



Report on the Judicial
Administration in the
Central Provinces & Berar
(CIVIL)
for the Calendar Year
1933

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Report on the Administration of Civil Justice in the
Central Provinces and Berar during the calendar year
1933

General.—During the year under report there was a considerable increase in original institutions, particularly in Berar, and a smaller but still noticeable increase in appellate institutions all over the province. The cadre of the Subordinate Judges which had been reduced in the previous years was increased by four during the year, but this was barely sufficient to cope with the increased institutions. The congestion in pending files tended to increase at several places in spite of the opening of additional Courts whenever possible. The Central Provinces Courts Act, 1917 (I of 1917), was amended by Act No. I of 1933 whereby the Small Cause Court powers of the Courts of the Subordinate Judges of the First and Second Class were extended to Rs. 1,000 and Rs. 500, respectively. The duration of cases affected by this measure is likely to be reduced to a small extent: 19 Courts of Second Class Subordinate Judges were invested with powers to deal with insolvency petitions in which the debts alleged did not exceed Rs. 2,000. This will give some relief to the First Class Subordinate Judges who deal with insolvency cases. The passing of the Central Provinces Debt Conciliation Act (II of 1933) is likely to affect civil litigation, but it is too early to say to what extent.

A.—TRIBUNALS

2. Judicial Commissioner's Court.—The number of Judges of this Court continued to be five throughout the year. Sir Robert Macnair, Kt., I.C.S., Judicial Commissioner, proceeded on leave from the 19th June 1933, and Mr. F. L. Grille, I.C.S., Officiating Additional Judicial Commissioner, was appointed to officiate in his place. Mr. F. H. Staples, Additional Judicial Commissioner, was on leave from the beginning of the year till the 21st January, and on his return Mr. Grille proceeded on leave till 13th April. Mr. R. E. Pollock officiated as Additional Judicial Commissioner from the 1st January to the 13th April and again from 19th June till the end of the year. Mr. Vivian Bose, Government Advocate, officiated as Additional Judicial Commissioner during the absence on leave of Mr. G. L. Subhedar from the 24th November to the 23rd December and of Mr. M. B. Niyogi from the 24th December to the end of the year. Mr. R. J. Jackson, I.C.S., Additional Judicial Commissioner, was on leave throughout the year.

Statement
No. 25.

3. **District Courts.**—The number of District Courts, nine, remained unchanged throughout the year.

4. **Courts of First Class Subordinate Judges.**—The number of posts in the select grade and of the First Class remained unaltered at 3 and 34, respectively. The Court of the Additional Subordinate Judge of the First Class at Wardha continued to work throughout the year. The Court of the Subordinate Judge, First Class, at Harda was temporarily closed from the beginning of the year under review, and an Additional Judge of the Second Class was posted there.

5. **Courts of Second Class Subordinate Judges.**—In order to remove the congestion of Court work noticed in last year's report the cadre of Second Class Subordinate Judges had to be increased from 77 to 79 in the beginning of the year, but with a continuous increase in institutions this number was found insufficient and 2 more posts were created from the 16th June 1933, thus raising the cadre to 81.

6. **Linked and Touring Courts.**—The linked Court system continued throughout the year between Nagpur and Ramtek, Nagpur and Umrer, Sehora and Murwara, and Kelapur and Wun. It was also introduced between Wardha and Arvi at the end of the year 1932, but was discontinued in March 1933 and a whole-time Additional Subordinate Judge, Second Class, was posted to Arvi from the 27th March 1933. Similarly, the linked Court system between Multai and Betul was discontinued from the 1st March 1933 as the work at both places became unduly congested and an Additional Subordinate Judge of the Second Class was posted at the latter place with effect from the 21st April. The linked Court system between Malkapur and Jalgaon was discontinued from the 1st February 1933 and one between Khamgaon and Jalgaon was substituted, providing an additional Judge at the former place, with a view to extend the period of the sitting of the Subordinate Judge, Second Class, visiting Jalgaon. As the Jalgaon and Khamgaon files continued to increase this arrangement was discontinued from the 9th October 1933 and a whole-time judge was posted at Jalgaon. The touring Court system remained in existence at Kamptee, Sakoli, Rehli, Banda, Seoni-Malwa, Lakhnadon, Mahasamund and Mungeli during the year. With the passing of the Central Provinces Courts (Amendment) Act (I of 1933) the value of cases tried at these places by the peripatetic Judges was increased from Rs. 200 to Rs. 500 (in the case of Rehli, from Rs. 500 to Rs. 1,000) and the number of sittings correspondingly increased, where necessary.

