if required to do so by such officer or by any person authorized by him in this behalf, be bound to assist in the execution of such work by labouring thereon as such officer or any person authorized by him in this behalf may direct; and

Power to take materials.

(b) such officer or any person authorized by him in this behalf may enter into and upon any immovable property in the said neighbourhood and take possession of, appropriate and remove any trees or bamboos, whether standing or not, and any timber, mats, rope or other materials found in or upon such property, and use the same for the purposes of such work.

List of labourers.

4. Subject to such rules as the Local Government may from time to time, with the previous sanction of the Governor General in Council, prescribe in this behalf, the Deputy Commissioner shall prepare a list of the persons liable to be required under section three, clause (a), to assist as aforesaid, and may from time to time add to or alter such list or any part thereof.

Payment for labour impressed and materials taken.

5. All persons labouring, or detained for the purpose of labouring, in compliance with a requisition made under section three, or whose materials may be taken under that section, shall, as soon as may be reasonably practicable, be paid by the embankment-officer for their labour and detention, or for such materials (as the case may be), at such rates, not

being

being less than the highest market rates for similar labour or materials for the time being prevailing in the said neighbourhood, as the Chief Commissioner may, from time to time, by written order direct.

6. When from the removal of any trees, bamboos or other materials under section three, any damage, over and above the price payable for such materials under section five, results directly to any person, the embankment-officer shall pay to such person such sum as may be agreed upon as compensation for such damage, or, in case of dispute as to the amount so to be paid, as the Deputy Commissioner of the district may award, subject to such rules, as to appeal or otherwise, as the Chief Commissioner may from time to time prescribe in this behalf.

Compensation for damage done in taking materials.

7. Where an embankment-officer has been appointed for any embankment, any person who, without the permission of such officer—

Penalties for trespass on embankments, &c.

- (a) grazes any cattle or allows any cattle under his charge to trespass on such embankment, or
- (b) cuts or roots out any trees, shrubs or grass growing on such embankment, or
- (c) obstructs any drain or sluice connected with such embankment,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Explanation.—In this section, clause (a), “cattle” includes also elephants, buffalos, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids.

8. Every embankment-officer and every person authorized by an embankment-officer to act under section three, shall be deemed to be a “public servant” within the meaning of the Indian Penal Code; and nothing in the British Burma Labour Law, 1876, section 71, shall apply to any such officer or person acting under section three of this Act.

Certain persons to be deemed public servants.

THE BROACH AND KAIRA INCUMBERED ESTATES ACT, 1877.

CONTENTS.

PREAMBLE.

I.—PRELIMINARY.

SECTIONS.

1. Short title.
Commencement.
2. Act No. XV of 1871 repealed.
3. Interpretation-clause.

II.—OF THE APPLICATION AND PRELIMINARY INQUIRY.

4. Application for benefit of Act.
5. Order to enquire.
6. Verified statement to be submitted.
False averments in statement.
7. Report of enquiry and proceedings thereon.

III.—OF THE ORDER OF MANAGEMENT.

8. "Order of management" to what it extends.
Commencement of management.
9. Effect of order of management.
Stay of pending proceedings, &c.
Bar of fresh proceedings.
The debtor incompetent—
to contract debts,
to encumber or alienate property,
to grant receipts for rent.
10. Manager to have powers of owner and to receive rents
and profits,
to have powers of Collector for their recovery.
11. Manager to pay therefrom—
costs of management and repairs,
Government revenue, &c.,
rent due to superior holder,
allowance for maintenance and expenses of debtor and
family,
cost of improvements, &c.
Residue how disposed of.

IV.—PROOF

[Price five annas and three pies].

IV.—PROOF OF DEBTS AND SCHEME FOR LIQUIDATION.

SECTIONS.

12. Notice to claimants against debtor.
Copies of notice to be exhibited.
13. Claim to contain full particulars.
Documents to be given up.
Entries in books.
Power to exclude documents not produced with claim.
14. Claim not duly notified to be barred.
Admission of claims within further period of six months.
15. Determination of debts and liabilities.
16. Power to rank debts and to fix interest.
17. Scheme for liquidation.
Provisions of scheme.
18. Proceedings of Commissioner on submission of scheme.
19. Power to relinquish management.

V.—OF THE PROCEEDINGS SUBSEQUENT TO SANCTION OF THE LIQUIDATION-SCHEME.

20. Effects of sanctioning scheme.
21. Power to remove mortgagee in possession.
22. Power to inquire into consideration given for leases.
23. Power to lease.
24. Power to raise money by mortgage or sale.
25. Manager's receipt a discharge.
26. Termination of management.
Restoration of owner.
27. Death of debtor during management.
28. Mortgages, &c., made by restored Thákur valid only for his life.

VI.—OF APPEAL AND REVISION.

29. Appeal.
30. Power to call for proceedings and pass order thereon.

VII.—MISCELLANEOUS.

31. Power to make rules.
32. Power to appoint new manager.
33. Managers and their agents to be public servants.
34. Investigation, a judicial proceeding.
35. Power to summon witnesses and compel production of documents.
36. Bar of suits.
37. Saving of jurisdiction of Courts in Broach and Kaira in respect of certain suits.

38. Exemption

SECTIONS.

38. Exemption of certain Thákurs from certain provisions of Act.
 39. Amendment of Bombay Act VI of 1862.
 40. Taluqdárá Settlement-officer to be—
deemed an officer under Bombay Act VI of 1862,
section 1,
Assistant to certain Collectors.
 41. Acts of Taluqdárá Settlement officer valid.
-

ACT No. XIV OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th June 1877).

An Act to relieve from Incumbrances the estates of Thákurs in Broach and Kaira.

WHEREAS many Thákurs in the districts of Broach and Kaira are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

Preamble.

I.—PRELIMINARY.

1. This Act may be called “The Broach and Kaira Incumbered Estates Act, 1877:”

Short title.

And it shall come into force on the passing thereof.

Commencement.

2. Act No. XV of 1871 (*to relieve from incumbrances the estates of Thákurs in Broach*) is repealed: but all applications and appointments and rules made, all notices published, and all other things duly done, under the said Act, shall be deemed to have been respectively made, published and done under this Act.

Act No. XV of 1871 repealed.

3. In this Act—

“Thákur” means also taluqdár, jágirdár and kasbátí, and such other classes of holders of estates as the Local Government may, with the previous sanction of the Governor General in Council, declare to be Thákurs for the purposes of this Act:

Interpretation-clause.
“Thákur.”

“Heir” means the person for the time being entitled as heir to a Thákur:

“Heir.”

“Commissioner” means the Revenue Commissioner of the Northern Division of the Presidency of Bombay.

“Commissioner.”

II.—OF

II.—OF THE APPLICATION AND PRELIMINARY
INQUIRY.

Application
for benefit
of Act.

4. At any time within twelve months after the passing of this Act, any Thákur,

or any person who would be sole heir or one of the heirs to such Thákur if he then died intestate,

may apply, in writing, to the Commissioner, stating that such Thákur is subject to debts or liabilities, other than debts due, or liabilities incurred, to Government, or that his immoveable property is charged with debts or liabilities other than as aforesaid, and requesting that the provisions of this Act be applied to his case.

When any Thákur or other person entitled to make an application under this section is a minor, or of unsound mind, or an idiot, such application may be made on his behalf by the guardian or other legal curator of his person, or by the legally constituted administrator or manager of his estate.

Order to en-
quire.

5. When any such application is made by or on behalf of a Thákur, or the person who would be his sole heir if he then died, the Commissioner shall direct an enquiry to be made by such officer as he thinks fit into the nature and amount of such debts and liabilities and the sufficiency of the debtor's property, whether moveable or immoveable, to discharge the same.

When such an application is made in any other case, it shall be in the discretion of the Commissioner, subject to any general rules which may from time to time be made by the Governor of Bombay in Council in this behalf, either to reject such application or to direct an enquiry to be made as aforesaid.

Verified
statement to
be submitted.

6. When an enquiry has been directed under section 5, the applicant shall, within a period to be fixed by the Commissioner, submit to the officer appointed to make such enquiry a statement duly verified by the said applicant, or by some other competent person, in the manner required by law for the verification of plaints, and containing, so far as may be practicable, such details as to the debts and liabilities,

and

and as to the sufficiency of the debtor's property, whether moveable or immoveable, to meet the same, as the Commissioner, or the said officer, subject to his control, may require.

If any such statement contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, such person shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code.

False averments in statement.

7. The officer so appointed, after making enquiry, shall submit a report of his proceedings to the Commissioner.

Report of enquiry and proceedings thereon.

On receipt of such report, the Commissioner may—

(a) direct a further enquiry, or

(b) dismiss the application, or

(c) by order published in the *Bombay Government Gazette*, direct that the immoveable property of the debtor shall be managed, and that his debts shall be liquidated, in the manner hereinafter provided, by a manager.

The Taluqdári Settlement-officer for the time being shall, unless the Local Government in any case otherwise directs, be such manager.

III.—OF THE ORDER OF MANAGEMENT.

8. Such order (hereinafter called "the order of management") shall extend to all immoveable property of or to which the debtor is on the date of its publication possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him during the continuance of the management, and to all debts and liabilities to which he is subject, or which are charged on the whole or any part of his immoveable property on the said date.

"Order of management" to what it extends.

The management shall be deemed to commence from the date on which the order is published.

Commencement of management.

9. On

Effect of order of management.

9. On the publication of the order of management the following consequences shall ensue :

Stay of pending proceedings, &c.

First, all proceedings then pending in any Civil Court in British India in respect to the debts and liabilities mentioned in section 8 shall be stayed; and the operation of all processes, executions and attachments then in force, for or in respect of such debts and liabilities shall be suspended;

Bar of fresh proceedings.

Secondly, so long as the management continues, no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any Civil Court in British India in respect of such debts and liabilities;

The debtor incompetent—
to contract debts,

Thirdly, so long as the management continues, the debtor shall be incompetent—

(a) to enter into any contract involving him in pecuniary liability, or

to encumber or alienate property,

(b) to mortgage, charge, lease or alienate the property under management or any part thereof, or

to grant receipts for rent.

(c) to grant valid receipts for the rents and profits arising or accruing therefrom :

Provided that nothing contained in this clause shall be deemed to preclude the manager from letting, and the debtor from taking, the whole or any part of such property on such terms, consistent with this Act, as may be agreed upon between the parties;

Fourthly, so long as the management continues, no person other than the manager shall be competent to mortgage, charge, lease or alienate such property or any part thereof.

Manager to have powers of owner and to receive rents and profits :

10. The manager shall, during the management of the property, have all powers which the owner thereof might, as such, have legally exercised, and shall receive and recover all rents and profits due in respect of the property under management,

to have powers of Collector for their recovery.

and for the purpose of recovering such rents and profits shall have, in addition to any powers possessed by a Thákur, all the powers possessed by a Collector, under

under the law for the time being in force, for securing and recovering land-revenue due to Government :

Provided that he shall not, before the liquidation-scheme hereinafter mentioned has been sanctioned, demise the property under management, or any part thereof, for any term exceeding two years, to take effect in possession.

11. From the sums received or recovered under section 10, the manager shall pay—

Manager to pay therefrom—
costs of management and repairs,
Government revenue, &c.,

First, the costs of the management, including the costs of necessary repairs ;

Secondly, the Government revenue and all debts and liabilities for the time being due or incurred to Government in respect of the property under management ;

Thirdly, the rent (if any) due to any superior holder in respect of the said property ;

rent due to superior holder,

Fourthly, such periodical allowance as the Commissioner may from time to time fix for the maintenance and other necessary expenses of the debtor and of such members of his family as the Commissioner directs ;

allowance for maintenance and expenses of debtor and family,

Fifthly, the cost of such improvements of the said property as he thinks necessary, and as are approved by the Commissioner.

cost of improvements, &c.

The residue shall be retained by the manager for the liquidation, in manner hereafter provided, of the debts and liabilities mentioned in section 8 other than those so due or incurred to Government.

Residue how disposed of.

IV.—PROOF OF DEBTS AND SCHEME FOR LIQUIDATION.

12. On the publication of the order of management, the manager shall publish in the *Bombay Government Gazette* a notice in English and Gujaráthí calling upon all persons having claims against the debtor or the property under management, to notify the same in writing to such manager within six months from the date of the publication.

Notice to claimants against debtor.

He

Copies of notice to be exhibited.

He shall also cause copies of such notice to be exhibited at the Mámátdárs' kachahrís in the district in which the said property lies, and at such other places as he thinks fit.

Claim to contain full particulars.

13. Every such claimant shall, along with his claim, present full particulars thereof.

Documents to be given up.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the manager along with the claim.

Entries in books.

If the document be an entry in any book, the claimant shall produce the book to the manager together with a copy of the entry on which he relies. The manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Power to exclude documents not produced with claim.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the manager along with the claim, the manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

Claim not duly notified to be barred.

14. Every such claim (other than claims of the Government) not notified to the manager within the time and in the manner required by such notice shall, except as provided in section 19, clause (d), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged :

Admission of claims within further period of six months.

