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REPORT
ON THE
JUDICIAL ADMINISTRATION
(CIVIL)
IN THE
CENTRAL PROVINCES AND BERAR
FOR THE
CALENDAR YEAR 1935

NAGPUR
GOVERNMENT PRINTING, C. P.
1936

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REPORT ON THE ADMINISTRATION OF CIVIL JUSTICE IN THE CENTRAL PROVINCES AND BERAR DURING THE CALENDAR YEAR 1935

[The figures in brackets denote the corresponding numbers in the previous year.]

General.—During the year under review there was a further decrease in original institutions both in the Central Provinces and in Berar, the chief cause being the establishment of a number of Debt Conciliation Boards practically all over the Province. At the end of the year these Boards were functioning in as many as 22 tahsils of the Central Provinces and 6 of Berar. There was, however, a slight increase in the number of appellate institutions. Due to the fall in litigation, the cadre was sufficient to cope with the current work and it was also possible to open additional Courts where necessary to clear off arrears.

A.—TRIBUNALS

2. Judicial Commissioner's Court.—The number of Judges of this Court continued to be five. Mr. F. L. Grille, I.C.S., was confirmed as Judicial Commissioner and Mr. R. E. Pollock, I.C.S., as Additional Judicial Commissioner, with effect from the 26th January 1935, consequent on the retirement of Sir Robert Macnair, Kt., I.C.S., Judicial Commissioner. Mr. F. H. Staples, I.C.S., Additional Judicial Commissioner, proceeded on leave preparatory to retirement from the 13th September 1935, and Mr. H. G. Gruer, I.C.S., officiated as Additional Judicial Commissioner from the 21st October 1935 to the end of 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 Subordinate Judge of the First Class at Narsinghpur was closed, temporarily, from the 10th September 1935, for want of sufficient work and the Judge so spared was utilized at Hoshangabad from the 17th September 1935. The temporary Court of the Subordinate Judge, First Class, at Akola, continued throughout the year while that at Nagpur was closed from the 1st April 1935.

5. Courts of Second Class Subordinate Judges.—The cadre of Second Class Subordinate Judges remained unchanged

at 81 during the year under review. The Courts of the 2nd Subordinate Judges at the following places were temporarily closed :—

Gondia	..	..	15th June to 31st December.
Burhanpur	..	..	15th August to 1st December.
Raipur	..	..	2nd January to 14th June.
Bilaspur	..	..	15th June to 31st December.

6. Linked and Touring Courts.—The linked Court system continued throughout the year between Nagpur and Ramtek, Nagpur and Umrer, Chanda and Wardha, Sehora and Murwara, Multai and Betul, Kelapur and Wun, and Khamgaon and Jalgaon. The work at Sausar, Baloda Bazar and Bemetara was insufficient to occupy the whole time of the Subordinate Judges at those places and they were, therefore, appointed Additional Judges to the Courts at Chhindwara, Raipur and Drug, respectively, and sat at those places for a few days each month. The touring Court system continued at Kamptee, Sakoli, Rehli, Banda, Seoni-Malwa, Lakhnadon, Mahasamund and Mungeli.

7. Additional Courts.—With a view to remove congestion in the pending files, Additional Subordinate Judges of the Second Class, spared out of the leave reserve, were employed at the following stations for the periods shown against them :—

Nagpur	..	..	4-3-1935 to 31-12-1935
Bhandara	..	..	1-1-1935 to 31-12-1935
Saugor	..	..	15-6-1935 to 31-12-1935
Hoshangabad	..	..	26-1-1935 to 4-5-1935
Khandwa	..	..	1-1-1935 to 31-12-1935
Marsi	..	..	1-1-1935 to 29-11-1935
Ellichpur	..	..	1-1-1935 to 14-6-1935
Akola	..	..	1-1-1935 to 31-12-1935
Buldana	..	..	1-1-1935 to 7-6-1935
Malkapur	..	..	18-11-1935 to 31-12-1935
			15-6-1935 to 14-11-1935

8. During the year under report 58 (57) Tahsildars and 52 (49) Naib-Tahsildars exercised civil powers. The majority try rent suits only except at a few remote places where they also try petty money suits.

9. Village Panchayat Courts.—Thirty-four Panchayat Courts were established during the year, 24 in the Central Provinces and 10 in Berar : while 10 were abolished, 4 in the Central Provinces and 6 in Berar. The total number of Courts functioning at the end of the year was 427 in the Central Provinces and 482 in Berar.