7. **Additional Courts.**—To cope with the steady increase in institutions and also to reduce arrears which were accumulating at certain places, Additional Subordinate Judges of the Second Class spared out of the leave reserve were employed to a greater extent than in the previous year. This was rendered possible by the additions to the cadre mentioned above. The periods during which the additional judges worked at various places are given below :—

Nagpur	...	1-1-1933	to	31-12-1933
Bhandara	...	3-1-1933	to	31-12-1933
Gondia	...	1-1-1933	to	31-12-1933
Arvi	...	21-3-1933	to	31-12-1933
Jubbulpore	...	1-1-1933	to	31-12-1933
Harda	...	3-1-1933	to	31-12-1933
Gadarwara	...	30-10-1933	to	31-12-1933
Khandwa	... {	1-1-1933	to	24-1-1933
		26-3-1933	to	17-4-1933
		1-2-1933	to	4-5-1933
Burhanpur	... {	16-6-1933	to	31-12-1933
		18-9-1933	to	31-12-1933
Balaghat	...	1-1-1933	to	31-12-1933
Bilaspur	...	1-1-1933	to	31-12-1933
Amraoti	...	22-4-1933	to	4-5-1933
Marsi	...	17-7-1933	to	31-12-1933
Basim	...	1-1-1933	to	31-12-1933
Malkapur	... {	1-1-1933	to	24-1-1933
		10-4-1933	to	31-12-1933
Khamgaon	...	1-2-1933	to	31-12-1933

8. Fifty-seven Tahsildars and 52 Naib-Tahsildars exercised civil powers against 58 and 45, respectively, in the preceding year. Whilst most of them try only rent suits, the revenue officers at out-of-the-way places like Sironcha, Baihar, Dindori, Niwas, Pachmarhi, Chikalda and Dharni also try petty money suits.

9. **Village Panchayat Courts.**—Sixty-five Panchayat Courts were established during the year, 24 in the Central Provinces and 41 in Berar : while 3 were abolished, one in Saugor and 2 in Bilaspur revenue district. The total number of Courts functioning at the end of the year was 388 in the Central Provinces and 447 in Berar. Last year the number of Courts in the Central Provinces was incorrectly shown as 363 instead of 367.

10. **Training of officers.**—Mr. E. A. A. Snelson, I.C.S., remained under training as Subordinate Judge until the 3rd March and again on his return from leave from the 25th November till the end of the year. Mr. H. V. Kamath, I.C.S., was deputed for similar training from the 16th January, while Messrs. H. S. Kamath, I.C.S., and R. K. Ramadhyani, I.C.S., under training at the beginning of the year reverted to the Executive Branch from the 9th January and 28th May, respectively : the former after completing his training. Two Senior Subordinate Judges of the Second Class were deputed for magisterial training and one for training in the Legislative Department of the Government of India.

B.—ORIGINAL JURISDICTION

Statement
No. 27.

11. Institution of suits.—Institutions under the three main heads for the years 1928 to 1933 are given below :—

	1928.	1929.	1930.	1931.	1932.	1933.
<i>Central Provinces.</i>						
1. Suits for money and movable property.	76,481	76,022	72,220	68,028	71,062	75,169
2. Suits under the Rent Law	12,756	13,848	17,208	25,498	24,862	28,489
3. Title and other suits ...	9,227	9,889	8,531	7,094	7,267	7,049
Total ...	98,464	99,759	97,959	100,620	103,191	110,707
<i>Berar.</i>						
1. Suits for money and movable property.	48,118	36,900	27,436	28,048	29,417	34,901
2. Suits under the Rent Law	236	189	234	165	182	237
3. Title and other suits ...	7,456	7,466	5,600	4,368	4,190	5,167
Total ...	55,810	44,554	33,270	32,581	33,789	40,305
GRAND TOTAL ...	154,274	144,313	131,229	133,201	136,980	151,012
Total excluding suits under the Rent Law in the Central Provinces.	141,518	130,465	114,021	107,703	112,118	122,523

The total institutions have further increased by 14,032, i.e., 10.2 per cent of the total for the year 1932 and are only 3,262, i.e., 2.1 per cent less than the total for the peak year of 1928. In the Central Provinces there has been a general increase in the number of rent suits by 14.6 per cent, indicating a further decline in the paying capacity of tenants. Money suits also have increased by 5.8 per cent and the increase is common to all civil districts, except Jubbulpore which registers a small decline. The fall in the number of title and other suits is noticeable in the Raipur civil district, where suits for immovable property fell from 1,483 to 955. In Berar there has been a marked increase in all classes of suits amounting to 19.3 per cent, partly due to a desire on the part of creditors in general to secure as many decrees as possible before the application of Debt Conciliation Act to Berar and partly to the expectation of a rise in the price of cotton.

12. Institutions in Village Panchayat Courts.—Institutions in Village Panchayat Courts were 10,217 during the year under review as against 10,468 in 1932. The number for 1933 is 6.8 per cent of the number of institutions in the stipendiary Civil Courts. Yeotmal district contributed the largest number, viz., 1,605 and Bhandara comes last with only 69. 10,232 were disposed of during the year. The decrees of the Panchayat Courts were cancelled by Deputy Commissioners in 85 cases against 74 in 1932. These figures exclude institutions in three Courts in the Amraoti revenue district and in 54 Courts

of the Yeotmal Revenue district. For the second year in succession full figures for the Yeotmal revenue district have not been supplied.

13. Valuation of suits.—The total value of suits instituted increased from Rs. 4,13,88,448 in 1932 to Rs. 4,25,92,201 in 1933. But the average value per suit fell from Rs. 302 to Rs. 282. This was due to the fact that the rise in institutions was mainly in suits of lower value, 92 per cent of the total increase being in suits below Rs. 500 and 68 per cent in suits below Rs. 100.

Statement
No. 28.