Provided that, when proof is made to the manager that the claimant was unable to comply with the provisions of section 12, the manager may receive such claim within the further period of six months from the expiration of the original period of six months.

Determination of debts and liabilities.

15. The manager shall inquire into the history and merits of every claim received under sections 12 and 14, and shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities (if any) justly due to the several claimants.

16. If

16. If such amount cannot be paid at once, the manager shall then proceed to rank such debts and liabilities according to the order in which they shall be paid, and to fix the interest (if any) to be paid thereon, respectively, from the date of the final decision thereon to the date of the payment and discharge thereof.

Power to rank debts and to fix interest.

17. When the total amount of the debts and liabilities (including those due and incurred to Government) has been finally determined, the manager shall prepare and submit to the Commissioner a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation-scheme) shewing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other.

Scheme for liquidation.

Every such scheme shall further provide for the continuance of the payments to be made by the manager under section 11, and may provide for the improvement of the property under management either from the said income or with the aid of the funds raised as aforesaid, or partly in one of such ways and partly in the other.

Provisions of scheme.

18. The Commissioner may—

(a) as often as he thinks fit send back such scheme to the manager for revision, and direct him to make such further inquiry as may be requisite for the proper preparation of the scheme, or

Proceedings of Commissioner on submission of scheme.

(b) sanction any liquidation-scheme, or any revised liquidation-scheme, submitted to him, either as it stands, or subject to such modifications as he may deem expedient.

19. At any time before he has sanctioned a liquidation-scheme under section 18, the Commissioner may, by an order published in the *Bombay Government Gazette*, direct that on a date fixed by such order the management shall be relinquished.

Power to relinquish management.

On

11

On the date so fixed—

(a) the management shall terminate;

(b) the owner of the property under management shall be restored to the possession thereof, subject to any leases made under section 10;

(c) any residue of the rents and profits of the said property, retained under the last clause of section 11, shall be paid to him; and

(d) the proceedings, processes, executions and attachments stayed and suspended under section 9, and the debts and liabilities barred by section 14, shall revive.

In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which the management has continued shall be excluded.

V.—OF THE PROCEEDINGS SUBSEQUENT TO SANCTION OF THE LIQUIDATION-SCHEME.

Effects of sanctioning scheme.

20. When the Commissioner sanctions the liquidation-scheme, he shall notify the fact of such sanction at such places and in such manner as the Local Government may from time to time by rule direct; and thereupon—

1st, all proceedings, processes, executions and attachments stayed or suspended under section 9 shall be for ever barred, and

2nd, every debt or liability due or owing to any person which was proveable before the manager shall be extinguished, and such person shall be entitled to receive under the liquidation-scheme the amount (if any) finally awarded to him under Part IV of this Act in respect of such debt or liability.

Power to remove mortgagee in possession.

21. If the property under management or any part thereof be in the possession of a mortgagee or conditional vendee, the manager, at any time after the liquidation-scheme has been sanctioned as aforesaid, may, by an order in writing, require such incumbrancer

cumbrancer to deliver up possession of the same to him at the end of the then current revenue year.

If such incumbrancer refuse or neglect to obey such order, the manager may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said incumbrancer and any other person obstructing or resisting on his behalf.

Nothing in this section shall be held to affect the right of any incumbrancer to receive, under the liquidation-scheme, the amount (if any) awarded to him under Part IV of this Act.

22. If the property under management or any part thereof be in the possession of any person claiming to hold under a lease dated within the three years immediately preceding the commencement of the management, the manager may inquire into the sufficiency of the consideration for which the lease was given; and if such consideration appear to him insufficient, may by order, with the consent of the Commissioner, at any time after the liquidation-scheme has been sanctioned as aforesaid, either set aside the lease or require the person so in possession to pay such consideration for the said lease as the manager thinks fit, and in default of such payment, the lease shall be cancelled.

Power to inquire into consideration given for leases.

23. Subject to the rules made under section 31, the manager, after the liquidation-scheme has been sanctioned as aforesaid, shall have power to demise all or any part of the property under management for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of the payment to him of any fine, or without fine, and reserving such rents, and under such conditions, as may be agreed upon.

Power to lease.

24. At any time after the liquidation-scheme has been sanctioned as aforesaid, the manager, with the previous assent of the Commissioner, shall have power to raise any money which may be required for carrying out such scheme—

Power to raise money by mortgage or sale.

(a) by mortgaging the whole or any part of the property under management for a term not exceeding

twenty

twenty years from the publication of the order of management; or

(b) by charging the whole or any part of such property; or

(c) by selling, by public auction or by private contract, and upon such terms as the manager thinks fit, such portion of the said property as may appear expedient.

Manager's receipt a discharge.

25. The manager's receipt for any moneys, rents or profits raised or received by him under this Act, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

Termination of management.

26. When the debts and liabilities mentioned in the liquidation-scheme have been paid and discharged as therein provided, or in such other manner as the Commissioner thinks fit, the manager shall publish in the *Bombay Government Gazette* a notice fixing a date for the termination of the management.

Restoration of owner.

On the date so fixed the management shall terminate, and the owner shall be restored to the possession and enjoyment of the property under management, or of such part thereof as has not been sold by the manager under the power conferred by section 24, but subject to the leases and mortgages (if any) granted and made by the manager under the powers conferred by sections 10, 23 and 24.

Death of debtor during management.

27. If the debtor dies after the publication of the order of management and before the management has been terminated in either of the modes hereinbefore provided—

1st, the management shall continue and proceed in all respects as if such debtor were still living;

2ndly, any person succeeding to the whole or any portion of the property under management shall, while such management continues, be subject in respect of such property to the disabilities imposed by clauses (b) and (c) of section 9; and

3rdly,

3rdly, no Civil Court in British India shall, during the continuance of the management, issue any attachment or other process against any portion of the property under management, for or in respect of any debt or liability incurred by any such person whether before or after his said succession.

28. When a Thákur has been restored under section 26 to the possession of any property, no mortgage, charge, lease or alienation of such property, or of any part thereof, made by such Thákur, shall be valid as to any time beyond his natural life.

Mortgages, &c., made by restored Thákur valid only for his life.

VI.—OF APPEAL AND REVISION.

29. An appeal against any decision or order under sections 14, 15, 16 and 22 or imposing a fine or imprisonment in exercise of the powers conferred by section 35, shall lie to the Commissioner, if preferred within six weeks from the date of such decision or order.

Appeal.

There shall be no appeal against the decision of the Commissioner on such appeal.

30. The Commissioner may, of his own motion or on the application of any person concerned, call for the proceedings in any case under this Act, and pass such order thereon, consistent with the provisions of this Act, as he thinks fit.

Power to call for proceedings and pass order thereon.

VII.—MISCELLANEOUS.

31. The Local Government may, from time to time, make rules consistent with this Act—

Power to make rules.

(a) to regulate the security to be required from subordinate officers under this Act;

(b) to regulate the procedure in all cases under this Act;

(c) for the guidance of officers enquiring into and determining on claims under Part IV of this Act; and in particular as to the allowance of interest (if any)

any) on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregate amount of such debts and liabilities from the date of the determination down to the date of payment, and as to the order of paying debts and liabilities ;

(d) for investing any moneys received or raised by the manager under this Act in any Government securities of British India, and for the sale of such securities, and

(e) generally to carry out the provisions of this Act.

Such rules shall be published in the *Bombay Government Gazette*, and when so published shall have the force of law.

Power to
appoint new
manager.

32. The Local Government may suspend or remove any manager, and may appoint any officer in the stead of any manager appointed under this Act ; and thereupon the management then vested under this Act in the former manager shall become vested in the new manager.

Every such new manager shall have the same powers as if he had been originally appointed.

Managers
and their
agents to be
public
servants.

33. Every manager appointed under this Act and every agent of such manager shall be deemed a public servant within the meaning of the Indian Penal Code.

Investiga-
tion, a judi-
cial proceed-
ing.

34. Every investigation conducted by the manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

Power to
summon
witnesses
and compel
production of
documents.

35. For the purposes of this Act, the manager and any officer making an enquiry under section 5 may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means and, as far as possible, in the same manner, as is provided in

the

the case of a Civil Court by the Code of Civil Procedure.

36. No suit or other proceeding shall be maintained against any person in respect of anything done by him *boná fide* pursuant to this Act. Bar of suits.

37. Nothing in this Act precludes the Courts in Broach and Kaira having jurisdiction in suits relating to the succession to any immoveable property brought under the operation of this Act from entertaining and disposing of such suits; but to all such suits the manager of such property shall be made a party. Saving of jurisdiction of Courts in Broach and Kaira in respect of certain suits.

38. Nothing in section 9 shall be deemed to render any of the following Thákurs, namely, the Thákur of Ahmod, the Thákur of Sarod, the Thákur of Kerwára, the Thákur of Dehej, and the Thákur of Janiádra incompetent to enter into contracts involving him in pecuniary liability, nor shall anything in section 28 apply to any of the said Thákurs: Exemption of certain Thákurs from certain provisions of Act.

Provided that, if any such Thákur has, since the scheme for the settlement of his debts and liabilities was approved under section 11 of the said Act No. XV of 1871, enter into any contract involving him in pecuniary liability exceeding the average annual income derived during the previous five years from his immoveable property after deducting therefrom the land-tax and other dues of Government, the Local Government may, by notification in the *Bombay Government Gazette*, declare that the exemption made by the former part of this section shall cease in his case, and thereupon such exemption shall cease accordingly.

39. And whereas doubts have been raised as to the validity of Bombay Act No. VI of 1862 (*for the amelioration of the condition of Taluqdárs in the Ahmedabad Collectorate, and for their relief from debt*) so far as it purports to affect the High Court of Judicature at Bombay, for the purpose of precluding such doubts, it is hereby further enacted that the said Act, so far as it purports to affect the said High Court, shall be deemed to be and to have been valid. Amendment of Bombay Act VI of 1862.

40. The

Broach & Kaira Incumbered Estates. [ACT XIV, 1877.]

Taluqdári
Settlement-
officer to
be—

deemed an
officer under
Bombay Act
VI of 1862,
section 1 ;

Assistant to
certain Col-
lectors.

Acts of
Taluqdári
Settlement-
officer valid.

40. The said Taluqdári Settlement-officer for the time being shall, unless the Local Government in any case otherwise directs, be—

(a) deemed to be an officer appointed under section 1 of the said Bombay Act No. VI of 1862, to manage all estates with respect to which a declaration is or has been made and published under the said section ;

(b) an Assistant to the respective Collectors of Ahmedabad, Kaira and Broach.

41. Nothing heretofore done by any Taluqdári Settlement-officer shall be deemed to be or to have been invalid by reason only of his not having been duly appointed,

(a) under section 1 of the said Bombay Act No. VI of 1862, to manage any estates with respect to which a declaration has been made under the said section, or

(b), to be a manager under the said Act No. XV of 1871, or

(c), to be an Assistant to the respective Collectors of Ahmedabad, Kaira and Broach.

ACT NO. XV OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th July 1877).

An Act for the Limitation of Suits, and for other purposes.

WHEREAS it is expedient to amend the law relating to the limitation of suits, appeals and certain applications to Courts; And whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property; It is hereby enacted as follows:—

PART I. PRELIMINARY.

1. This Act may be called "The Indian Limitation Act, 1877:—"

It extends to the whole of British India; but nothing contained in sections two and three or in Parts II and III applies—

- (a) to suits under the Indian Divorce Act, or (b) to suits under Madras Regulation VI of 1831;

And it shall come into force on the first day of October 1877.

2. On and from that day the Acts mentioned in the first schedule hereto annexed shall be repealed to the extent therein specified.

But all references to the Indian Limitation Act, 1871, shall be read as if made to this Act; and nothing herein or in that Act contained shall be deemed to affect any title acquired, or to revive any right

titles already
acquired.
Saving of
Act IX of
1872, s. 25.

to sue barred, under that Act or under any enactment thereby repealed; and nothing herein contained shall be deemed to affect the Indian Contract Act, section 25.

Suits for
which period
prescribed by
this Act is
shorter than
that pre-
scribed by
Act IX of
1871.

Notwithstanding anything herein contained, any suit mentioned in No. 146 of the second schedule hereto annexed may be brought within five years next after the said first day of October 1877, unless where the period prescribed for such suit by the said Indian Limitation Act, 1871, shall have expired before the completion of the said five years; and any other suit for which the period of limitation prescribed by this Act is shorter than the period of limitation prescribed by the said Indian Limitation Act, 1871, may be brought within two years next after the said first day of October 1877, unless where the period prescribed for such suit by the same Act shall have expired before the completion of the said two years.

Interpreta-
tion-clause.

3. In this Act, unless there be something repugnant in the subject or context—

‘plaintiff’ includes also any person from or through whom a plaintiff derives his right to sue; ‘applicant’ includes also any person from or through whom an applicant derives his right to apply; and ‘defendant’ includes also any person from or through whom a defendant derives his liability to be sued:

‘easement’ includes also a right, not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another, or anything growing in, or attached to, or subsisting upon, the land of another:

‘bill of exchange’ includes also a hundí and a cheque:

‘bond’ includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be:

‘promissory note’ means any instrument whereby the maker engages absolutely to pay a specified sum
of

THE INDIAN LIMITATION ACT, 1877.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTIONS.