10. Training of officers.—Mr. H. V. Kamath, I.C.S., was under training as Subordinate Judge up to the 1st April 1935 when he proceeded on leave. Two Subordinate Judges of the Second Class underwent a course of magisterial training during the year.

B.—ORIGINAL JURISDICTION

11. **Institution of suits.**—Institutions under the three main heads for the years 1931 to 1935 are given below :— Statement No. 27.

	1931	1932	1933	1934	1935
<i>Central Provinces.</i>					
1. Suits for money and movable property.	68,028	71,062	75,169	60,465	56,072
2. Suits under the Rent Law ..	25,498	24,862	28,489	29,312	30,784
3. Title and other suits ..	7,094	7,267	7,049	6,432	7,071
Total ..	100,620	103,191	110,707	96,209	93,927
<i>Berar.</i>					
1. Suits for money and movable property.	28,048	29,417	34,901	24,853	21,335
2. Suits under the Rent Law ..	165	182	237	212	211
3. Title and other suits ..	4,368	4,190	5,167	5,102	5,698
Total ..	32,581	33,789	40,305	30,167	27,244
Grand Total ..	133,201	136,980	151,012	126,376	121,171
Total excluding suits under the Rent Law in the Central Provinces.	107,703	112,118	122,523	97,064	90,387

There has been a further decrease in total institutions to the extent of 4 per cent of the low figure reached in 1934. The number of suits for money and movable property which form the bulk of the work of the civil Courts has gone down by 9 per cent and the chief cause seems to be the establishment of Debt Conciliation Boards practically all over the Province. Rent suits in the Central Provinces continue to increase : their number in 1935 was 80 per cent more than in 1930 and 5 per cent more than in 1934. The number of title suits has also gone up by 11 per cent, the increase being shared by all districts except Hoshangabad and Nimar where there was a slight decrease.

12. Institutions in Village Panchayat Courts.—

During the year under review institutions in Village Panchayat Courts numbered 8,535 (8,493) which is 6.2 (6.7) per cent of the number of institutions in the stipendiary civil Courts. Yeotmal which has the largest number of Village Panchayats naturally heads the list with 1,150 suits, while Bhandara comes last with 82. 8,309 (8,664) suits were disposed of during the year. The decrees of the Panchayat Courts were cancelled by Deputy Commissioners in 107 (116) cases. These figures exclude statistics of 44 Courts in the Yeotmal revenue district, from which district for the fourth year in succession full figures have not been supplied.

Statement
No. 28.

13. Valuation of suits.—The total value of suits instituted increased to Rs. 3,93,87,688 (Rs. 3,87,13,408) in spite of a fall of Rs. 18,44,071 in the Jubbulpore civil district, the increase being noticeable in the Wardha, Nimar and Raipur districts. In the Jubbulpore district, however, there was a large decrease in the number of suits over Rs. 10,000 in value from 49 to 23 and a proportionately even larger decrease in aggregate value, from Rs. 19,75,938 to Rs. 5,11,573. The average value of suits for the province as a whole increased to Rs. 325 (Rs. 306).

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

	1934			1935		
	Number of institutions	Total value of institutions	Average value	Number of institutions	Total value of institutions	Average value
		Rs.	Rs.		Rs.	Rs.
Central Provinces ..	53,834	57,60,667	107	49,125	51,75,976	105
Berar ..	19,945	26,80,339	134	17,313	21,82,889	126

The decrease is shared by all the districts except Wardha and Nimar which show a small increase and is noticeable in Hoshangabad (21 per cent) and Raipur (14 per cent). The decrease in average value is insignificant. The suits tried by summary procedure fell to 70,239 (84,540). 17.3 (16.9) per cent of the suits were disposed of after full trial or by reference to arbitration.

Statement
No. 29.

15. Distribution of suits.—The number and percentage of suits disposed of by each class of Court in 1934 and 1935 were as follows :—

Class of Courts	1934		1935	
	Number	Percentage	Number	Percentage
District Courts ..	370	.2	336	.3
Courts of First Class Subordinate Judges ..	1,244	.9	1,083	.9
Courts of Second Class Subordinate Judges ..	54,102	38.6	54,563	43.2
Small Cause Courts ..	84,540	60.3	70,239	55.6
Total ..	140,256	100.0	126,221	100.0

The total number of suits disposed of decreased by 14,035 but it exceeded total institutions by 5,050. The large decrease in the disposals of Small Cause Courts is mainly due to decrease in institutions in those Courts as a result of the operation of Debt Conciliation Boards.