14. Small Cause Courts.—The number of suits instituted and their total and average values were as follows :—

	1932.			1933.		
	Number of institutions.	Total value of institutions.	Average value.	Number of institutions.	Total value of institutions.	Average value.
		Rs.	Rs.		Rs.	Rs.
Central Provinces ...	59,488	59,01,456	99	65,949	69,98,198	106
Berar ...	22,372	26,44,633	118	27,957	36,09,848	128

The increase in institutions, total and average values is due mainly to the extended Small Cause Court powers conferred on the Courts of Subordinate Judges by the Central Provinces Courts Amendment Act (I of 1933). From the 24th March 1933, First Class Subordinate Judges began to exercise these powers in cases up to Rs. 1,000 and Second Class Subordinate Judges in cases up to Rs. 500 in value, with the result that 955 suits between Rs. 500 and Rs. 1,000 and 4,247 suits between Rs. 200 and Rs. 500 in value, which would otherwise have been dealt with regularly, were dealt with by summary procedure. The total number of suits tried by summary procedure increased from 79,196 in 1932 to 89,222. 16.3 per cent of the suits were disposed of after full trial or by reference to arbitration as against 16.1 per cent in the preceding year.

15. Distribution of suits.—The number and percentage of suits disposed of by each class of Court in 1932 and 1933 were as follows :—

Statement
No. 29.

Class of Courts.	1932.		1933.	
	Number.	Percentage.	Number.	Percentage.
District Courts ...	367	.3	366	.2
Courts of First Class Subordinate Judges.	2,354	1.7	1,709	1.2
Courts of Second Class Subordinate Judges.	52,739	39.2	56,472	38.2
Small Cause Courts ...	79,196	58.8	89,222	60.4
Total ...	134,636	100.0	147,769	100.0

The decrease in the disposals of First Class Subordinate Judges is mainly due to the abolition of the Court of the Subordinate Judge, First Class, Harda, and the replacement in the previous year of the First Class Subordinate Judge at Drug by a Second Class Subordinate Judge. Disposals of Subordinate Judges of the Second Class increased owing to the opening of additional Courts at certain stations.

16. Durations.—The average duration in days of suits decided by the several classes of Courts during the year under report are given below:—

	Average duration of suits decided.						
	With- out trial.	Ex- parte.	On admis- sion of claim.	Com- pro- mised.	After full trial.	On refer- ence to arbitra- tion.	By transfer.
District Judges ...	354	193	96	356	629	363	413
Subordinate Judges, First Class.	196	142	108	233	365	310	200
Subordinate Judges, Second Class.	127	95	83	149	224	274	131
Small C a s e Courts.	112	107	96	114	137	311	56

The classification of cases into "contested" and "uncontested" adopted in previous reports for the purpose of comparing duration has been replaced by a more elaborate classification in accordance with the instructions issued by the Government of India to all provinces, and a comparison with last year's figures is not feasible.

17. Pending files.—

	1932.	1933.
Suits at the beginning of the year	37,937	43,284
Institutions	136,980	151,012
Revived	3,003	3,102
Otherwise received	...	6,966
Total for disposal	177,920	204,364
Disposed of—		
By transfer	...	6,862
Otherwise	134,636	147,769
Total disposed of	134,636	154,631
Pending at the close of the year	43,284	49,733

In spite of the small increase in the cadre and the consequent increase in disposals, the pending files at the end of the year are 14.9 per cent more than at the end of 1932. The increase is shared by all districts except Raipur. The number of suits over six months old rose from 6,133 to 8,500 and the number of suits over one year from 1,575 to 1,839. The number of miscellaneous cases pending at the end of the year was 7,006 as against 5,181 and of these 156 were over one year old as against 117. These figures indicate that the small increase in the number of Courts this year is insufficient to cope with the

institutions and a further strengthening of the cadre will become necessary in order to avoid serious congestion and delay.

18. 73 suits were decided during the year by reference to arbitration as against 56 in the preceding year. 71 were found for plaintiff and 2 for defendant.

19. Executions.—The total number of applications for execution before the Courts was 195,522 as against 185,513 in the previous year, and 148,204 applications were disposed of as against 140,491 in 1932. The pending files further increased from 45,022 to 47,318. Applications were wholly infructuous in 58.6 per cent of the cases, partly satisfied in 17.6 per cent and fully satisfied in 10.7 per cent, the corresponding figures for 1932 being 57.4, 18.4, and 11.1. The amount realized in execution of decrees which had been falling steadily from Rs. 58,48,393 in 1928 to Rs. 29,36,338 in 1932, rose to Rs. 32,66,539 in 1933. Debtors were imprisoned in 199 cases, movable property was sold in 2,243 and immovable property in 2,620 as against 174, 2,492 and 2,853, respectively, in 1932. Repayment by instalments was allowed in suitable cases. The rules regarding sale of land by the Collectors are found to be working well. In spite of the fact that the procedure involves considerable delay, it would not be desirable to dispense with the Collector's agency until the agriculturists' position is greatly improved.

20. Insolvency.—Insolvency petitions presented during the year by debtors increased from 2,691 to 2,933 while those presented by creditors decreased from 515 to 444. The increase in the number of debtors' petitions is due to the impoverished condition of debtor in general and agriculturists in particular. 2,156 petitions were disposed of by order of adjudication, 324 were dismissed under section 25, 85 were withdrawn under section 14, and 707 were disposed of by death or default. Orders of adjudication of 1,037 insolvents were annulled, 802 insolvents were discharged absolutely, 286 conditionally and 13 after the expiry of the period of suspension. The District Judge, Akola, observes that in nearly all the cases initiated by creditors (165 out of 175) their object appears to have been the setting aside of alienations made by debtors, a cheaper method of approach than a regular suit. The rules under section 79 of the Provincial Insolvency Act particularly those relating to receivers were revised during the year with a view to maintain a closer check on their accounts.