1. Short title.
Extent of Act.
Commencement.
2. Repeal of Acts.
References to Act IX of 1871.
Saving of titles already acquired.
Saving of Act IX of 1872, section 25.
Suits for which period prescribed by this Act is shorter than that prescribed by Act IX of 1871.
3. Interpretation-clause.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

4. Dismissal of suits, &c., instituted, &c., after period of limitation.
5. Proviso where Court is closed when period expires.
Proviso as to appeals and applications for review.
6. Special and local laws of limitation.
7. Legal disability.
Double and successive disabilities.
Disability of representative.
8. Disability of one joint-creditor.
9. Continuous running of time.
10. Suits against express trustees and their representatives.
11. Suits on foreign contracts.
Foreign limitation law.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

12. Exclusion of day on which right to sue accrues.
Exclusion in case of appeals and certain applications.
13. Exclusion

[Price twelve annas and six pies.]

SECTIONS.

13. Exclusion of time of defendant's absence from British India.
14. Exclusion of time of proceeding *bond fide* in Court without jurisdiction.
Like exclusion in case of order under Civil Procedure Code, section 20.
Like exclusion in case of application.
15. Exclusion of time during which commencement of suit is stayed by injunction or order.
16. Exclusion of time during which judgment-debtor is attempting to set aside execution-sale.
17. Effect of death before right to sue accrues.
18. Effect of fraud.
19. Effect of acknowledgment in writing.
20. Effect of payment of interest as such.
Effect of part-payment of principal.
Effect of receipt of produce of mortgaged land.
21. One of several joint contractors, &c., not chargeable by reason of acknowledgment or payment made by another of them.
22. Effect of substituting or adding new plaintiff or defendant.
Proviso where original plaintiff dies.
Proviso where original defendant dies.
23. Continuing breaches and wrongs.
24. Suit for compensation for act not actionable without special damage.
25. Computation of time mentioned in instruments.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

26. Acquisition of right to easements.
27. Exclusion in favour of reversioner of servient tenement.
28. Extinguishment of right to property.

FIRST SCHEDULE.

REPEALS.

SECOND SCHEDULE.

- I. SUITS. II. APPEALS. III. APPLICATIONS.

When such representative is at the date of the death affected by any such disability, the rules contained in the first two paragraphs of this section shall apply.

Disability of representative.

Nothing in this section applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made.

Illustrations.

(a).—The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accruer. He may institute his suit at any time within three years from the date of his attaining majority.

(b).—A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accruer. A has, under the ordinary law, only one year remaining within which to sue. But under this section an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority, within which he may bring his suit.

(c).—A right to sue accrues to Z during his minority. After the accruer, but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.

(d).—A right to sue accrues to X during his minority. X dies before attaining majority and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

(e).—A right to sue for an hereditary office accrues to A, who at the time is insane. Six years after the accruer A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under this section.

(f).—A right to sue as landlord to recover possession from a tenant accrues to A, who is an idiot. A dies three years after the accruer, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. This section does not extend that time, except where the repre-

sentative

sentative is himself under disability when the representation devolves upon him.

Disability
of one joint
creditor.

8. When one of several joint creditors or claimants is under any such disability, and when a discharge can be given without the concurrence of such person, time will run against them all: but where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others.

Illustrations.

(a).—A incurs a debt to a firm of which B, C and D are partners. B is insane and C is a minor. D can give a discharge of the debt without the concurrence of B and C. Time runs against B, C and D.

(b).—A incurs a debt to a firm of which E, F and G are partners. E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

Continuous
running of
time.

9. When once time has begun to run, no subsequent disability or inability to sue stops it:

Provided that where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

Suits against
express trust-
tees and
their repre-
sentatives.

10. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property, shall be barred by any length of time.

Suits on
foreign con-
tracts.

11. Suits instituted in British India on contracts entered into in a foreign country are subject to the rules prescribed by this Act.

Foreign
limitation
law.

No foreign rule of limitation shall be a defence to a suit instituted in British India on a contract entered into in a foreign country, unless the rule has extinguished the contract, and the parties were domiciled

in

To be substituted for corresponding pages in Act as originally printed.

ceived the assent of the Governor General in Council in 1879 and Act No. VIII of 1880 received the assent of the Governor General on the 12th of March, 1880).

An Act for the Limitation of Suits, and for other purposes.

WHEREAS it is expedient to amend the law relating to the limitation of suits, appeals and certain applications to Courts; and whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property; It is hereby enacted as follows:—

Preamble.

PART I.

PRELIMINARY.

1. This Act may be called "The Indian Limitation Act, 1877:"

Short title.

It extends to the whole of British India; but nothing contained in sections two and three or in Parts II and III applies—

Extent of Act.

(a) to suits under the Indian Divorce Act, or

(b) to suits under Madras Regulation VI of 1831;

and it shall come into force on the first day of October, 1877.

Commencement.

2. On and from that day, the Acts mentioned in the first schedule hereto annexed shall be repealed to the extent therein specified.

Repeal of Acts.

But all references to the Indian Limitation Act, 1871, shall be read as if made to this Act; and nothing herein or in that Act contained shall be deemed

References to Act IX. of 1871.

to

3

Saving of titles already acquired. Saving of Act IX of 1872, s. 25.

to affect any title acquired, or to revive any right to sue barred, under that Act or under any enactment thereby repealed; and nothing herein contained shall be deemed to affect the Indian Contract Act, section 25.

Suits for which period prescribed by this Act is shorter than that prescribed by Act IX of 1871.

Notwithstanding anything herein contained, any suit mentioned in No. 146 of the second schedule hereto annexed may be brought within five years next after the said first day of October, 1877, unless where the period prescribed for such suit by the said Indian Limitation Act, 1871, shall have expired before the completion of the said five years; and any other suit for which the period of limitation prescribed by this Act is shorter than the period of limitation prescribed by the said Indian Limitation Act, 1871, may be brought within two years next after the said first day of October, 1877, unless where the period prescribed for such suit by the same Act shall have expired before the completion of the said two years.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

‘plaintiff’ includes also any person from or through whom a plaintiff derives his right to sue; ‘applicant’ includes also any person from or through whom an applicant derives his right to apply; and ‘defendant’ includes also any person from or through whom a defendant derives his liability to be sued:

‘easement’ includes also a right, not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another, or anything growing in, or attached to, or subsisting upon, the land of another:

‘bill of exchange’ includes also a hundí and a cheque:

‘bond’ includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligations shall be void if a specified act is performed, or is not performed, as the case may be:

‘promissory note’ means any instrument whereby the maker engages absolutely to pay a specified sum
of

of money to another at a time therein limited, or on demand, or at sight :

‘trustee’ does not include a benámídar, a mortgage remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title :

‘suit’ does not include an appeal or an application :

‘registered’ means duly registered in British India under the law for the registration of documents in force at the time and place of executing the document, or signing the decree or order, referred to in the context :

‘foreign country’ means any country other than British India ;

and nothing shall be deemed to be done in ‘good faith’ which is not done with due care and attention.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

4. Subject to the provisions contained in sections 5 to 25 (inclusive), every suit instituted, appeal presented, and application made, after the period of limitation prescribed therefor by the second schedule hereto annexed, shall be dismissed, although limitation has not been set up as a defence.

Dismissal of suits, &c., instituted, &c., after period of limitation.

Explanation.—A suit is instituted, in ordinary cases, when the plaint is presented to the proper officer ; in the case of a pauper, when his application for leave to sue as a pauper is filed ; and in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

Illustrations.

(a).—A suit is instituted after the prescribed period of limitation. Limitation is not set up as a defence and judgment is given for the plaintiff. The defendant appeals. The appellate Court must dismiss the suit.

(b).—An

(b).—An appeal presented after the prescribed period is admitted and registered. The appeal shall, nevertheless, be dismissed.

Proviso where Court is closed when period expires.

5. If the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, presented or made on the day that the Court re-opens :

Proviso as to appeals and applications for review.

Any appeal or application for a review of judgment may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not presenting the appeal or making the application within such period.

Special and local laws of limitation.

6. When, by any special or local law now or hereafter in force in British India, a period of limitation is specially prescribed for any suit, appeal or application, nothing herein contained shall affect or alter the period so prescribed.

Legal disability.

7. If a person entitled to institute a suit or make an application be, at the time from which the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit or make the application within the same period, after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the second schedule hereto annexed.

Double and successive disabilities.

When he is, at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or when, before his disability has ceased, he is affected by another disability, he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

When his disability continues up to his death, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

When

in such country during the period prescribed by such rule.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

12. In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

Exclusion of day on which right to sue accrues.

In computing the period of limitation prescribed for an appeal, an application for leave to appeal as a pauper, and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed against or sought to be reviewed, shall be excluded.

Exclusion in case of appeals and certain applications.

Where a decree is appealed against or sought to be reviewed, the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded.

In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

13. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from British India shall be excluded.

Exclusion of time of defendant's absence from British India.

14. In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action, and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

Exclusion of time of proceeding *bona fide* in Court without jurisdiction.

Like exclusion in case of order under Civil Procedure Code, s. 20.

In computing the period of limitation prescribed for a suit, proceedings in which have been stayed by order under the Code of Civil Procedure, section 20, the interval between the institution of the suit and the date of so staying proceedings, and the time requisite for going from the Court in which proceedings are stayed to the Court in which the suit is re-instituted, shall be excluded.

Like exclusion in case of application.

In computing the period of limitation prescribed for any application, the time during which the applicant has been making another application for the same relief, shall be excluded, where the last-mentioned application is made in good faith to a Court which from defect of jurisdiction, or other cause of a like nature, is unable to grant it.

Explanation 1.—In excluding the time during which a former suit or application was pending or being made, the day on which that suit or application was instituted or made, and the day on which the proceedings therein ended, shall both be counted.

Explanation 2.—A plaintiff resisting an appeal presented on the ground of want of jurisdiction shall be deemed to be prosecuting a suit within the meaning of this section.

Exclusion of time during which commencement of suit is stayed by injunction or order.

15. In computing the period of limitation prescribed for any suit, the institution of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded.

Exclusion of time during which judgment-debtor is attempting to set aside execution-sale.

16. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which the judgment-debtor has been prosecuting a proceeding to set aside the sale, shall be excluded.

Effect of death before right to sue accrues.

17. When a person who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative

representative of the deceased capable of instituting or making such suit or application.

When a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

Nothing in the former part of this section applies to suits to enforce rights of pre-emption or to suits for the possession of immoveable property or of an hereditary office.

18. When any person having a right to institute a suit or make an application has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded,

Effect of fraud.

or where any document necessary to establish such right has been fraudulently concealed from him,

the time limited for instituting a suit or making an application

(a) against the person guilty of the fraud or accessory thereto, or,

(b) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when he first had the means of producing it or compelling its production.

19. If, before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through

Effect of acknowledgment in writing.

whom

whom he derives title or liability, a new period of limitation, according to the nature of the original liability, shall be computed from the time when the acknowledgment was so signed.

When the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but oral evidence of its contents shall not be received.

Explanation 1.—For the purposes of this section an acknowledgment may be sufficient, though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

Explanation 2.—In this section “signed” means signed either personally or by an agent duly authorized in this behalf.

Effect of
payment of
interest as
such.

20. When interest on a debt or legacy is, before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent duly authorized in this behalf,

Effect of
part-payment
of principal.

or when part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent duly authorized in this behalf,

a new period of limitation, according to the nature of the original liability, shall be computed from the time when the payment was made :

Provided that, in the case of part-payment of the principal of a debt, the fact of the payment appears in the hand-writing of the person making the same.

Effect of
receipt of
produce of
mortgaged
land.

Where mortgaged land is in the possession of the mortgagee, the receipt of the produce of such land shall be deemed to be a payment for the purpose of this section.

One of several
joint con-
tractors, &c.,

21. Nothing in sections 19 and 20 renders one of several joint contractors, partners, executors or mort-

gagees

gages chargeable by reason only of a written acknowledgment signed, or of a payment made by, or by the agent of, any other or others of them.

not chargeable by reason of acknowledgment or payment made by another of them.

22. When, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party :

Effect of substituting or adding new plaintiff or defendant.

Provided that, when a plaintiff dies, and the suit is continued by his legal representative, it shall, as regards him, be deemed to have been instituted when it was instituted by the deceased plaintiff :

Proviso where original plaintiff dies.

Provided also, that, when a defendant dies, and the suit is continued against his legal representative, it shall, as regards him, be deemed to have been instituted when it was instituted against the deceased defendant.

Proviso where original defendant dies.

23. In the case of a continuing breach of contract and in the case of a continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

Continuing breaches and wrongs.

24. In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results.

Suit for compensation for act not actionable without special damage.

Illustrations.

(a).—A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of a suit by A against B runs from the time of the subsidence.