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

Class of Courts	Year	Average duration of suits decided						
		Without trial	Ex-parte	On admission of claim	Com-promised full trial	After full trial	On reference to arbitration	By transfer
District Judges	1934	409	280	154	370	542	363	365
	1935	548	202	130	426	933	919	658
Subordinate Judges, First Class.	1934	272	161	101	229	392	188	139
	1935	325	133	138	315	429	387	269
Subordinate Judges, Second Class.	1934	135	100	83	157	232	374	135
	1935	127	101	81	146	232	393	130
Small Cause Courts.	1934	123	117	104	128	152	316	135
	1935	116	108	98	125	142	254	278

There is a noticeable improvement in the average duration of suits decided by the Small Cause Courts, and in the Courts of Second Class Subordinate Judges also duration has slightly decreased. The general increase noticeable in the senior Courts is attributable partly to the disposal of a number of old cases and partly to the congestion of files and heavy Sessions work. Taking into consideration the heavy toll of the available time taken by Criminal work the number of first class Subordinate Judges is insufficient and important Civil Suits are inordinately but unavoidably postponed.

17. Pending files.—

		1934	1935
Suits at the beginning of the year	..	49,733	39,223
Institutions	..	126,376	121,171
Revived	..	3,218	2,887
Otherwise received	..	5,050	4,762
Total for disposal	..	184,377	168,043
Disposed of—			
By transfer	..	4,894	4,474
Otherwise	..	140,256	126,221
Total disposed of	..	145,150	130,695
Pending at the close of the year	..	39,227	37,348

The fall in institutions is reflected in the decrease in the number of cases pending at the close of the year which is shared by all districts except Wardha and Raipur. In both these districts there was an increase in institutions during the year and one Court in Raipur district had also been temporarily closed. The number of suits over six months old and over one year old rose to 9,189 (8,358) and 2,731 (2,249), respectively. The increase in the number of long pending cases is reported to be

mainly due to the stay of proceedings in Courts by order of the Debt Conciliation Boards. The number of miscellaneous cases pending at the end of the year was 5,885 (5,861) and of these 161 (169) were over one year old.

18. Fifty-one (60) suits were decided during the year by reference to arbitration, of which 43 were found for plaintiff and 8 for defendant.

19. **Executions.**—The total number of applications for execution before the courts was 178,052 (184,513) and 139,182 (144,978) applications were disposed of during the year leaving a pending file of 38,870 (39,535). Applications were wholly infructuous in 56.8 (58.7) per cent of the cases, partly satisfied in 17.1 (17.6) per cent and fully satisfied in 10.9 (10.2) per cent. The amount realized in execution of decrees has further decreased to Rs. 29,43,212 (Rs. 29,94,971). Debtors were imprisoned in 253 (310) cases, movable property was sold in 1,510 (2,064) and immovable property in 2,221 (2,721).

Repayment by instalments was allowed in suitable cases. The rules regarding sale of land by Collectors are reported to be working well on the whole and although the number of estates saved for the debtors by the Collectors' intervention is probably negligible, the dilatory procedure affords the debtors, particularly the agriculturists, a certain amount of relief. The District Judges, Jubbulpore and East Berar, report that delays in communicating the result of the Collector's proceedings and transferring the sale proceeds to the Civil Court are not uncommon. There can be no justification for such delays which should be avoided by the Collectors.

20. **Insolvency.**—The number of insolvency petitions presented during the year by debtors fell to 2,095 (2,507) probably as a result of the working of Debt Conciliation Boards and of the greater indulgence shown to debtor by grant of instalments and reduction of excessive interest. There are also a few extreme cases of poverty where the debtor is unable to seek relief in bankruptcy because of inability to defray the initial expenses. Creditors appear to be readier than before to adjust their claims privately, especially when the debtor's position is hopeless, with the result that the number of creditors' petitions was only 215 (357) during the year. 1,778 (2,261) petitions were disposed of by order of adjudication, 266 (317) were dismissed under section 25, 83 (77) were withdrawn under section 14, and 501 (661) were disposed of by death or default. Orders of adjudication of 1,551 (2,004) insolvents were annulled, 1,154 (1,165) insolvents were discharged absolutely, 327 (291) conditionally and 69 (36) after the period of suspension.