21. Interlocutory Injunctions.—46 applications for issue of interlocutory injunctions were pending from the previous year and 382 applications were made during the

year making a total of 428 for disposal. Injunction was refused in 115 cases, granted *ex parte* in 212 and granted otherwise in 29. Out of 212 cases in which injunction was granted *ex parte*, in 145 cases it was continued, and in 67 cases dissolved after hearing the defendant. The average duration of cases in which injunction was granted *ex parte* but dissolved after hearing the defendant was 42 days.

22. Stay Orders.—Orders for stay of proceedings were issued during the year in 138 trials of suits and 785 execution cases. Of these, 381 were issued by the Court of the Judicial Commissioner, 388 by the District Courts and 154 by other Courts. 645 orders were issued in appeals, 130 in revisions and 148 in other cases. In 393 cases stay was ordered *ex parte*. In 43 they were continued after hearing the other side, in 33 they were dissolved after hearing the other side, while in 317 they were dissolved automatically on conclusion of the appeal, revision or other proceeding.

C.—APPELLATE JURISDICTION.

23. Appeals to Privy Council.—At the beginning of the year 4 applications for leave to appeal were pending before this Court and 14 new applications were filed during the year. Of these 9 were rejected, 5 were allowed, and 4 remained pending at the close of the year. No appeal was despatched to England during the year.

24. Result of appeals to the Privy Council.—During the year 4 appeals were disposed of by the Privy Council, out of the 10 appeals pending before it against the decisions of this Court. The decisions of this Court were affirmed in two instances, and reversed in two instances.

25. Judicial Commissioner's Court.—The table below compares the figures of civil appellate work in the years 1932 and 1933 :—

Statements
Nos. 31 and
32.

	1932.			1933.		
	Institu- tions.	Dispo- sals.	Pend- ing.	Institu- tions.	Dispo- sals.	Pend- ing.
First Appeals—						
from decrees ...	263	284	*429	270	265	434
from orders ...	87	90	46	67	61	52
Second Appeals—						
from decrees ...	910	996	†1,593	786	948	1,431
from orders ...	20	35	20	25	21	24
Civil Revisions—						
Revisions under section 25 of the Provincial Small Cause Courts Act.	538	502	316	493	476	333
Other revisions ...	448	455	233	497	447	283
Total ...	2,266	2,333	2,637	2,138	2,218	2,557

NOTE.—*Excludes one appeal and † excludes two appeals:
Vide foot-notes (a) and (b) in Statement No. 31.

Institutions further decreased as anticipated in the last report. The disposals during the year were however slightly less than in the preceding year due to heavier criminal work. The average durations of First and Second Appeals from original and appellate decrees disposed of in 1933 were 605.6 and 637.2 as against 568.2 and 555.9, respectively, in 1932. 148 miscellaneous petitions were instituted during the year, and 147 were disposed of as against 165 and 176, respectively.

26. District Courts.—The statement below compares the figures for civil appellate work in the years 1932 and 1933.—

	1932.			1933.		
	Instituted.	Disposed of.	Pending.	Instituted.	Disposed of.	Pending.
<i>Central Provinces.</i>						
Regular appeals ..	2,225	2,272	992	(a)2,231	2,168	1,062
Miscellaneous appeals ...	375	357	123	(a)385	359	149
Total ...	2,600	2,629	1,115	2,623	2,527	1,211
<i>Berar.</i>						
Regular appeals ...	959	993	584	1,059	951	692
Miscellaneous appeals ...	347	308	188	354	331	211
Total ...	1,306	1,301	772	1,413	1,282	903
GRAND TOTAL ...	3,906	3,930	1,887	4,036	3,809	2,114

(a) Includes appeals received by remand.

The fall in appellate work noticed in last year's report has received a check.

The total number of regular civil appeals instituted, reinstated and received on remand showed an increase from 3,184 in the preceding year to 3,297, while the number of appeals disposed of fell from 3,265 to 3,119, resulting in an increase in the pending files from 1,576 to 1,754. The number of appeals over 3 months was 841 as against 801 and over one year was 130 as against 133. The rise in the number of long pending appeals is particularly noticeable in East Berar where on account of heavy criminal work the number of such appeals rose from 95 to 159. The average duration of regular civil appeals in both the Central Provinces and Berar, rose from 164.9 and 199.9 to 168.9 and 206.0, respectively.

27. The result of the 3,119 regular appeals may be summarized thus. —

Summarily dismissed in 2.4 per cent, not prosecuted in 8.2 per cent, decrees confirmed in 48.5 per cent, modified in 16.4 per cent, reversed in 15.2 per cent and cases remanded in 9.3 per cent of the appeals.

D.—MISCELLANEOUS

28. Bar.—The total strength of the Bar further increased from 1,637 to 1,764. The relations between

pleader in the West Berar Civil district was suspended for six months for unprofessional conduct. Of the three complaints of unprofessional conduct pending at the close of the previous year, one was withdrawn, one rejected and one remained pending. During the year 12 of the legal practitioners who had been suspended for taking active part in the civil disobedience movement applied to this Court for permission to resume practice and in 6 cases the permission was granted. Six cases were pending at the end of the year.