(b).—A speaks and publishes of B slanderous words not actionable in themselves without special damage caused thereby. C in consequence refuses to employ B as his clerk. The period of limitation in the case of a suit by B against A for compensation for the slander does not commence till the refusal.

Computation
of time men-
tioned in in-
struments.

25. All instruments shall, for the purposes of this Act, be deemed to be made with reference to the Gregorian calendar.

Illustrations.

(a).—A Hindú makes a promissory note bearing a Native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiry of four months after date computed according to the Gregorian calendar.

(b).—A Hindú makes a bond, bearing a Native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiry of one year after date computed according to the Gregorian calendar.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

Acquisition
of right to
easements.

26. Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement, and as of right, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right, without interruption, and for twenty years,

the right to such access and use of light or air, way, watercourse, use of water, or other easement, shall be absolute and indefeasible.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

Explanation.—Nothing is an interruption within the meaning of this section, unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction

is

is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

Illustrations.

(a).—A suit is brought in 1881 for obstructing a right of way. The defendant admits the obstruction but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption, from 1st January 1860 to 1st January 1880. The plaintiff is entitled to judgment.

(b).—In a like suit also brought in 1881 the plaintiff merely proves that he enjoyed the right in manner aforesaid from 1858 to 1878. The suit shall be dismissed, as no exercise of the right by actual user has been proved to have taken place within two years next before the institution of the suit.

(c).—In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had asked his leave to enjoy the right. The suit shall be dismissed.

27. Provided that, when any land or water upon, over, or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the said last-mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

Exclusion in favour of reversioner of servient tenement.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a Hindu widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

28. At

Extinguish-
ment of right
to property.

28. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.

THE FIRST SCHEDULE.

(See section 2.)

Number and year of Acts.	Title.	Extent of repeal.
X of 1865 ...	The Indian Succession Act.	In section 321, the words "within two years after the death of the testator, or one year after the legacy has been paid."
IX of 1871 ...	The Indian Limitation Act, 1871.	The whole.
X of 1877 ...	The Code of Civil Procedure.	Section 599, and in section 601 the words "within thirty days from the date of the order."

THE SECOND SCHEDULE.

(See section 4.)

FIRST DIVISION: SUITS.

Description of suit.	Period of limitation.	Time from which period begins to run.
1.—To contest an award of the Board of Revenue under Act No. XXIII of 1863 (<i>to provide for the adjudication of claims to wastelands</i>).	<i>Part I.—Thirty days.</i> Thirty days ...	When notice of the award is delivered to the plaintiff.
2.—For compensation for doing, or for omitting to do, an act alleged to be in pursuance of any enactment in force for the time being in British India.	<i>Part II.—Ninety days.</i> Ninety days ...	When the act or omission takes place.
3.—Under the Specific Relief Act, 1877, section 9, to recover possession of immoveable property.	<i>Part III.—Six months.</i> Six months ...	When the dispossession occurs.
4.—Under Act No. IX of 1860 (<i>to provide for the speedy determination of certain disputes between workmen engaged in railway and other public works and their employers</i>), section one.	Ditto ...	When the wages, hire or price of work claimed accrue or accrues due.
5.—Under the Code of Civil Procedure, chapter XXXIX (<i>Of summary procedure on negotiable instruments</i>).	Ditto ...	When the instrument sued upon becomes due and payable.
6.—Upon a Statute, Act, Regulation or Bye-law, for a penalty or forfeiture.	<i>Part IV.—One year.</i> One year ...	When the penalty or forfeiture is incurred.

THE SECOND SCHEDULE—continued.

FIRST DIVISION : SUITS—continued.

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part IV.—One year,—contd.</i>		
7.—For the wages of a household servant, artisan or labourer not provided for by this schedule, No. 4.	One year ...	When the wages accrue due.
8.—For the price of food or drink sold by the keeper of a hotel, tavern or lodging-house.	Ditto ...	When the food or drink is delivered.
9.—For the price of lodging ...	Ditto ...	When the price becomes payable.
10.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Ditto ...	When the purchaser takes, under the sale sought to be impeached, physical possession of the whole of the property sold, or, where the subject of the sale does not admit of physical possession, when the instrument of sale is registered.
11.—By a person against whom an order is passed under section 280, 281, 282 or 335 of the Code of Civil Procedure, to establish his right to, or to the present possession of, the property comprised in the order.	Ditto ...	The date of the order.
12.—To set aside any of the following sales:— (a) sale in execution of a decree of a Civil Court;	Ditto ...	When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.

THE SECOND SCHEDULE—continued.

FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time from which period begins to run.
<p>(b) sale in pursuance of a decree or order of a Collector or other officer of revenue;</p> <p>(c) sale for arrears of Government revenue, or for any demand recoverable as such arrears;</p> <p>(d) sale of a patni taluq sold for current arrears of rent.</p> <p><i>Explanation.</i>—In this clause ‘patni’ includes any intermediate tenure saleable for current arrears of rent.</p>	<p><i>Part IV.—One year,—contd.</i></p>	
<p>13.—To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.</p>	<p>One year ...</p>	<p>The date of the final decision or order in the case by a Court competent to determine it finally.</p>
<p>14.—To set aside any act or order of an officer of Government in his official capacity, not herein otherwise expressly provided for.</p>	<p>Ditto ...</p>	<p>The date of the act or order.</p>
<p>15.—Against Government to set aside any attachment, lease or transfer of immoveable property by the revenue authorities for arrears of Government revenue.</p>	<p>Ditto ...</p>	<p>When the attachment, lease or transfer is made.</p>

THE SECOND SCHEDULE—*continued.*

FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part IV.—One year,—contd.</i>		
16.—Against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	One year ...	When the payment is made.
17.—Against Government for compensation for land acquired for public purposes.	Ditto ...	The date of determining the amount of the compensation.
18.—Like suit for compensation when the acquisition is not completed.	Ditto ...	The date of the refusal to complete.
19.—For compensation for false imprisonment.	Ditto ...	When the imprisonment ends.
20.—By executors, administrators or representatives under Act No. XII of 1855 (<i>to enable executors, administrators or representatives to sue and be sued for certain wrongs</i>).	Ditto ...	The date of the death of the person wronged.
21.—By executors, administrators or representatives under Act No. XIII of 1855 (<i>to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong</i>).	Ditto ...	The date of the death of the person killed.

THE SECOND SCHEDULE—*continued.*FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
22.—For compensation for any other injury to the person.	<i>Part IV.—One year,—contd.</i> One year ...	When the injury is committed.
23.—For compensation for a malicious prosecution.	Ditto ...	When the plaintiff is acquitted, or the prosecution is otherwise terminated.
24.—For compensation for libel	Ditto ...	When the libel is published.
25.—For compensation for slander.	Ditto ...	When the words are spoken, or, if the words are not actionable in themselves, when the special damage complained of results.
26.—For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto ...	When the loss occurs.
27.—For compensation for inducing a person to break a contract with the plaintiff.	Ditto ...	The date of the breach.
28.—For compensation for an illegal, irregular or excessive distress.	Ditto ...	The date of the distress.
29.—For compensation for wrongful seizure of moveable property under legal process.	Ditto ...	The date of the seizure.

THE SECOND SCHEDULE—*continued.*FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part V.—Two years.</i>	
30.—Against a carrier for compensation for losing or injuring goods.	Two years ...	When the loss or injury occurs.
31.—Against a carrier for compensation for delay in delivering goods.	Ditto ...	When the goods ought to be delivered.
32.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Ditto ...	When the perversion first becomes known to the person injured thereby.
33.—Under Act No. XII of 1855 (<i>to enable executors, administrators or representatives to sue and to be sued for certain wrongs</i>) against an executor, administrator or other representative.	Ditto ...	When the wrong complained of is done.
34.—For the recovery of a wife.	Ditto ...	When possession is demanded and refused.
35.—For the restitution of conjugal rights.	Ditto ...	When restitution is demanded and is refused by the husband or wife, being of full age and sound mind.
36.—For compensation for any malfeasance, misfeasance or nonfeasance independent of contract and not herein specially provided for.	Ditto ...	When the malfeasance, misfeasance or nonfeasance takes place.

THE SECOND SCHEDULE—*continued.*FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years.</i>		
37.—For compensation for obstructing a way or a watercourse.	Three years ...	The date of the obstruction.
38.—For compensation for diverting a watercourse.	Ditto ...	The date of the diversion.
39.—For compensation for trespass upon immoveable property.	Ditto ...	The date of the trespass.
40.—For compensation for infringing copyright or any other exclusive privilege.	Ditto ...	The date of the infringement.
41.—To restrain waste ...	Ditto ...	When the waste begins.
42.—For compensation for injury caused by an injunction wrongfully obtained.	Ditto ...	When the injunction ceases.
43.—Under the Indian Succession Act, 1865, section 320 or 321, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.	Ditto ...	The date of the payment or distribution.
44.—By a ward who has attained majority, to set aside a sale by his guardian.	Ditto ...	When the ward attains majority.
45.—To contest an award under any of the following Regulations of the Bengal Code:— VII of 1822, IX of 1825, and IX of 1833.	Ditto ...	The date of the final award or order in the case.

THE SECOND SCHEDULE—*continued.*

FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years,—contd.</i>		
46.—By a party bound by such award to recover any property comprised therein.	Three years ...	The date of the final award or order in the case.
47.—By any person bound by an order respecting the possession of property made under the Code of Criminal Procedure, chapter XL, or the Bombay Mámlatdárs Courts Act, or by any one claiming under such person, to recover the property comprised in such order.	Ditto ...	The date of the final order in the case.
48.—For specific moveable property lost, or acquired by theft, or dishonest misappropriation or conversion, or for compensation for wrongfully taking or detaining the same.	Ditto ...	When the person having the right to the possession of the property first learns in whose possession it is.
49.—For other specific moveable property, or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	Ditto ...	When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.
50.—For the hire of animals, vehicles, boats or household furniture.	Ditto ...	When the hire becomes payable.

THE SECOND SCHEDULE—*continued.*FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years,—contd.</i>		
51.—For the balance of money advanced in payment of goods to be delivered.	Three years ...	When the goods ought to be delivered.
52.—For the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Ditto ...	The date of the delivery of the goods.
53.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Ditto ...	When the period of credit expires.
54.—For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Ditto ...	When the period of the proposed bill elapses.
55.—For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Ditto ...	The date of the sale.
56.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Ditto ...	When the work is done.
57.—For money payable for money lent.	Ditto ...	When the loan is made.
58.—Like suit when the lender has given a cheque for the money.	Ditto ...	When the cheque is paid.

THE SECOND SCHEDULE—*continued.*

FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years,—contd.</i>		
59.—For money lent under an agreement that it shall be payable on demand.	Three years ...	When the loan is made.
60.—For money deposited under an agreement that it shall be payable on demand.	Ditto ...	When the demand is made.
61.—For money payable to the plaintiff for money paid for the defendant.	Ditto ...	When the money is paid.
62.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Ditto ...	When the money is received.
63.—For money payable for interest upon money due from the defendant to the plaintiff.	Ditto ...	When the interest becomes due.
64.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Ditto ...	When the accounts are stated in writing signed by the defendant or his agent duly authorised in this behalf, unless where the debt is, by a simultaneous agreement in writing signed as aforesaid, made payable at a future time, and then when that time arrives.

THE SECOND SCHEDULE—*continued.*FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part VI.—Three years,—contd.</i>	
65.—For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	Three years ...	When the time specified arrives or the contingency happens.
66.—On a single bond where a day is specified for payment.	Ditto ...	The day so specified.
67.—On a single bond where no such day is specified.	Ditto ...	The date of executing the bond.
68.—On a bond subject to a condition.	Ditto ...	When the condition is broken.
69.—On a bill of exchange or promissory note payable at a fixed time after date.	Ditto ...	When the bill or note falls due.
70.—On a bill of exchange payable at sight, or after sight, but not at a fixed time.	Ditto ...	When the bill is presented.
71.—On a bill of exchange accepted payable at a particular place.	Ditto ...	When the bill is presented at that place.
72.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Ditto ...	When the fixed time expires.
73.—On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Ditto ...	The date of the bill or note.

THE SECOND SCHEDULE—*continued.*

FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part VI.—Three years,—contd.</i>	
74.—On a promissory note or bond payable by instalments.	Three years ...	The expiration of the first term of payment, as to the part then payable; and, for the other parts, the expiration of the respective terms of payment.
75.—On a promissory note or bond payable by instalments, which provides that, if default be made in payment of one instalment, the whole shall be due.	Ditto ...	When the first default is made, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made in respect of which there is no such waiver.
76.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Ditto ...	The date of the delivery to the payee.
77.—On a dishonoured foreign bill where protest has been made and notice given.	Ditto ...	When the notice is given.
78.—By the payee against the drawer of a bill of exchange which has been dishonoured by non-acceptance.	Ditto ...	The date of the refusal to accept.
79.—By the acceptor of an accommodation-bill against the drawer.	Ditto ...	When the acceptor pays the amount of the bill.