The District Judge, Jubbulpore, reports that scant attention had been paid in the past to post-adjudication proceedings and on checking the old cases of the Jubbulpore Insolvency Court, it was found that in a large number of them the debtor had failed to apply for discharge within the prescribed time, but no action had been taken under section 43 of the Act for annulling the order of adjudication. The total number of annulments under section 43 in this district was consequently 646 as against 111 in the previous year. Some District Judges note that since the monthly returns give no idea of the volume of work done in insolvency Courts, the Subordinate Judges feel that they get little credit for the considerable amount of work they have to do in these cases. Instructions have recently been issued to register proceedings under sections 4, 53 and 54 of the Act, as separate miscellaneous Judicial Cases for purposes of record and statistics. The new Insolvency rules which were brought into force from the 1st July 1935 are reported to be working satisfactorily, particularly with regard to receivers and their accounts. On further consideration of the proposal of the District Judge, Amraoti, referred to in last year's report, it was found that the work was not sufficient to justify the appointment of a second Official Receiver and the proposal was dropped. In order to meet the complaint that the Courts find it difficult to exercise a proper control over a large number of receivers appointed *pro tanto* District Judges have been instructed to concentrate the work whenever convenient in the hands of a single unofficial receiver carefully selected from the bar. The results of this experimental measure are being watched.

21. Guardians and Wards Act.—1,031 (1,037) estates were under management during the year and 107 (105) were relinquished. Several District Judges report that the annual accounts submitted by the guardians are not as complete and accurate as they should be. The Official Receiver at Amraoti was in charge of 36 estates belonging to minors and received Rs. 4,902 as remuneration for their management.

22. Usurious Loans Act.—The provisions of the Usurious Loans Act, 1918, as amended by the Central Provinces Amending Act, No. XI of 1934, were applied in all suitable cases by the Courts and had a salutary effect on creditors who now not infrequently ask in Court for interest at a lower rate than that stipulated in the transaction on which they sue. Complete statistics are not available but the following figures give an idea of the extent to which interest claimed is reduced by the Courts under the Act. In East Berar the Act was applied in 849 cases—*suo motu* in 543—and interest reduced from Rs. 3,49,247 to Rs. 2,37,981 ; while in Jubbulpore the Act was applied in 926

cases and interest reduced from Rs. 66,477 to Rs. 43,216. Difficulty is experienced in applying the Act to cases in which the real nature and age of the transactions have been obscured by the creation of fresh documents purporting to be for cash payments and the destruction of previous bonds, but this is likely to disappear when the Central Provinces Moneylenders' Act, XIII of 1934, is in full operation.

23. Interlocutory Injunctions and Stay Orders.—For the reasons given in paragraph 23 of last year's report, the maintenance of statistics regarding interlocutory injunctions and stay orders was discontinued during the year under report.

C.—APPELLATE JURISDICTION

24. Appeals to Privy Council.—At the beginning of the year five applications for leave to appeal were pending before this Court and 14 new applications were filed during the year. Of these eight were rejected, four were allowed and seven remained pending at the close of the year. One appeal was despatched to England during the year.

25. Result of appeals to the Privy Council.—Out of the five appeals pending before the Privy Council against the decisions of the Judicial Commissioner's Court, two appeals were disposed of during the year. In one appeal the decision was reversed and the other appeal was dismissed for non-prosecution.

Statements
Nos. 31 and
32.

26. Judicial Commissioner's Court.—The table below compares the figures of Civil appellate work in the years 1934 and 1935:—

	1934			1935		
	Institu- tions	Dis- posals	Pend- ing	Institu- tions	Dis- posals	Pend- ing
First appeals— from decrees ..	275	246	463	237	254	446
from orders ..	78	64	65	86	76	75
Second appeals— from decrees ..	840	900	1,369	892	865	1,396
from orders ..	23	26	21	28	24	25
Civil Revisions— Revision under sec- tion 25 of the Provincial Small Cause Courts Act.	591	529	395	579	603	371
Other revisions ..	475	470	287	553	500	340
Total ..	2,282	2,235	2,600	2,375	2,322	2,653

In spite of the fact that the Court was not at its full strength for nearly six weeks there has been a slight increase in disposals and the pending file remains at practically the same level. The average duration of First and Second Appeals from original and appellate decrees disposed of during the year were 634.3 (625.8)

and 610.7 (598.3), respectively. 150 (138) miscellaneous petitions were instituted during the year, and 142 (128) were disposed of.