29. **Guardians and Wards Act.**—The number of estates under management rose from 1,005 to 1,040 during the year. The number relinquished was 87 as against 66 in 1932. The necessity of a more summary procedure against defaulting sureties and dishonest guardians and of a supervising agency is felt in some districts.

30. **Usurious Loans Act.**—The act is now being freely applied by the Judges who are alive to the salutary nature of its provisions with the result that creditors are now inclined to cut down excessive contract rates of interest to a reasonable limit. Debtor litigants are also becoming familiar with the provisions of the Act, although poor and ignorant debtors, particularly of Chhattisgarh, agree with their creditors on terms which are less advantageous in some instances than would be obtained through the Courts.

31. **Copying branch.**—There was a considerable decrease in the volume of copying work in Nagpur civil district and a slight decrease in Nimar, Raipur and West Berar districts. This was however more than counter-balanced by the increase in the other districts with the result that the total number of sheets filled in by copyists in the Province rose from 458,606 to 470,843, while the number filled at headquarters alone rose from 369,930 to 385,177. Little difficulty was experienced by District Judges in exacting the higher standards of work prescribed by the Judicial Commissioner in the previous year and consequently it was found possible to effect further reduction in the copying staff at certain places. Due to the increase in work there was an increase in section writing charges from Rs. 1,590 to Rs. 2,097. Towards the close of the year revised instructions to ensure the more efficient working of the Section were issued.

32. **Records and Record Rooms.**—Funds were provided during the year for the urgently needed extension of the record rooms at Nagpur and Chhindwara and the work was taken in hand. Extension is equally necessary at Hoshangabad, but in view of the financial stringency it is proposed as a temporary measure to accommodate a

and to place an Assistant Record Keeper in charge there. At Jubbulpore registers have to be kept in the Malkhana for want of space in the Record-room, which causes a certain amount of inconvenience. In order to economize Record-room space, instructions were issued towards the close of the year that each Court, Nazarat and Copying Section should retain with itself certain unimportant and ephemeral registers and papers and eliminate them in due course, instead of sending them to the District Record-room. Elimination work is reported to be up to date in all districts except in Nagpur and Amraoti.

33. Ministerial establishment.—The abolition of posts rendered surplus by the closure of Courts in previous years was practically complete. This has increased the work of the staff to some extent but general efficiency has not been impaired. No difficulty is experienced in securing qualified candidates for employment at headquarters of districts, but they are not always readily available for short vacancies in outlying stations.

34. Working of the Nazarat.—The process serving establishment was further reduced during the year by two sale amins and ninety-three process-servers. Most of these posts were being kept vacant from the previous year and the others were brought under reduction on a closer scrutiny of the sanctioned staff and the requirements of each district. Service of Civil Court process by post was tried as an experimental measure in Akola taluq from 1st October 1932, but since no economy resulted, it was decided to determine the experiment at the end of the year 1933. The percentage of service of summons and notices ranged from 74 to 81 and that of warrants from 73 to 85, except in Nimar where it was 63. Sale amins appear to be exercising a useful check over the work of process-servers at most places, though the District Judge, Amraoti, thinks that they are, as a rule, lacking in initiative and capacity to supervise. The Naib-Nazir at Murwara was dismissed for the loss of five gold mohurs referred to in the last report and the value of the mohurs was realized from him. The sale amin of Mahasamund tahsil absconded with sale proceeds amounting to Rs. 715, but was caught and convicted of an offence under section 409 Indian Penal Code, and sentenced to 20 months rigorous imprisonment. Rs. 117-10-0 only could be recovered from him. 161 cases of obstruction to service and 10 cases of escape from custody were reported during the year out of which 107 were brought to trial, 59 ended in conviction and 20 in acquittal.

35. Trial of Tenancy suits by Revenue Officers.—

followed by Revenue Officers in the trial of Tenancy suits. The District Judge, Raipur, reports that the instructions given at inspections were neglected and the matter had therefore to be brought to the notice of the Divisional Commissioner, while the District Judge, Chhindwara, reports that registers are not properly maintained in these Courts because of lack of supervision by the Judges. In order to avoid unnecessary delay, the system of serving processes in rent suits through the revenue process-serving staff was introduced at a few places in the Central Provinces, where there are no regular Civil Courts.

36. Buildings.—Many Court buildings require extension, as noted in the reports of previous years, but nothing can be done till the financial position improves.

37. Furniture and Libraries.—No new furniture was purchased during the year owing to financial stringency. The expenditure on new books during the year 1933 was small and inadequate.

38. Inspections.—The Officiating Judicial Commissioner inspected the Civil Courts and Offices at Wardha, Chanda and Khandwa. Most of the regular Civil Courts were inspected by the District and Sessions Judges during the year. The District and Sessions Judge, Nagpur, could not inspect his Office, Record-room and Nazarat for want of time. The Civil Courts presided over by Revenue Officers at Ramtek, Sakoli, Amarwara, Lakhnadon and Baihar were not inspected in order to economize expenditure under travelling allowance. The District Judge, East Berar, remarks that inspection work adds very much to the heavy work in his district and this is true of one or two other districts as well.