THE SECOND SCHEDULE—*continued.*FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years,—contd.</i>		
80.—Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	Three years ...	When the bill, note or bond becomes payable.
81.—By a surety against the principal debtor.	Ditto ...	When the surety pays the creditor.
82.—By a surety against a co-surety.	Ditto ...	When the surety pays anything in excess of his own share.
83.—Upon any other contract to indemnify.	Ditto ..	When the plaintiff is actually damaged.
84.—By an attorney or vakil for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Ditto ...	The date of the termination of the suit or business, or (where the attorney or vakil properly discontinues the suit or business) the date of such discontinuance.
85.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Ditto ...	The close of the year in which the last item admitted or proved is entered in the account; such year to be computed as in the account.
86.—On a policy of insurance when the sum assured is payable immediately after proof of the death or loss has been given to or received by the insurers.	Ditto ...	When proof of the death or loss is given or received to or by the insurers, whether by or from the plaintiff, or any other person.

THE SECOND SCHEDULE—*continued.*

FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years,—contd.</i>		
87.—By the assured to recover premia paid under a policy voidable at the election of the insurers.	Three years ...	When the insurers elect to avoid the policy.
88.—Against a factor for an account.	Ditto ...	When the account is, during the continuance of the agency, demanded and refused, or, where no such demand is made, when the agency terminates.
89.—By a principal against his agent for moveable property received by the latter and not accounted for.	Ditto ...	Ditto.
90.—Other suits by principals against agents for neglect or misconduct.	Ditto ...	When the neglect or misconduct becomes known to the plaintiff.
91.—To cancel or set aside an instrument not otherwise provided for.	Ditto ...	When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him.
92.—To declare the forgery of an instrument issued or registered.	Ditto ...	When the issue or registration becomes known to the plaintiff.
93.—To declare the forgery of an instrument attempted to be enforced against the plaintiff.	Ditto ...	The date of the attempt.

THE SECOND SCHEDULE—*continued.*FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years,—contd.</i>		
94.—For property which the plaintiff has conveyed while insane.	Three years ...	When the plaintiff is restored to sanity, and has knowledge of the conveyance.
95.—To set aside a decree obtained by fraud, or for other relief on the ground of fraud.	Ditto ...	When the fraud becomes known to the party wronged.
96.—For relief on the ground of mistake.	Ditto ...	When the mistake becomes known to the plaintiff.
97.—For money paid upon an existing consideration which afterwards fails.	Ditto ...	The date of the failure.
98.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto ...	The date of the trustee's death, or, if the loss has not then resulted, the date of the loss.
99.—For contribution by a party who has paid the whole amount due under a joint decree, or by a sharer in a joint estate who has paid the whole amount of revenue due from himself and his co-sharers.	Ditto ...	The date of the plaintiff's advance in excess of his own share.
100.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Ditto ...	When the right to contribution accrues.
101.—For a seaman's wages ...	Ditto ...	The end of the voyage during which the wages are earned.

THE SECOND SCHEDULE—*continued.*

FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years,—contd.</i>		
102.—For wages not otherwise expressly provided for by this schedule.	Three years ...	When the wages accrue due.
103.—By a Muhammadan for exigible dower (<i>mu'ajjal</i>).	Ditto ...	When the dower is demanded and refused, or (where during the continuance of the marriage no such demand has been made) when the marriage is dissolved by death or divorce.
104.—By a Muhammadan for deferred dower (<i>mu'wajjal</i>).	Ditto ...	When the marriage is dissolved by death or divorce.
105.—By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagor.	Ditto ...	When the mortgagor re-enters on the mortgaged property.
106.—For an account and a share of the profits of a dissolved partnership.	Ditto ...	The date of the dissolution.
107.—By the manager of a joint estate of an undivided family for contribution in respect of a payment made by him on account of the estate.	Ditto ...	The date of the payment.
108.—By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Ditto ...	When the trees are cut down.

THE SECOND SCHEDULE—*continued.*FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years,—contd.</i>		
109.—For the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant.	Three years ...	When the profits are received, or, where the plaintiff has been dispossessed by a decree afterwards set aside on appeal, when he recovers possession.
110.—For arrears of rent ...	Ditto ...	When the arrears become due.
111.—By a vendor of immovable property to enforce his lien for unpaid purchase-money.	Ditto ...	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.
112.—For a call by a company registered under any Statute or Act.	Ditto ...	When the call is payable.
113.—For specific performance of a contract.	Ditto ...	The date fixed for the performance, or if no such date is fixed, when the plaintiff has notice that performance is refused.
114.—For the rescission of a contract.	Ditto ...	When the facts entitling the plaintiff to have the contract rescinded first become known to him.

THE SECOND SCHEDULE—*continued.*

FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
115.—For compensation for the breach of any contract, express or implied, not in writing registered and not herein specially provided for.	<p><i>Part VI.—Three years,—contd.</i></p> <p>Three years ...</p>	<p>When the contract is broken, or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases.</p>
116.—For compensation for the breach of a contract in writing registered.	<p><i>Part VII.—Six years.</i></p> <p>Six years ...</p>	<p>When the period of limitation would begin to run against a suit brought on a similar contract not registered.</p>
117.—Upon a foreign judgment as defined in the Code of Civil Procedure.	<p>Ditto ...</p>	<p>The date of the judgment.</p>
118.—To obtain a declaration that an alleged adoption is invalid, or never in fact took place.	<p>Ditto ...</p>	<p>When the alleged adoption becomes known to the plaintiff.</p>
119.—To obtain a declaration that an adoption is valid.	<p>Ditto ...</p>	<p>When the rights of the adopted son as such are interfered with.</p>
120.—Suit for which no period of limitation is provided elsewhere in this schedule.	<p>Ditto ...</p>	<p>When the right to sue accrues.</p>

THE SECOND SCHEDULE.—*continued.*FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VIII.— Twelve years.</i>		
121.—To avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, or in a <i>patni taluq</i> or other saleable tenure sold for arrears of rent.	Twelve years...	When the sale becomes final and conclusive.
122.—Upon a judgment obtained in British India, or a recognizance.	Ditto ...	The date of the judgment or recognizance.
123.—For a legacy or for a share of a residue bequeathed by a testator, or for a distributive share of the property of an intestate.	Ditto ...	When the legacy or share becomes payable or deliverable.
124.—For possession of an hereditary office.	Ditto ...	When the defendant takes possession of the office adversely to the plaintiff. <i>Explanation.</i> —An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed.

THE SECOND SCHEDULE—*continued.*

FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VIII.— Twelve years, continued.</i>		
125.—Suit during the life of a Hindú or Muhammadan female by a Hindú or Muhammadan who, if the female died at the date of instituting the suit, would be entitled to the possession of land, to have an alienation of such land made by the female declared to be void except for her life or until her remarriage.	Twelve years ...	The date of the alienation.
126.—By a Hindú governed by the law of the Mitákshará to set aside his father's alienation of ancestral property.	Ditto ...	When the alienee takes possession of the property.
127.—By a person excluded from joint-family property to enforce a right to share therein.	Ditto ...	When the exclusion becomes known to the plaintiff.
128.—By a Hindú for arrears of maintenance.	Ditto ...	When the arrears are payable.
129.—By a Hindú for a declaration of his right to maintenance.	Ditto ...	When the right is denied.
130.—For the resumption or assessment of rent-free land.	Ditto ...	When the right to resume or assess the land first accrues.
131.—To establish a periodically recurring right.	Ditto ...	When the plaintiff is first refused the enjoyment of the right.

THE SECOND SCHEDULE—*continued.*FIRST DIVISION: SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<p>132.—To enforce payment of money charged upon immoveable property.</p> <p><i>Explanation.</i>—The allowance and fees respectively called <i>málikána</i> and <i>haqq</i> shall, for the purpose of this clause, be deemed to be money charged upon immoveable property.</p>	<p><i>Part VIII.—</i> <i>Twelve years,—</i> <i>continued.</i></p> <p>Twelve years...</p>	<p>When the money sued for becomes due.</p>
<p>133.—To recover moveable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depositary or pawnee for a valuable consideration.</p>	<p>Ditto ...</p>	<p>The date of the purchase.</p>
<p>134.—To recover possession of immoveable property conveyed or bequeathed in trust or mortgaged and afterwards purchased from the trustee or mortgagee for a valuable consideration.</p>	<p>Ditto ...</p>	<p>Ditto.</p>
<p>135.—Suit instituted in a Court not established by Royal Charter by a mortgagee for possession of immoveable property mortgaged.</p>	<p>Ditto ...</p>	<p>When the mortgagor's right to possession determines.</p>

THE SECOND SCHEDULE—*continued.*

FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VIII.— Twelve years,— continued.</i>		
136.—By a purchaser at a private sale for possession of immoveable property sold, when the vendor was out of possession at the date of the sale.	Twelve years ...	When the vendor is first entitled to possession.
137.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was out of possession at the date of the sale.	Ditto ..	When the judgment-debtor is first entitled to possession.
138.—By a purchaser of land at a sale in execution of a decree, for possession of the purchased land, when the judgment-debtor was in possession at the date of the sale.	Ditto ...	The date of the sale.
139.—By a landlord to recover possession from a tenant.	Ditto ...	When the tenancy is determined.
140.—By a remainderman, a reversioner (other than a landlord), or a devisee, for possession of immoveable property.	Ditto ..	When his estate falls into possession.
141.—Like suit by a Hindú or Muhammadan entitled to the possession of immoveable property on the death of a Hindú or Muhammadan female.	Ditto ...	When the female dies.

THE SECOND SCHEDULE—*continued.*FIRST DIVISION : SUITS—*continued.*

Description of suit.	Period of limitation.	Time from which period begins to run.
142.—For possession of immoveable property, when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	<p style="text-align: center;"><i>Part VIII.— Twelve years,— continued.</i></p> <p>Twelve years...</p>	The date of the dis- possession or discon- tinuance.
143.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Ditto ...	When the forfeiture is incurred or the condition is broken.
144.—For possession of immoveable property or any interest therein not hereby otherwise specially provided for.	Ditto ...	When the possession of the defendant becomes adverse to the plaintiff.
145.—Against a depositary or pawnee to recover moveable property deposited or pawned.	<p style="text-align: center;"><i>Part IX.— Thirty years.</i></p> <p>Thirty years ...</p>	The date of the deposit or pawn.
146.—Before a Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction by a mortgagee to recover from the mortgagor the possession of immoveable property mortgaged.	Ditto ...	When any part of the principal or interest was last paid on account of the mortgage debt.
147.—By a mortgagee for foreclosure or sale.	<p style="text-align: center;"><i>Part X.— Sixty years.</i></p> <p>Sixty years ...</p>	When the money secured by the mortgage becomes due.

THE SECOND SCHEDULE—*continued.*

FIRST DIVISION: SUITS—concluded.

Description of suit.	Period of limitation.	Time from which period begins to run.
<p>148.—Against a mortgagee to redeem or to recover possession of immoveable property mortgaged.</p>	<p><i>Part X.— Sixty years,— concluded.</i></p> <p>Sixty years ...</p>	<p>When the right to redeem or to recover possession accrues. Provided that all claims to redeem, arising under instruments of mortgage of immoveable property situate in British Burma, which have been executed before the first day of May 1863, shall be governed by the rules of limitation in force in that province immediately before the same day.</p>
<p>149.—Any suit by or on behalf of the Secretary of State for India in Council.</p>	<p>Ditto ...</p>	<p>When the period of limitation would begin to run under this Act against a like suit by a private person.</p>

SECOND DIVISION: APPEALS.

Description of appeal.	Period of limitation.	Time from which period begins to run.
<p>150.—Under the Code of Criminal Procedure from a sentence of death passed by a Sessions Judge.</p>	<p>Seven days ...</p>	<p>The date of the sentence.</p>

THE SECOND SCHEDULE—*continued.*

SECOND DIVISION: APPEALS—concluded.

Description of appeal.	Period of limitation.	Time from which period begins to run.
151.—From a decree or order of any of the High Courts of Judicature at Fort William, Madras and Bombay in the exercise of its original jurisdiction.	Twenty days ...	The date of the decree or order.
152.—Under the Code of Civil Procedure, to the Court of a District Judge.	Thirty days ...	The date of the decree or order appealed against.
153.—Under the same Code, section 601, to a High Court.	Ditto ...	The date of the order refusing the certificate.
154.—Under the Code of Criminal Procedure, to any Court other than a High Court.	Ditto ...	The date of the sentence or order appealed against.
155.—Under the same Code, to a High Court except in the cases provided for by No. 150 and No. 157.	Sixty days ...	Ditto.
156.—Under the Code of Civil Procedure, to a High Court, except in the cases provided for by No. 151 and No. 153.	Ninety days ...	The date of the decree or order appealed against.
157.—Under the Code of Criminal Procedure, from a judgment of acquittal.	Six months ...	The date of the judgment appealed against.

THE SECOND SCHEDULE—*continued.*

THIRD DIVISION : APPLICATIONS.