27. District Courts.—The statement below compares the figures for civil appellate work in the year 1934 and 1935 :—

	1934			1935		
	Instituted	Disposed of	Pending	Instituted	Disposed of	Pending
<i>Central Provinces.</i>						
Regular appeals ..	2,344	2,362	1,044	2,436	2,285	1,195
Miscellaneous appeals	471	421	199	471	481	189
Total ..	2,815	2,783	1,243	2,907	2,766	1,384
<i>Berar.</i>						
Regular appeals ..	1,040	1,009	726	1,045	1,179	592
Miscellaneous appeals	411	389	230	390	477	143
Total ..	1,451	1,398	956	1,435	1,656	735
Grand Total ..	4,266	4,181	2,199	4,342	4,422	2,119

There was a small increase in the number of regular appeals instituted in the Central Provinces. Disposals appear to have kept pace with institutions in all the districts except Nagpur where due to heavy Sessions work and increase in institutions the pending file at the close of the year was two-thirds more than at the beginning. The total number of regular appeals over three months old was 731 (897) and over one year was 88 (159). The average duration of regular civil appeals fell to 159.6 (161) in the Central Provinces, while in Berar it rose to 240.4 (220.7).

28. Of the 3,464 (3,371) regular civil appeals shown as disposed of in the preceding paragraph, 3.3 (2.4) per cent were summarily dismissed, 7.8 (7.6) per cent not prosecuted, decrees confirmed in 47.8 (50.1) per cent, modified in 15.8 (16.1) per cent, reversed in 15.8 (15.6) per cent and cases remanded in 9.5 (8.2) per cent of the appeals. The result was thus much the same as during the previous year.

D.—MISCELLANEOUS

29. Bar.—The total strength of the Bar further increased to 2,085 (1,941). The relations between the Bench and the Bar continued to be cordial. An advocate and a pleader were suspended from practice for unprofessional conduct and a complaint against another pleader was not substantiated. Permission to resume practice was granted to two legal practitioners, who had been suspended for taking active part in the Civil Disobedience movement.

30. Copying Branch.—The copying work showed an increase in the districts of Nagpur, Jubbulpore, Nimar, East and West Berar, but owing to a considerable fall of over 20,000 sheets in the Raipur district the total number of sheets filled in at headquarters and in all places in the districts decreased from 402,349 and 495,786 to 391,701 and 485,676, respectively. The copyist at Basim misappropriated a sum of Rs. 33-8-0 on account of copying fees and in order to conceal the embezzlement set fire to his almirah and destroyed some registers and other papers in his charge. He was convicted of offences under sections 409 and 436, Indian Penal Code, and sentenced to two years' rigorous imprisonment and a fine of Rs. 50. The amount misappropriated by the copyist was partly recovered from him and partly from one of his sureties.

31. Records and Record-rooms.—The elimination of records is reported to be up-to-date in all the districts. As there is very little rack-space in the record-room at Jubbulpore for fresh records, it is proposed to re-transfer the records of the Saugor Revenue district over fifteen years old to the Saugor record-room till funds are available for extending the record-room at Jubbulpore.

32. Working of the Nazarat.—Forty-one posts of process-servers which had been kept vacant were abolished during the year and 16 posts were transferred to the revenue department for service of processes in rent-suits. The percentage of service of summons and notices ranged from 75 to 81 and that of warrants from 71 to 83. 203 cases of obstruction to service and 12 cases of escape from custody were reported out of which 70 were brought to trial, 32 ended in conviction and 21 in acquittal.

33. Income from process-fees.—The current rates of process-fees were introduced on 16th June 1932 and the income from this source during the last four years was as follows :—

	Rs.	a.	p.
1932	.. 8,89,822	3	0
1933	.. 9,94,602	2	0
1934	.. 8,78,628	4	0
1935	.. 8,08,976	10	0

The decrease is partly due to the fall in institutions of all kinds and partly to a diminution in the extent to which parties employ the process-serving agency of the Courts. A tendency to bring witnesses to Court instead of summoning them through the Court with a view to save the expense on process-fees is noticed by several District Judges.