39. Rao Bahadur H. S. Munje, Rao Saheb S. M. Bhagade, Mr. M. C. Tiwary and Rao Bahadur K. B. Palsole, District and Sessions Judges, and Messrs. R. N. Trivedi (Subordinate Judge Select post), P. J. Chincholkar, K. V. Moghe, M. M. Golwalkar and O. P. Misra, Subordinate Judges, First Class, retired from service during the year. Mr. A. V. Tatke, Subordinate Judge, First Class, died on the 3rd May 1933.

40. During the year the title of Rao Bahadur was conferred on Messrs K. B. Palsole and G. H. Gokhale, District and Sessions Judges.

G. BURGESS,

Registrar,

Judicial Commissioner's Court,

Central Provinces,

PRESCRIBED STATEMENTS

(CIVIL)

—
1933

STATEMENT No. 25.—Showing the number of Judicial Divisions and the Central Provinces and Berar on the

Name of Province.	Judges of Chief Court of Province.	Civil	
		Number of districts.	District Judges.
1	2	3	4
Central Provinces (including Berar.)	5	9	9 (a)

(a) Do both civil and criminal

(b) 197 do both civil and

(c) (i) Includes 835

(ii) includes one doing both civil

STATEMENT No. 26.—Showing the number of Civil cases decided in

Name of Province.	Number of cases		
	Original.		Appal
	Regular.	Miscellaneous.	Regular.
1	2	3	4
Central Provinces (including Berar).	1,54,631	23,210	4,623

the number of officers exercising Appellate or Original Civil Jurisdiction in 31st December 1933—(Paragraphs 2—10).

Other Judges.		Remarks.																																							
Stipendiary.	Honorary.																																								
5	6																																								
237 (b)	836 (c)	<table border="1"> <thead> <tr> <th>Grades of Judicial Officers.</th> <th>Euro-peans.</th> <th>In-dian</th> </tr> </thead> <tbody> <tr> <td>Judicial Commissioner ...</td> <td>1</td> <td>...</td> </tr> <tr> <td>Additional Judicial Commissioners ...</td> <td>2</td> <td>2</td> </tr> <tr> <td>District Judges ...</td> <td>3</td> <td>6</td> </tr> <tr> <td>Additional District Judges ...</td> <td>2</td> <td>27</td> </tr> <tr> <td>Subordinate Judges, first class ...</td> <td>...</td> <td>2</td> </tr> <tr> <td>Additional Judges to Courts of Subordinate Judges, first class. ...</td> <td>...</td> <td>16</td> </tr> <tr> <td>work. ... Judges, Small Cause Courts ...</td> <td>...</td> <td>5</td> </tr> <tr> <td>criminal work. ... Registrar, Small Cause Courts ...</td> <td>...</td> <td>1</td> </tr> <tr> <td>Panchayat Courts. ... Subordinate Judges, second class ...</td> <td>...</td> <td>75</td> </tr> <tr> <td>Honorary Subordinate Judge and criminal work. ... Extra-Subordinate Judges, second class... ...</td> <td>...</td> <td>24</td> </tr> <tr> <td>... Additional Judges to Courts of Subordinate Judges, second class. ...</td> <td>...</td> <td>86</td> </tr> <tr> <td>Total ...</td> <td>8</td> <td>244</td> </tr> </tbody> </table>	Grades of Judicial Officers.	Euro-peans.	In-dian	Judicial Commissioner ...	1	...	Additional Judicial Commissioners ...	2	2	District Judges ...	3	6	Additional District Judges ...	2	27	Subordinate Judges, first class	2	Additional Judges to Courts of Subordinate Judges, first class.	16	work. ... Judges, Small Cause Courts	5	criminal work. ... Registrar, Small Cause Courts	1	Panchayat Courts. ... Subordinate Judges, second class	75	Honorary Subordinate Judge and criminal work. ... Extra-Subordinate Judges, second class...	24	... Additional Judges to Courts of Subordinate Judges, second class.	86	Total ...	8	244
Grades of Judicial Officers.	Euro-peans.	In-dian																																							
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Total ...	8	244																																							

the Courts in the Central Provinces and Berar for the year 1933.

decided.	Remarks.
late.	
Miscellaneous.	
5	6
853	

STATEMENT No 27.—Showing the number and description of Civil Suits for the year 1933—

Class of Tribunal.	Suits for money or movable property.	Suits under the		
		Arrears of rent with or without ejectment.	Enhancement or abatement of rent.	For ejectment or recovery of possession alone.
1	2	3	4	5
COURTS IN THE INTERIOR				
Unpaid Tribunals	...	...	...	...
Paid Sub-Divisional Tribunals	15,405	28,652	1	5
Small Cause Courts	93,906	...	...	...
District Courts other than Chief Courts of districts.	656	68	...	...
Chief Courts of districts	103	...	...	...
Total	1,10,070	28,720	1	5

STATEMENT No. 28.—Showing the number and value of Suits for the year 1933—

Class of Tribunal.	Number of suits			
	Value not exceeding Rs. 10.	Value Rs. 10 to Rs. 50.	Value Rs. 50 to Rs. 100.	Value Rs. 100 to Rs. 500.
1	2	3	4	5
COURTS IN THE INTERIOR				
Unpaid Tribunals	...	...	...	...
Paid Sub-Divisional Tribunals	5,625	18,159	8,975	13,245
Small Cause Courts	3,492	32,161	24,553	32,014
District Courts other than Chief Courts of districts.	17	39	45	118
Chief Courts of districts	...	...	...	6
Total	9,134	50,359	33,573	45,383

instituted in the Civil Courts in the Central Provinces and Berar
(Paragraph 11).