Description of application.	Period of limitation.	Time from which period begins to run.
158.—Under the Code of Civil Procedure, to set aside an award.	Ten days ...	When the award is submitted to the Court.
159.—For leave to appear and defend a suit under chapter XXXIX of the Code of Civil Procedure.	Ditto ...	When the summons is served.
160.—For an order under section 629 of the same Code, restoring to the file a rejected application for review.	Fifteen days ...	When the application for review is rejected.
161.—For the issue of a notice under section 258 of the same Code, to show cause why the payment or adjustment therein mentioned should not be recorded as certified.	Twenty days ...	When the payment or adjustment is made.
162.—For a review of judgment by any of the High Courts of Judicature at Fort William, Madras and Bombay, in the exercise of its original jurisdiction.	Ditto ...	The date of the decree or order.
163.—By a plaintiff, for an order to set aside a dismissal by default.	Thirty days ...	The date of the dismissal.
164.—By a defendant, for an order to set aside a judgment <i>ex parte</i> .	Ditto ...	The date of executing any process for enforcing the judgment.

THE SECOND SCHEDULE—*continued.*THIRD DIVISION: APPLICATIONS—*continued.*

Description of application.	Period of limitation.	Time from which period begins to run.
165.—Under the Code of Civil Procedure, by a person dispossessed of immovable property, and disputing the right of the decree-holder or purchaser at a sale in execution of a decree to be put into possession.	Thirty days ...	The date of the dispossession.
166.—To set aside a sale in execution of a decree, on the ground of irregularity in publishing or conducting the sale, or on the ground that the decree-holder has purchased without the permission of the Court.	Ditto ...	The date of the sale.
167.—Complaining of resistance or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree, or of dispossession in the delivery of possession to the decree-holder or the purchaser of such property.	Ditto ...	The date of the resistance, obstruction or dispossession.
168.—For re-admission of an appeal dismissed for want of prosecution.	Ditto ...	The date of the dismissal.
169.—For a re-hearing of an appeal heard <i>ex parte</i> in the absence of the respondent.	Ditto ...	The date of the decree in appeal.
170.—For leave to appeal as a pauper.	Ditto ...	The date of the decree appealed against.
171.—Under section 363 or 365 of the Code of Civil Procedure, by a person claiming to be the legal representative, of a deceased plaintiff or appellant.	Sixty days ...	The date of the plaintiff's or appellant's death.

THE SECOND SCHEDULE—*continued.*

THIRD DIVISION : APPLICATIONS—*continued.*

Description of application.	Period of limitation.	Time from which period begins to run.
171A.—Under section 366 of the same Code, by the defendant.	Sixty days ...	The sixtieth day from the date of the plaintiff's death.
171B.—Under section 368 of the same Code, to have the representative of a deceased defendant made a defendant.	Ditto ...	The date of the defendant's death.
171C.—Under section 371 of the same Code, for an order to set aside an order for abatement or dismissal.	Ditto ...	The date of the order for abatement or dismissal.
172.—By a purchaser at an execution-sale, to set aside the sale on the ground that the person whose interest in the property purported to be sold had no saleable interest therein.	Ditto ...	The date of the sale.
173.—For a review of judgment, except in the cases provided for by No. 162.	Ninety days ...	The date of the decree or order.
174.—By a creditor of an insolvent judgment-debtor, under section 353 of the Code of Civil Procedure.	Ditto ...	The date of the publication of the schedule.
175.—For payment of the amount of a decree by instalments.	Six months ...	The date of the decree.
176.—Under the Code of Civil Procedure, section 516 or 525, that an award be filed in Court.	Ditto ...	The date of the award.
177.—For the admission of an appeal to Her Majesty in Council.	Ditto ...	The date of the decree appealed against.

THE SECOND SCHEDULE—*continued.*THIRD DIVISION: APPLICATIONS—*continued.*

Description of application.	Period of limitation.	Time from which period begins to run.
178.—Applications for which no period of limitation is provided elsewhere in this schedule, or by the Code of Civil Procedure, section 230.	Three years ...	When the right to apply accrues.
179.—For the execution of a decree or order of any Civil Court not provided for by No. 180 or by the Code of Civil Procedure, section 230.	Ditto ; or, where a certified copy of the decree or order has been registered, six years.	<p>1 The date of the decree or order, or</p> <p>2 (where there has been an appeal) the date of the final decree or order of the Appellate Court, or</p> <p>3 (where there has been a review of judgment) the date of the decision passed on the review, or</p> <p>4 (where the application next hereinafter mentioned has been made) the date of applying in accordance with law to the proper Court for execution, or to take some step in aid of execution, of the decree or order, or</p> <p>5 (where the notice next hereinafter mentioned has been issued) the date of issuing a notice under the Code of Civil Procedure, section 248, or</p> <p>6 (where the application is to enforce any payment which the decree or order directs</p>

THE SECOND SCHEDULE—continued.

THIRD DIVISION: APPLICATIONS—continued.

Description of application.	Period of limitation.	Time from which period begins to run.
		<p>to be made at a certain date) such date.</p> <p><i>Explanation 1.</i>—Where the decree or order has been passed severally in favour of more persons than one, distinguishing portions of the subject-matter as payable or deliverable to each, the application mentioned in clause 4 of this Number shall take effect in favour only of such of the said persons or their representatives as it may be made by. But when the decree or order has been passed jointly in favour of more persons than one, such application, if made by any one or more of them, or by his or their representatives, shall take effect in favour of them all.</p> <p>Where the decree or order has been passed severally against more persons than one, distinguishing portions of the subject-matter as payable or deliverable by each, the application shall take effect against only such of the said persons or their representatives as it may</p>

THE SECOND SCHEDULE—*continued.*THIRD DIVISION : APPLICATIONS—*continued.*

Description of application.	Period of limitation.	Time from which period begins to run.
<p>180.—To enforce a judgment, decree or order of any Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction, or an order of Her Majesty in Council.</p>	<p>Twelve years...</p>	<p>be made against. But, where the decree or order has been passed jointly against more persons than one, the application, if made against any one or more of them, or against his or their representatives, shall take effect against them all.</p> <p><i>Explanation II.</i>—“Proper Court” means the Court whose duty it is (whether under section 226 or 227 of the Code of Civil Procedure or otherwise) to execute the decree or order.</p> <p>When a present right to enforce the judgment, decree or order accrues to some person capable of releasing the right :</p> <p>Provided that when the judgment, decree or order has been revived, or some part of the principal money secured thereby, or some interest on such money, has been paid, or some acknowledgment of the right thereto has been given in writing signed by the person liable to pay such prin-</p>

THE SECOND SCHEDULE—concluded.

THIRD DIVISION : APPLICATIONS—concluded.

Description of application.	Period of limitation.	Time from which period begins to run.
		cipal or interest, or his agent, to the person entitled thereto or his agent, the twelve years shall be computed from the date of such revivor, payment or acknowledgment, or the latest of such revivors, payments or acknowledgments, as the case may be.

ACT No. XVI OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 9th August 1877).

An Act to amend the Bombay Revenue Jurisdiction Act, 1876.

WHEREAS it is expedient to exempt from the operation of the fourth section of the Bombay Revenue Jurisdiction Act, 1876, certain suits instituted in the Districts mentioned in the schedule hereto annexed; It is hereby enacted as follows:—

Preamble.

1. To section five of the said Act the following clause shall be added (namely)—

Addition to section 5, Act X of 1876.

“and nothing in section four shall be held to prevent the Civil Courts in the Districts mentioned in the second schedule hereto annexed from exercising such jurisdiction as, according to the terms of any law in force on the twenty-eighth day of March 1876, they could have exercised over claims against Government—

“(a) relating to any property appertaining to the office of any hereditary officer appointed or recognized under Bombay Act No. III of 1874, or any other law for the time being in force, or of any other village-officer or servant:

“(b) to hold land wholly or partially free from payment of land-revenue:

“(c) to receive payments charged on, or payable out of, the land-revenue.”

2. The following schedule shall be added to the said Bombay Revenue Jurisdiction Act, 1876, (namely)—

Schedule added to Act X of 1876.

“THE SECOND SCHEDULE.

The District of Ahmedabad.

The

[Price one anna and three pies.]

Bombay Revenue Jurisdiction. [ACT XVI, 1877.]

The District of Kaira, exclusive of the Panch Maháls.

The District of Broach.

The District of Surat, exclusive of the lapsed State of Mándvi, as described in the schedule annexed to Act X of 1848.

The District of Tanna.

The District of Colába, exclusive of the lapsed State of Colába mentioned in Act VIII of 1853.

The District of Ratnágiri.

The District of Kanara.”

THE PANJAB COURTS' ACT, 1877.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
Local extent.
Commencement.
2. Repeal of Acts.
3. Interpretation-clause.

CHAPTER II.

OF THE CONSTITUTION OF THE COURTS.

4. Grades of Courts.
5. Constitution of Chief Court and appointment and tenure of Judges.
6. Rank and precedence of Judges of Chief Court.
7. Certain powers to be exercised *ex officio*.
8. Assistant Commissioner or Tahsildár may be invested with higher powers.
9. Any person may be invested with certain powers.
10. Exercise of such powers by benches.
11. Persons and benches exercising such powers to be deemed Courts of corresponding grades.
12. Such powers where and in what cases to be exercised.
13. Power to alter local limits of jurisdiction.

CHAPTER III.

OF THE JURISDICTION AND POWERS OF THE CHIEF COURT.

14. Civil appeals from subordinate Courts.
15. Criminal appellate and revisional jurisdiction.
Power to try European British subjects.
16. Power to withdraw and try or to transfer suits.
17. Appeals from original jurisdiction of Chief Court.
18. Limitation of such appeals.
19. Delegation of powers to its members.
Proviso.

20. Rule

[Price free annas and nine pies.]

SECTIONS.

20. Rule of decision when Judges differ.
21. Power to refer question to full bench.
22. Power to appoint ministerial officers.
23. Powers and duties of such officers.
24. Suspension and dismissal of such officers.
25. Superintendence and control of subordinate Courts.
26. Power to make rules as to petition-writers.
27. Power to make rules as to other matters.
28. Registers, books, accounts and statements to be kept and furnished by Chief Court.
29. Chief Court to be deemed a High Court within Act X of 1877, sections 633 and 637.

CHAPTER IV.

OF THE JURISDICTION AND POWERS OF THE SUBORDINATE CIVIL COURTS.

30. Controlling powers of Commissioners and Deputy Commissioners.
31. Principal Court of original jurisdiction.
32. No pecuniary limits to jurisdiction of Deputy Commissioner.
Pecuniary limits of jurisdiction of other Courts.
33. Powers of Courts of Commissioner and Deputy Commissioner.
34. Power to distribute business.
35. Ministerial officers of subordinate Courts.
36. Power to fine ministerial officers.

CHAPTER V.

OF APPELLATE JURISDICTION.

37. First appeals.
38. When Commissioner and Chief Court may receive further appeal.
39. Modification of Code of Civil Procedure, sections 584, 586.
40. Period of limitation.
41. Power to withdraw and try or to transfer appeal.

CHAPTER VI.

OF ADVOCATES AND PLEADERS.

42. Who may plead, &c., in the Courts.
43. Power to make rules regarding pleaders.

44. Power

SECTIONS.

44. Power to withdraw or suspend permission to appear, &c., in Courts.
45. Power to fix pleaders' fees as between parties.

CHAPTER VII.**MISCELLANEOUS.**

46. Judges not to try certain suits and appeals.
47. Rules when to have force of law.
48. Local Government may transfer power conferred by section 25, to a single Judge.
49. Power to invest Settlement-officers with powers of Civil Courts in certain cases.
50. Power to alter subordination of Courts for purposes of section 49.

SCHEDULE.

ACT No. XVII OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 17th October 1877).

An Act to consolidate and amend the law relating to Courts in the Panjáb.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts in the Panjáb; and whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Panjáb Courts' Act, 1877:"

It extends to all the territories for the time being under the administration of the Lieutenant-Governor of the Panjáb;

And it shall come into force on the passing thereof.

2. The Acts mentioned in the schedule hereto annexed are repealed.

But all Courts constituted, appointments made, rules and forms prescribed, orders, directions and licenses issued and powers conferred under any of the said Acts, shall, as far as may be, be deemed to have been respectively constituted, made, prescribed, issued and conferred under this Act.

3. In this Act, unless there be something repugnant in the subject or context, "Assistant Commissioner" includes Extra Assistant Commissioner, and "Tahsildár" includes Munsif.

CHAPTER

CHAPTER II.

OF THE CONSTITUTION OF THE COURTS.

Grades of
Courts.

4. Besides the Courts established under any other enactment for the time being in force, there shall be eight grades of Courts (namely) :—

- (1) the Chief Court ;
 - (2) the Court of the Commissioner ;
 - (3) the Court of the Deputy Commissioner ;
 - (4) the Court of the Assistant Commissioner with full powers ;
 - (5) the Court of the Assistant Commissioner with special powers ;
 - (6) the Court of the Assistant Commissioner with ordinary powers ;
 - (7) the Court of the Tahsildár with special powers ;
- and
- (8) the Court of the Tahsildár with ordinary powers.