34. Court Fees Act.—The Act was amended by the local Legislature in March 1935 with a view to meet the additional expense involved in raising the status of the Court of the Judicial Commissioner to that of a High Court of Judicature and brought into force from the 1st July 1935. The income from Court fees realized by the Civil Courts in the last three years was as follows :—

	Rs.	a.	p.
1933	..	37,72,124	13 0
1934	..	32,00,947	1 0
1935	..	30,70,092	14 0

The income in the second half of 1935 after the introduction of the Amendment Act was Rs. 13,60,250-7-0 as against Rs. 14,72,255-6-0 for the second half of 1934. The decrease which is due to fall in litigation consequent on the establishment of numerous Debt Conciliation Boards all over the province would have been still greater but for the amending Act, which during the period in question was responsible for an additional income of Rs. 98,888-3-0. Except for a temporary rush of institutions of higher value towards the end of June 1935 in order to forestall the amending Act it appears to have had little effect on litigation as a whole.

35. Trial of Tenancy Suits by Revenue Officers.—The position is much the same as that described in paragraph 36 of the last year's report, though the District Judge, Raipur, reports a certain improvement in his district.

36. Buildings.—No funds were available for carrying out any extensions or improvements to the Civil Court buildings, though in many places they are urgently required. A sum of Rs. 1,696 only was available for carrying out a few petty works.

37. Furniture and Libraries.—Owing to financial stringency very little new furniture was purchased during the year under report. Old editions of standard books in Court libraries are replaced by new ones as far as the limited funds allow.

38. Inspections.—The Judicial Commissioner inspected the civil Courts and offices at Akola, Jubbulpore and Amraoti. Almost all the regular civil Courts were inspected by the District and Sessions Judges. The Courts and Offices at Kelapur and Wun were inspected by the Additional District Judge, Yeotmal. The civil Courts presided over by Revenue officers at Murwara, Waraseoni and Lakhnadon remained uninspected for want of time.

39. Retirements.—Messrs. S. Ghosh, J. D. Kapadia, R. N. Shrouti, W. G. Mandpe, M. C. Shukul, G. R. Pendharkar and R. D. Dubey, Subordinate Judges, First Class, retired from service during the year. Mr. H. D. Kowley, Subordinate Judge, Second Class, also retired from service during the year.

40. Epilogue.—The end of the year 1935 marked the passing of the Court of the Judicial Commissioner. It came into being with the Province itself in 1861 and was responsible for the administration of justice for three quarters of a century. It began with a single Judge and ended with five and on the 9th January 1936, it was replaced by a High Court of Judicature constituted under the provisions of the Government of India Act.

K. V. K. SUNDARAM,

Registrar,

High Court of Judicature at Nagpur.

NAGPUR :

The 18th April 1936.

PRESCRIBED STATEMENTS
(CIVIL)

1935

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

(b) 193 do both civil

(c) Includes 909

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

Name of Province	Number of cases		
	Original		Appel
	Regular	Miscellaneous	Regular
1	2	3	4
Central Provinces (including Berar).	1,30,695	23,511	5,057

the number of officers exercising Appellate or Original Civil Jurisdiction in 31st December 1935—(Paragraphs 2—10).

Other Judges		Remarks		
Stipendiary	Honorary			
5	6	7		
234 (b)	909 (c)	Grades of Judicial Officers	Euro-pears	Indians
		Judicial Commissioner ..	1	..
		Additional Judicial Commissioners ..	2	2
		District Judges ..	3	6
		Additional District Judges ..	1	27
		Subordinate Judges, first class ..	..	1
		Additional Judges to Courts of Subordinate Judges, first class. ..	..	17
		Judges, Small Cause Courts ..	..	5
		Subordinate Judges, second class ..	..	73
		Extra-Subordinate Judges, second class ..	..	57
		Additional Judges to Courts of extra Sub-ordinate Judges, second class. ..	..	51
		Additional Judges to Courts of Subordinate Judges, second class. ..	..	2
		Total ..	7	241

the Courts in the Central Provinces and Berar for the year 1935

decided	Remarks
late	
Miscellaneous	
5	
1,187	6

**STATEMENT No. 27.—Showing the number and description of Civil Suits
for the year 1935—**

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 ..	10,533	30,586	..	2
Small Cause Courts ..	66,438	..	..	..
District Courts other than Chief Courts of districts.	332	51	..	..
Chief Courts of districts ..	104	..	..	..
Total ..	77,407	30,637	..	2