Rent Law.		Title and other suits.					Grand Total.
All other suits under the Rent Law.	Total.	Suits for immovable property.	Suits for specific relief.	Mortgage suits.	Other suits not falling under any of the preceding heads.	Total.	
6	7	8	9	10	11	12	13
...
...	28,658	4,130	1,624	4,832	572	11,158	55,221
...	...	...	...	...	...	...	93,906
...	68	131	126	508	31	796	1,520
...	...	40	46	134	42	262	365
...	28,726	4,301	1,796	5,474	645	12,216	1,51,012

instituted in the Civil Courts in the Central Provinces and Berar
(Paragraphs 13 and 14).

instituted in the different courts.

Value Rs. 500 to Rs. 1,000.	Value Rs. 1,000 to Rs. 5,000.	Value above Rs. 5,000.	Number of suits the value of which cannot be estimated in money.	Total number of suits instituted.	Total value of suits.
6	7	8	9	10	11
...
4,805	4,412	...	...	55,221	1,66,29,162
1,685	...	...	...	93,906	1,06,08,046
39	608	604	...	1,520	58,19,132
1	3	355	...	365	95,35,861
6,581	5,023	959	...	1,51,012	4,25,92,201

STATEMENT NO. 29.—Showing the general results of the trial of Civil Cases for the Civil Suits—

Class of Tribunal.	Number of suits before the Courts.				
	Pending at the beginning of the year.	Instituted during the year.	Revived during the year.	Otherwise received.	Total.
1	2	3	4	5	6
COURTS IN THE INTERIOR					
Unpaid Tribunals ...	...	...	...	14	14
Paid Sub-Divisional Tribunals ...	18,471	55,221	1,690	4,032	79,414
Small Cause Courts ...	22,955	93,906	1,312	2,252	1,20,425
District Courts other than Chief Courts of districts.	1,341	1,520	77	573	3,511
Chief Courts of districts ...	517	365	23	95	1,000
Total ...	43,284	1,51,012	3,102	6,966	2,04,354

Cases in the Courts of original jurisdiction in the Central Provinces and
year 1933.

(Paragraphs 15—18).

Number of suits disposed of.

Without trial.			<i>Ex-parte</i>		On admission of claim.	
Under Order IX, Rule 3 and Order IX, rule 8, where the defendant does not admit the claim.	Otherwise.	Average duration.	Number.	Average duration.	Number.	Average duration.
7	8	9	10	11	12	13
1	...	14	1	14	1	9
4,325	2,168	127	17,696	95	16,078	83
9,530	2,761	112	33,646	107	24,377	96
120	93	196	237	142	266	108
25	38	354	24	193	36	96
14,001	5,060	119	51,604	103	40,758	91

**STATEMENT No. 29.—Showing the general results of the trial of Civil
Cases for the
Civil Suits—**

Class of Tribunal.	Number of suits				
	Compromised.		After full trial.		
	Number.	Average duration.	Judgment for plaintiff.	Judgment for defendant.	Average duration.
1	14	15	16	17	18
COURTS IN THE INTERIOR					
Unpaid Tribunals ...	1	4	...	...	...
Paid Sub-Divisional Tribunals ...	3,565	149	10,517	2,074	224
Small Cause Courts ...	3,961	114	13,659	1,279	137
District Courts other than Chief Courts of districts.	234	233	621	125	365
Chief Courts of districts ...	61	356	136	40	629
Total ...	7,822	136	24,933	3,518	184

Cases in the Courts of original jurisdiction in the Central Provinces and year 1933—concl.
(Paragraphs 15—18).

disposed of.				Pending at the close of the year.	Pending for more than a year.	Remarks.
On reference to arbitration		By transfer.				
Number.	Average duration.	Number.	Average duration.			
19	20	21	22	23	24	25
...	...	...	...	10	...	
45	274	3,877	131	19,069	1,095	
9	311	2,294	56	28,909	210	
13	310	597	200	1,205	299	
6	363	94	413	540	235	
73	292	6,862	116	49,733	1,839	

**STATEMENT No. 30.—Showing the general results of the trial of Civil
Berar for the
Miscellaneous**

Class of Tribunal.	Number of cases before the Courts.				
	Pending at the beginning of the year.	Instituted during the year.	Revived during the year.	Otherwise received.	Total.
1	2	3	4	5	6
COURTS IN THE INTERIOR					
Unpaid Tribunals ...	...	...	...	...	...
Paid Sub-Divisional Tribunals ...	2,937	14,173	35	562	17,707
Small Cause Courts ...	1,055	6,726	12	73	7,866
District Courts other than Chief Courts of districts.	607	1,710	9	52	2,378
Chief Courts of districts ...	520	1,452	7	39	2,018
Chief Courts of the Province ...	62	185	...	...	247
Total ...	5,181	24,246	63	726	30,216

NOTE.—(a) Four cases of contempt of Court under Chapter XXXV of
(b) Insolvency petitions are not taken into account

Cases in the Courts of original jurisdiction in the Central Provinces and year 1933.

Cases.—(Paragraph 17).

Number of cases disposed of.