Constitution
of Chief
Court and
appointment
and tenure of
Judges.

5. The Chief Court shall consist of three or more Judges, who shall be appointed by the Governor General in Council, and shall hold their offices during his pleasure, and of whom one at least shall always be a barrister of not less than five years' standing.

Rank and
precedence of
Judges of
Chief Court.

6. The Judges of the Chief Court shall have rank and precedence according to the seniority of their appointments as such Judges :

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

Certain
powers to be
exercised *ex
officio*.

7. Every person appointed by the Local Government to be or to act as a Commissioner, Deputy Commissioner, Assistant Commissioner or Tahsildár shall, in the division, district or tahsil to which he may from time to time be posted, have the powers of a Court of a Commissioner, a Deputy Commissioner, an Assistant Commissioner with ordinary powers, or a Tahsildár with ordinary powers, as the case may be.

Assistant
Commis-
sioner or

8. The Local Government may from time to time confer upon any Assistant Commissioner the powers
of

of an Assistant Commissioner with full powers, or of an Assistant Commissioner with special powers, or upon any Tahsildár the powers of a Tahsildár with special powers, and may withdraw any powers so conferred.

Tahsildár may be invested with higher powers.

Any Assistant Commissioner or Tahsildár invested with powers under this section may exercise such powers in any district or tahsíl, as the case may be, to which he may from time to time be posted.

9. The Local Government may from time to time confer upon any person all or any of the powers of a Court of any of the seven grades last mentioned in section four, and may withdraw any powers so conferred.

Any person may be invested with certain powers.

10. The Local Government may direct that any three persons invested with powers of the same description under section nine, shall exercise such powers sitting together as a bench and not otherwise.

Exercise of such powers by benches.

When such persons sit together as a bench, the decision of the majority of them shall be deemed to be the decision of the bench.

11. Except for the purposes of exercising control over any other Court, any person or any bench exercising the powers of a Court of any grade under section nine or section ten shall be deemed to be a Court of such grade for all the purposes of this Act.

Persons and benches exercising such powers to be deemed Courts of corresponding grades.

12. Any person or bench invested under section eight, nine or ten with the powers of a Court of any grade, shall exercise such powers and discharge the functions of such Court within such local limits, and in such classes of cases, as the Local Government may from time to time direct.

Such powers where and in what cases to be exercised.

13. The Local Government may from time to time, by notification in the official Gazette, fix the local limits of the jurisdiction of any Court of any of the seven grades last mentioned in section four.

Power to alter local limits of jurisdiction.

CHAPTER

CHAPTER III.

OF THE JURISDICTION AND POWERS OF THE CHIEF COURT.

Civil appeals from subordinate Courts.

14. The Chief Court shall be deemed, for the purposes of all enactments for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

Criminal appellate and revisional jurisdiction. Power to try European British subjects.

15. The Chief Court shall be the highest Court of criminal appeal or revision in the said territories, and shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial.

Power to withdraw and try or to transfersuits.

16. The Chief Court may, either of its own motion or on the application of any of the parties, after giving notice to the parties and hearing such of them as desire to be heard, withdraw any suit or other civil proceeding instituted in any Court under its superintendence or control, and try or dispose of such suit or proceeding itself, or transfer the same for trial or disposal to any other Court under its superintendence or control and competent to try or dispose of such suit or proceeding in respect of its nature and the amount or value of its subject-matter.

Appeals from original jurisdiction of Chief Court.

17. Except as otherwise provided by any law for the time being in force, an appeal shall lie from any decree or order passed or made by the Chief Court—

(a) in exercise of the original jurisdiction conferred by section sixteen; or

(b) in exercise of any other original jurisdiction of a civil nature to which the Chief Court may by rule extend this section :

Provided that such appeal shall lie only in the cases and in manner following (that is to say) :—

(c) when such decree or order is made by a single Judge, an appeal shall lie, either to a bench consisting of two other Judges, or to the full bench, as the Court may, by general rule or special order from time to time, direct;

(d) when

(d) when such decree or order is made by a bench of Judges not being the full bench, and such Judges differ in opinion, the appeal shall lie from such decree or order to the full bench.

18. In the Indian Limitation Act, 1877, Schedule II, Nos. 151 and 162, after the word "Bombay," the following words shall be inserted (namely): "or the Chief Court of the Panjáb."

Limitation of such appeals.

19. Except as herein or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide in such manner as it thinks fit for the exercise by one or more of its Judges of any powers conferred on it by this Act, or by any other enactment for the time being in force:

Delegation of powers to its members.

Provided that no decree, order, sentence or decision of any Court shall be reversed by any Judge of the Chief Court sitting alone.

Proviso.

20. When there is a difference of opinion among the Judges composing any bench of the Chief Court on any question arising before such Judges in the exercise by them of any powers conferred on such Court by this Act, or by any other enactment for the time being in force, such question shall, except as otherwise provided by any enactment for the time being in force, be decided as follows, that is to say:—

Rule of decision when Judges differ.

If the number of such Judges concurring in one opinion upon such question is larger than the number holding any other opinion upon such question, the decision shall be in accordance with the opinion of such larger number.

If the numbers of such Judges holding two or more opinions on such question are equal, the following rules shall be observed, that is to say:—

(a) if such bench is the full bench, or is exercising any original jurisdiction to which section seventeen applies or is extended, the decision upon such question shall be in accordance with such one of these opinions as is held by the Judge who has precedence under section six;

(b) in

(b) in other cases the bench before which such question has arisen shall refer the same to the full bench, and the full bench shall decide the same in accordance with the rules hereinbefore contained, and the case in which such question has arisen shall be disposed of by the bench referring such question in accordance with the decision of the full bench thereon.

Power to refer question to full bench.

21. Any single Judge of the Chief Court or any bench of Judges of such Court (not being the full bench) exercising any powers conferred on the Chief Court by this Act or by any other enactment for the time being in force, may refer for the decision of the full bench any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence, arising before such Judge or bench of Judges.

Any Judge or bench making a reference on any question in any case under this section, shall dispose of such case in accordance with the decision of the full bench on such question.

Power to appoint ministerial officers.

22. The Chief Court may from time to time appoint a Registrar and Deputy Registrar and such other ministerial officers as may be necessary for the administration of justice by such Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

The appointment of the Registrar shall be subject to the sanction of the Local Government.

Powers and duties of such officers.

23. The officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as the Chief Court may from time to time direct.

Suspension and dismissal of such officers.

24. Any such officer may be suspended or dismissed from his office by order of the Chief Court: Provided that neither the Registrar nor the Deputy Registrar shall be dismissed without the previous sanction of the Local Government.

Superintendence and control of

25. The general superintendence and control over all Courts of the seven grades last mentioned in section

four.

four and over all Courts of Small Causes shall be vested in, and such Courts shall be subordinate to, the Chief Court. subordinate
Courts.

26. The Chief Court may from time to time make rules— Power to
make rules
as to peti-
tion-writers.

(a) declaring what persons shall be permitted to practise as petition-writers in the Courts of the Panjab ;

(b) regulating the conduct of persons so practising.

Whoever breaks any rule made under this section and having the force of law shall be liable, on conviction before a Magistrate, to a fine which may extend to fifty rupees.

27. The Chief Court may from time to time— Power to
make rules
as to other
matters.

(a) make rules consistent with this Act conferring and imposing on the ministerial officers of the Courts subject to its superintendence, such powers and duties of a ministerial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed ;

(b) make rules consistent with this Act to determine in what cases pleaders practising in such Courts shall be permitted to address such Courts in English ;

(c) prescribe forms of seals to be used by such Courts ;

(d) prescribe forms for such books, entries, statistics and accounts as it thinks necessary should be kept, made or compiled in such Courts or submitted to any authority ;

(e) make rules consistent with this Act, providing for the inspection of such Courts and the supervision of the working thereof ;

(f) make such rules consistent with this Act, institute such inquiries and submit such recommendations to the Local Government as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of such Courts and maintaining proper discipline among such officers.

28. The Chief Court shall keep such registers, Registers,
books,
books

accounts and statements to be kept and furnished by Chief Court.

books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Local Government such of the same registers, books and accounts, and statements of the work done in the Court, as may from time to time be required by the said Government.

The Chief Court shall also comply with such requisitions as may from time to time be made by the Governor-General in Council or by the Local Government for certified copies of, or extracts from, the records of the Court.

Chief Court to be deemed a High Court within Act X of 1877, sections 633 and 637.

29. The Chief Court shall be deemed to be a High Court within the meaning of the Code of Civil Procedure, sections 633 and 637.

CHAPTER IV.

OF THE JURISDICTION AND POWERS OF THE SUBORDINATE CIVIL COURTS.

Controlling powers of Commissioners and Deputy Commissioners.

30. Subject to the general superintendence and control of the Chief Court,—

every Commissioner shall control (a) the Courts of all Deputy Commissioners, (b) the Courts of all persons invested under section nine with the powers of a Commissioner within his division, and (c) the Courts controlled by the Deputy Commissioners within his division, and

subject to the control of the Commissioner, every Deputy Commissioner shall control (a) all Courts of the five grades last mentioned in section four and all Courts of Small Causes, and (b) all Courts of persons invested under section nine with the powers of a Deputy Commissioner within his district.

Principal Court of original jurisdiction.

31. Except as otherwise provided by any enactment for the time being in force, the Court of the Deputy Commissioner of a district shall be deemed to be the District Court or principal Civil Court of original jurisdiction in such district.

32. Except as otherwise provided by any enactment for the time being in force,

(a) the

(a) the Court of the Deputy Commissioner shall have jurisdiction for the adjudication of original civil suits without limit as regards the amount or value of the subject-matter of such suits, and

No pecuniary limits to jurisdiction of Deputy Commissioner.

(b) each of the Courts mentioned in the first column of the subjoined table shall have jurisdiction for the adjudication of such suits when such amount or value does not exceed the limit prescribed for such Court in the second column of the said table :

Pecuniary limits of jurisdiction of other Courts.

Court.	Limit of jurisdiction.
	Rs.
(a) The Court of the Assistant Commissioner with full powers	10,000
(b) The Court of the Assistant Commissioner with special powers	500
(c) The Court of the Assistant Commissioner with ordinary powers	100
(d) The Court of the Tahsildár with special powers	300
(e) The Court of the Tahsildár with ordinary powers	50

33. Any Commissioner or Deputy Commissioner may exercise, as regards the Courts under his control, the same powers of withdrawal, trial, disposal and transfer as are conferred by section sixteen on the Chief Court.

Powers of Courts of Commissioner and Deputy Commissioner.

The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

The Local Government may, from time to time, confer on any Assistant Commissioner the powers of a Deputy Commissioner under this section, and withdraw the same.

34. Notwithstanding anything contained in the Code of Civil Procedure, every Commissioner and De-

Power to distribute business.

puty

puty Commissioner may by written order direct that any civil business cognizable by his Court and the Courts under his control (including the execution of decrees) shall be distributed among such Courts in such manner as he thinks fit :

Provided that no direction issued under this section shall empower any Court to exercise any jurisdiction in any suit of which the amount or value of the subject-matter exceeds its proper jurisdiction :

Provided also that no such direction shall be inconsistent with any direction or notification issued by the Local Government under section twelve or thirteen.

Ministerial officers of subordinate Courts.

35. The ministerial officers of the Courts of the Commissioners, Deputy Commissioners and Courts of Small Causes shall be appointed, and may be suspended and dismissed, by the Judges of those Courts respectively, whose orders in such matters shall, in the case of a Commissioner, be final, and, in the case of a Deputy Commissioner and the Judge of a Court of Small Causes, be subject to the general control of the Commissioner.

The ministerial officers of all Courts controlled by a Deputy Commissioner other than a Court of Small Causes shall be appointed, and may be suspended and dismissed, by the Deputy Commissioner, but subject to the general control of the Commissioner.

Every appointment under this section shall be made subject to such rules as the Local Government from time to time prescribes in this behalf.

The present ministerial officers of the Courts subordinate to the Chief Court shall be deemed to have been appointed under this section.

Power to fine ministerial officers.

36. The Judge or presiding officer of every Court under the control of a Deputy Commissioner may fine in an amount not exceeding one month's salary any of the ministerial officers of such Court who is guilty of misconduct or neglect in the performance of the duties of his office.

The Deputy Commissioner, subject to the general control

control of the Commissioner, may on appeal or otherwise reverse or modify any such order made by any such Judge or officer other than a Judge of a Court of Small Causes; and may of his own motion fine up to the amount of one month's salary any ministerial officer of any Court under his control other than a Court of Small Causes.

Any Commissioner or Deputy Commissioner and the Judge of any Court of Small Causes may fine any ministerial officer of his Court in an amount not exceeding one month's salary.

CHAPTER V.

OF APPELLATE JURISDICTION.

37. When by any law for the time being in force an appeal is allowed from any decree or order passed or made by a Civil Court of original jurisdiction, and no provision applicable to the territories to which this Act extends is made by such law for determining the Court to which such appeal shall lie, such appeal shall lie as follows, that is to say:—

First appeals.