**STATEMENT No. 28.—Showing the number and value of suits
for the year 1935—**

Class of Tribunal 1	Number of suits			
	Value not exceeding Rs. 10 2	Value Rs. 10 to Rs. 50 3	Value Rs. 50 to Rs. 100 4	Value Rs. 100 to Rs. 500 5
COURTS IN THE INTERIOR				
Unpaid Tribunals ..	..	..	..	..
Paid Sub-Divisional Tribunals ..	6,595	20,850	9,013	9,881
Small Cause Courts ..	2,749	24,178	16,746	21,554
District Courts other than Chief Courts of districts.	16	18	24	26
Chief Courts of districts ..	..	..	..	2
Total ..	9,360	45,046	25,783	31,463

STATEMENT No. 29.—*Showing the general results of the trial of Civil
Berar 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 ..	6	..	3	21	30
Paid Sub-Divisional Tribunals ..	17,901	53,402	1,639	3,800	76,742
Small Cause Courts ..	19,709 (a)	66,438	1,184	554	87,885
District Courts other than Chief Courts of districts.	1,079	933	50	347	2,409
Chief Courts of districts ..	528	398	11	40	977
Total ..	39,223	121,171	2,887	4,762	168,043

(a) Excludes 4 suits wrongly shown as

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

Rent Law		Title and other suits					
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	Grand Total
6	7	8	9	10	11	12	13
..	..	..	..	..	..	..	..
353	30,941	4,743	1,438	4,881	866	11,928	53,402
..	..	..	..	..	..	..	66,438
3	54	112	57	322	56	547	933
..	..	39	50	168	37	294	398
356	30,995	4,894	1,545	5,371	959	12,769	121,171

*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
..	..	..	..	..	Rs. ..
3,266	3,797	..	..	53,402	1,37,60,321
1,211	..	..	..	66,438	73,58,865
52	304	493	..	933	43,51,410
2	4	390	..	398	1,39,17,092
4,531	4,105	883	..	121,171	3,93,87,688

Cases in the Courts of original jurisdiction in the Central Provinces and year 1935.

(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
3	..	179	10	61	6	84
4,401	1,989	127	18,428	101	14,785	81
7,710	2,285	116	25,830	108	19,511	98
96	76	325	123	133	127	138
21	28	548	15	202	32	130
12,231	4,378	124	44,406	105	34,461	88

pending at the close of the year 1934.

**STATEMENT No. 29.—Showing the general results of the trial of Civil
Berar 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	29	2	..	209
Paid Sub-Divisional Tribunals	3,426	146	9,342	2,136	232
Small Cause Courts	2,616	125	10,942	1,337	142
District Courts other than Chief Courts of districts.	129	315	430	94	429
Chief Courts of districts	69	426	137	33	881
Total	6,241	163	20,853	3,600	196

Cases in the Courts of original jurisdiction in the Central Provinces and year 1935.

(Paragraphs 15—18)—*concl.*

disposed of

On reference to arbitration		By transfer		Pending at the close of the year	Pending for more than a year	Remarks
Number	Average duration	Number	Average duration			
19	20	21	22	23	24	25
..	..	8	77	..	..	
34	393	3,615	130	18,586	1,467	
8	254	545	278	17,101	670	
8	387	272	269	1,054	315	
1	919	34	658	607	279	
51	381	4,474	139	37,348	2,731	

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

Miscellaneous

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 ..	2	..	..	..	2
Paid Sub-Divisional Tribunals ..	3,201	12,743	22	295	16,261
Small Cause Courts ..	1,619	7,396	11	26	9,052
District Courts other than Chief Courts of districts.	522	1,425	8	26	1,981
Chief Courts of districts ..	459	1,371	2	13	1,845
Chief Courts of the Province ..	58	197	..	..	255
Total ..	5,861	23,132	43	360	29,396

Note.—(a) Five cases of contempt of Court under Chapter XXXV
(b) Insolvency petitions are not taken into

Cases in the Courts of original jurisdiction in the Central Provinces and year 1935.