Without trial.			<i>Ex parte.</i>		On admission of claim.	
Under Order IX, rule 3 and Order IX, Rule 8 where the defendant does not admit the claim.	Otherwise.	Average duration.	Number.	Average duration.	Number.	Average duration.
7	8	9	10	11	12	13
..
1,233	4,771	69	1,345	77	2,079	62
773	2,190	60	532	59	689	54
118	729	92	141	111	202	85
68	749	99	98	82	104	96
1	136	80	3	200	...	...
2,193	8,575	71	2,119	75	3,074	63

the Code of Criminal Procedure were disposed of by Civil Courts during the year. for purposes of this statement.

**STATEMENT No. 30.—Showing the general results of the trial of Civil
Berar for the
Miscellaneous**

Class of Tribunal.	Number				
	Compromised.		After full trial.		
	Number.	Average duration.	Judgment for plaintiff.	Judgment for defendant.	Average duration.
1	14	15	16	17	18
COURTS IN THE INTERIOR					
Unpaid Tribunals ...	...	...	...	...	...
Paid Sub-Divisional Tribunals ...	289	104	2,053	1,635	132
Small Cause Courts ...	109	94	793	653	119
District Courts other than Chief Courts of districts.	37	166	255	179	196
Chief Courts of districts ...	30	185	279	158	183
Chief Courts of the Province ...	...	...	31	24	254
Total ...	465	112	3,411	2,649	138

NOTE.—(a) Four cases of contempt of Court under Chapter XXXV of
(b) Insolvency petitions are not taken into account

Cases in the Courts of original jurisdiction in the Central Provinces and year 1933.

Cases.—(Paragraph 17)—*concl'd.*

of cases disposed of.				Pending at the close of the year.	Pending for more than a year.	Remarks.
On reference to arbitration.		By transfer.				
Number.	Average duration.	Number.	Average duration.	23	24	25
19	20	21	22	23	24	25
...	
...	...	554	70	3,748	43	
...	...	74	99	2,053	4	
...	...	55	93	662	40	
...	...	41	165	491	65	
...	52	4	
...	...	724	89	7,006	156	

the Code of Criminal Procedure were disposed of by Civil Courts during the year for purposes of this statement

STATEMENT No. 31.—Showing the business of the Civil Appellate Appeals from

Class of Tribunal.	Number of appeals before the Courts.				
	Pending at the beginning of the year.	Instituted and re-instituted during the year.	Otherwise received.	Total.	
1	2	3	4	5	
COURTS IN THE INTERIOR					
APPEALS FROM ORIGINAL DECREES					
Chief Appellate Courts of districts ...	1,576	3,287	301	5,164	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT					
Chief Court of Province.	Appeals from original decrees.	(a) 429	265	5	699
	Appeals from appellate decrees.	(b) 1,593	786	...	2,379
Total ...	2,022	1,051	5	3,078	
GRAND TOTAL ...	3,598	4,338	306	8,242	

NOTE.—There were no references under section 27

(a) One appeal of 1931 was cancelled

(b) One appeal of 1930 and one of 1932

Courts in the Central Provinces and Berar for the year 1933.
 Decrees—(Paragraphs 25—27).

Number of appeals disposed of.											
Number.	Average duration.	Confirmed.	Modified.	Reversed.	Remanded for retrial.	Average duration of appeals in columns 8, 9, 10 and 11.	By transfer.		Pending at the close of the year.	Pending for more than a year.	Remarks.
							Number.	Average duration.			
6	7	8	9	10	11	12	13	14	15	16	17
329	156	1,514	512	475	289	183	291	138	1,754	130	
49	378	120	42	43	11	657	...	...	434	194	
330	294	446	46	79	47	820	...	...	1,431	681	
379	305	566	88	122	58	778	...	...	1,865	875	
708	236	2,080	600	597	347	320	291	138	3,619	1,005	

of the Workmen's Compensation Act, 1923.

during the year.

were cancelled during the year

**STATEMENT No. 32.—Showing the business of the Civil Appellate
Miscellaneous**

Class of Tribunal.	Number of appeals before the Courts.			
	Pending at the beginning of the year.	Instituted and re-instituted during the year.	Otherwise received.	Total.
1	2	3	4	5
COURTS IN THE INTERIOR				
APPEALS FROM ORIGINAL DECREES				
Chief Appellate Courts of districts ...	311	737	83	1,131
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT				
Chief Court of Province. { Appeals from original decrees. ...	46	(a) 67	...	(a) 113
{ Appeals from appellate decrees. ...	20	25	...	45
Total ...	66	92	...	158
GRAND TOTAL ..	377	829	83	1,289

(a) Includes one appeal under section 30

Courts in the Central Provinces and Berar for the year 1933.
 appeals—(Paragraphs 25—27).

Number of appeals disposed of.											Remarks.	
Dismissed or not prosecuted.	Number.	Average duration..	Confirmed.	Modified.	Reversed.	Remanded for retrial.	Average duration of appeals in columns 8, 9, 10 and 11.	By transfer.		Pending at the close of the year.		Pending for more than a year.
								Number.	Average duration.			
6	7	8	9	10	11	12	13	14	15	16	17	
	139	103	338	22	116	75	159	81	127	360	23	
	28	199	20	3	8	2	320	...	...	(a)52	6	
	5	168	6	1	7	2	395	...	...	24	4	
	33	194	26	4	15	4	344	...	...	76	10	
	172	121	354	26	131	79	175	81	127	436	33	

of the Workmen's Compensation Act, 1923.