(a) when such decree or order is passed or made by the Court of a Tahsildár or of an Assistant Commissioner with special or ordinary powers—to the Court of the Deputy Commissioner;

(b) when such decree or order is passed or made by the Court of an Assistant Commissioner with full powers or of a Deputy Commissioner—to the Court of the Commissioner;

(c) when such decree or order is passed or made by the Court of a Commissioner—to the Chief Court.

38. When the decision of the Court of a Deputy Commissioner or Commissioner passed in appeal under section thirty-seven reverses or modifies the decree or order of the Court of original jurisdiction, and is not declared by any law for the time being in force to be final, the Court of the Commissioner, when such decision has been passed by the Court of a Deputy Commissioner, and the Chief Court, when

When Commissioner and Chief Court may receive further appeal.

such

such decision has been passed by the Court of a Commissioner, may receive a further appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the lower Courts, it is of opinion that a further consideration of the case is requisite for the ends of justice.

Modification of Code of Civil Procedure, sections 584, 586.

39. The following clause shall be added to the Code of Civil Procedure, section 584:—

“(d) the existence or non-existence, validity or invalidity, of a custom alleged to have the force of law.”

The words “second appeal” in section 585 of the same Code shall be deemed to include an appeal against the order of the Court of a Commissioner passed under section thirty-eight of this Act.

In modification of the same Code, section 586, a further appeal may be received under section thirty-eight of this Act in any suit of the nature cognizable in Courts of Small Causes when the amount or value of the subject-matter of the original suit is less than five hundred rupees: Provided that no such appeal shall lie when such amount or value does not exceed the sum of fifty rupees.

Period of limitation.

40. The period of limitation for an appeal under section thirty-seven, thirty-eight or thirty-nine shall run from the date of the decree, order or decision appealed against, and shall be as follows, that is to say:—

(a) when such appeal lies to the Court of a Deputy Commissioner or Commissioner—sixty days;

(b) when such appeal lies to the Chief Court—ninety days.

In computing such periods of sixty and ninety days, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

Power to withdraw and try or to transfer appeal.

41. Any Civil Court may, either of its own motion or on the application of any of the parties, after giving notice to the parties and hearing such of them as desire to be heard, withdraw any civil appeal pend-

ing

ing in any Court under its superintendence or control, and try such appeal itself or transfer the same for trial to any other Court under its superintendence or control and of a grade equal or superior to that of the Court from which such appeal is withdrawn.

CHAPTER VI.

OF ADVOCATES AND PLEADERS.

42. Notwithstanding anything contained in the Pleaders, Mukhtárs and Revenue Agents Act, 1865, sections 45 and 46, no person shall appear, plead or act on behalf of another in any Civil Court unless with the permission of the Chief Court.

Who may plead, &c., in the Courts.

43. The Chief Court may from time to time make rules to regulate applications for permission to appear, plead or act in all or any of the Courts under its control, and the form in which such permission shall be granted.

Power to make rules regarding pleaders.

44. The Chief Court may at any time, for sufficient reason, withdraw any permission granted under this chapter, or suspend the operation of the same.

Power to withdraw or suspend permission to appear, &c. in Courts.

45. The Chief Court may from time to time by general order in writing fix and regulate the fees which shall be payable upon all proceedings in such Court by any party in respect of the fees of his adversary's pleader.

Power to fix pleaders' fees as between parties.

CHAPTER VII.

MISCELLANEOUS.

46. Except with the consent of the parties, no Judge of any Court shall try any suit or appeal to or in which he is a party or personally interested, or any appeal against a decree or order passed by himself; or shall adjudicate upon any proceeding connected with, or arising out of, such suit or appeal.

Judges not to try certain suits and appeals.

When any such suit, appeal or proceeding comes before him, he shall forthwith transmit the record of

the

the case to the Chief Court with a report of the circumstances attending the reference. The Chief Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil Procedure, section 25.

Rules when to have force of law.

47. All rules made and forms prescribed under section twenty-six and section twenty-seven, clauses (a), (b), (d) and (e), shall be submitted for sanction to the Local Government, and, on receiving such sanction, shall be published in the official Gazette, and shall thereupon have the force of law.

Local Government may transfer power conferred by section 25, to a single Judge.

48. The Local Government may from time to time, with the previous sanction of the Governor General in Council, by notification in the official Gazette, appoint a single Judge of the Chief Court to exercise the power of superintendence conferred on such Court by section twenty-five, and may cancel such notification.

While such notification continues in force, such power shall be exercised by the Judge appointed thereby and not otherwise.

Power to invest Settlement-officers with powers of Civil Courts in certain cases.

49. The Local Government may from time to time, by notification in the official Gazette, declare that a settlement of land-revenue is in progress in any local area, and invest any officer making or controlling such settlement with all or any of the powers of any Court constituted under this Act for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of such land, arising in such local area.

The publication of any notification under this section shall be conclusive evidence that a settlement of land-revenue is in progress in the local area to which the notification refers.

The Local Government may cancel any such notification.

While such notification continues in force, such powers shall be exercised by the officers so invested and not otherwise :

Provided that the Local Government may by order published in the official Gazette direct that any jurisdiction

diction with which any officer may have been invested by such notification shall be exercised solely by the Civil Court by which such jurisdiction would have been exercised if such notification had not been published :

Provided also that any cases pending before any officer under such notification when it is cancelled may, notwithstanding such cancellation, be disposed of by him as if it continued in force, unless the Local Government directs (as it is hereby empowered to do) that such cases shall be transferred for disposal to the Court by which they would have been disposed of if such notification had not been published.

Explanation.—In this section “land” means land assessed to the land-revenue or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village.

50. For the purposes of section forty-nine, the Local Government may, notwithstanding anything herein contained, from time to time direct that any of the Courts hereinbefore mentioned (except the Chief Court) shall, in respect of any specified class of cases, be subordinate to, or subject to the control or superintendence of, any authority other than those herein specified.

Power to alter subordination of Courts for purposes of section 49.

Panjab Courts. [ACT XVII, 1877.]

SCHEDULE.

(See section 2).

ACTS REPEALED.

Number and year of Act.	Title.
XIX of 1865 ...	An Act to define the jurisdiction of the Courts of Judicature of the Panjáb and its Dependencies.
IV of 1866 ...	An Act to amend the constitution of the Chief Court of Judicature in the Panjáb and its Dependencies.
XXVII of 1867 ...	An Act to empower Deputy Commissioners in the Central Provinces, the Panjáb, Oudh and the Jhánsí Division to distribute the business in subordinate Courts.
III of 1868 ...	An Act to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsildár.
IX of 1873 ...	An Act to prolong the law relating to Appeals and Reviews of Judgment in the Panjáb.
V of 1874 ...	An Act to invest the Assistant Commissioner in charge of the Kullu sub-division of the Kángra District with certain appellate powers.
XIX of 1875 ...	An Act to provide an appeal from certain decrees of the Chief Court of the Panjáb, and for other purposes.

ACT No. XVIII OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 27th
December 1877.)

An Act to amend the law relating to Salt.

FOR the purpose of amending the law relating to Preamble.
Salt; It is hereby enacted as follows:—

Preliminary.

1. This Act may be called "The Salt Act, 1877;" Short title.

And it shall come into force on the twenty-eighth Commence-
day of December 1877. ment.

2. The Acts specified in the Schedule hereto Repeal of en-
annexed shall be repealed to the extent mentioned in actments.
the third column of the same Schedule.

3. In this Act "maund" means a maund of $82\frac{2}{7}$ "Maund"
lbs. avoirdupois weight. defined.

General.

4. The Indian Tariff Act, 1875, Schedule A, Duty on salt
No. 49, shall be amended as follows, that is to say— imported by
sea.

(a) in column three, for the figures and word
"3,200 tolahs," the figures and words " $82\frac{2}{7}$ lbs.
avoirdupois" shall be substituted; and

(b) in column five, for the numbers "1" and
"13," the numbers "2" and "8" respectively shall be
substituted.

Bombay and Madras.

5. On all salt imported by land into any of the Duty on salt
territories administered by the Governor of Bombay imported by
in Council, or the Governor of Fort St. George in land.
Council, a customs-duty shall be levied at the rate at
which

[Price one anna and six pies.]

which customs-duty is for the time being levied on salt imported into the same territory by sea.

Bombay.

Duty on salt
manufactured
in Bombay.

6. On all salt manufactured in any of the territories administered by the Governor of Bombay in Council, an excise-duty shall be levied at the rate at which customs-duty is for the time being levied on salt imported into the same territory by sea.

Madras.

Madras Act
VI of 1871
amended.

7. For section 11 of the Madras Salt Excise Act, 1871, the following shall be substituted :—

“ 11. On all salt manufactured in any district, or part of a district, to which this Act may be extended, an excise-duty shall be levied at the rate at which customs-duty is for the time being levied on salt imported into the said Presidency by sea, and shall be paid under such orders as the Board of Revenue from time to time make in this behalf :

“ Provided that no such duty shall be leviable until the salt is about to be removed from the place of storage, and that no salt shall be so removed without a permit authorizing its removal from store ; and such permit shall specify the quantity to be removed and the excise-duty levied or due thereon.”

Sum to be
imposed to
cover cost of
salt.

8. The Government of Fort St. George shall from time to time, by notification in the local Gazette, fix as part of the price of every maund of salt sold under its orders within any local area, such sum or sums as it may deem sufficient to cover the cost of importation, purchase, manufacture, storage, transport, sale and wastage.

Power to
alter sum.

9. The said Government may from time to time vary such sum or sums for any description of salt, or for any local area, with reference to all or any of the following considerations (namely) :—

- (a) the place in which the salt is sold ;
- (b) the quantity of the salt sold in any transaction ;
- (c) any

(c) any other circumstances affecting its sale.

10. The price to be paid to the said Government in any local area mentioned in any notification under section eight or section nine shall, for every maund of salt sold in such area, be equal to the customs-duty for the time being leviable on a maund of salt imported by sea into the Presidency of Fort St. George, together with the sum or sums fixed under the said sections.

Price to be paid in each local area for salt sold.

The sums under section eight shall be taken, until altered for any local area by notification under section eight or section nine, to be the following, namely: in the districts of Malabar and South Canara, for home-made salt, five annas per maund, and for imported salt, eight annas per maund, and in all other districts of the Presidency of Fort St. George, three annas per maund.

Orissa.

11. In modification of Bengal Act No. VII of 1864, section 9, a duty shall be paid on salt manufactured at any place in the Division of Orissa by persons licensed under that Act, at such rate, not exceeding three rupees, four annas, as the Governor General in Council may from time to time fix for such place.

Duty on salt manufactured in Orissa.

THE SCHEDULE.

Number and year.	Subject.	Extent of Repeal.
VI of 1844 ..	Transit-duties: Salt ...	Section 43.
XXIV of 1869 ..	Salt in Madras and Bombay.	So much as has not been repealed.
X of 1874 ...	Salt in Ganjam and Orissa	So much as has not been repealed.
XV of 1874 ...	Laws' Local extent. ...	So far as it relates to Act XXIV of 1869.
XI of 1875 ...	Salt in Madras ...	The whole.

ACT No. XIX OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th December 1877.)

An Act to enable certain District Judges to suspend and remove certain ministerial officers, and for other purposes.

WHEREAS it is expedient to empower the District Judges of the Lower and the North-Western Provinces of the Presidency of Fort William, and the District Judges of the Presidency of Fort Saint George, to suspend and remove ministerial officers of the Courts of Subordinate Judges, Munsifs and District Munsifs; and whereas it is also expedient to provide in the Presidency of Fort Saint George for the transfer of ministerial officers from one Court to another; It is hereby enacted as follows:—

1. After the second paragraph of section 36 of the Bengal Civil Courts Act, 1871, the following paragraph shall be inserted (that is to say):—

Preamble.
Amendment of Act No. VI of 1871.

“The District Judge, within whose jurisdiction such Court is situate, may, by order, suspend or remove any such ministerial officer.”

2. For section 23 of the Madras Civil Courts Act, 1873, the following shall be substituted (that is to say):—

Amendment of Act III of 1873, section 23.

“23. The ministerial officers of the Courts of the Subordinate Judges and District Munsifs shall be appointed by such Subordinate Judges and District Munsifs, respectively, subject to the approval or confirmation of the District Judge within whose jurisdiction such Courts are situate, and may be suspended or removed from office either by the said District Judge

Appointment and removal of ministerial officers of subordinate Courts.

[Price one anna and three pies.]

OR

District Judges. [ACT XIX, 1877.]

or (subject to his approval or confirmation) by such Subordinate Judges and District Munsifs respectively."

Addition
after section
24 of Act III
of 1873.
Transfer of
ministerial
officers.

3. After section 24 of the same Act, the following section shall be inserted :—

"24 A. The Local Government may, at the instance of the District Judge, transfer from any Court, except the High Court, to any other Court, except the High Court, all or any of the ministerial officers of the Court of such Judge, or of any Subordinate Judge or District Munsif under his control.

"The District Judge may transfer all or any of the ministerial officers of any Court under his control to any other such Court."