Cases.—(Paragraph 17)

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
..	2	51	..	..	..	..
877	5,485	82	1,208	84	1,635	65
734	3,147	70	718	80	1,074	74
62	547	107	153	123	264	111
70	678	99	60	82	129	106
19	109	88	7	154	1	3
1,762	9,968	81	2,146	85	3,103	74

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

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

Miscellaneous

Class of Tribunal	Numb				
	Compromised		After full trial		
	Number	Average duration	Judgment for plaintiff	Judgment for defendant	Average duration
	14	15	16	17	18
COURTS IN THE INTERIOR					
Unpaid Tribunals ..	..	..	..	..	..
Paid Sub-Divisional Tribunals ..	193	157	2,066	1,423	140
Small Cause Courts ..	72	105	931	596	118
District Courts other than Chief Courts of districts.	23	163	235	157	189
Chief Courts of districts ..	22	197	229	172	204
Chief Courts of the Province ..	..	..	15	23	345
Total ..	310	116	3,476	2,371	145

NOTE.—(a) Five cases of contempt of court under Chapter XXXV of the
(b) Insolvency petitions are not taken into

Cases in the Courts of original jurisdiction in the Central Provinces and year 1935.

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			
19	20	21	22	23	24	25
..	..	..	..	..	..	
4	85	301	63	3,069	67	
..	..	25	48	1,755	16	
..	..	34	137	506	32	
..	..	11	83	474	38	
..	..	..	..	81	8	
4	85	371	69	5,885	161	

Code of Criminal Procedure were disposed of by civil courts during the year. account 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 ..	1,770	3,468	487	5,725
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT				
Chief Court of Province. { Appeals from original decrees ..	463	236	1	700
{ Appeals from appellate decrees ..	1,369	891	1	2,261
Total ..	1,832	1,127	2	2,961
Grand Total ..	3,602	4,595	489	8,686

NOTE.—There were no references under section 27

Courts in the Central Provinces and Berar for the year 1935

Decrees.—(Paragraphs 26—28)

Number of appeals disposed of									Pending at the close of the year	Pending for more than a year	Remarks
Dismissed or not prosecuted		Confirmed	Modified	Reversed	Remanded for retrial	Average duration of appeals in columns 8, 9, 10 and 11	By transfer				
Number	Average duration						Number	Average duration			
6	7	8	9	10	11	12	13	14	15	16	17
383	154	1,655	548	548	330	191	474	157	1,787	88	
65	37	113	37	34	5	725	..	..	446	231	
344	265	374	40	84	23	839	..	..	1,396	612	
409	281	487	77	118	28	809	..	..	1,842	843	
792	220	2,142	625	666	358	307	474	157	3,629	931	

of the Workmen's Compensation Act, 1923.

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

Miscellaneous

Class of Tribunal 1	Number of appeals before the Courts			
	Pending at the beginning of the year 2	Instituted and re-instituted during the year 3	Otherwise received 4	Total 5
COURTS IN THE INTERIOR				
APPEALS FROM ORIGINAL DECREES				
Chief Appellate Courts of districts ..	429	861	129	1,419
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT				
Chief Court of Province. { Appeals from original decrees ..	65	84	2	151
{ Appeals from appellate decrees ..	21	28	..	49
Total ..	86	112	2	200
Grand Total ..	515	973	131	1,619

Courts in the Central Provinces and Berar for the year 1935

Appeals.—(Paragraphs 26—28)

Number of appeals disposed of										Pending at the close of the year	Pending for more than a year	Remarks
Dismissed or not prosecuted		Confirmed	Modified	Reversed	Remanded for retrial	Average duration of appeals in columns 8, 9, 10 and 11	By transfer					
Number	Average duration						Number	Average duration				
6	7	8	9	10	11	12	13	14	15	16	17	
229	105	447	34	175	70	174	132	140	332	14		
32	185	29	4	9	2	340	..	..	75	18		
5	307	9	..	9	1	394	..	..	25	4		
37	201	38	4	18	3	356	..	..	100	22		
266	118	485	38	193	73	188	132	140	432	36		



REPORT
ON THE
JUDICIAL ADMINISTRATION
(CIVIL)
IN THE
CENTRAL PROVINCES AND BERAR
FOR THE
CALENDAR YEAR 1936

NAGPUR
GOVERNMENT PRINTING, C. P. & BERAR
1937

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REPORT ON THE ADMINISTRATION OF CIVIL JUSTICE IN THE CENTRAL PROVINCES AND BERAR DURING THE CALENDAR YEAR 1936

[The figures in brackets denote the corresponding numbers in the previous year.]

A.—TRIBUNALS

High Court.—From the 1st to the 8th January 1936 Statement No. 25 the Court of the Judicial Commissioner, which came into existence with the province itself in 1861, remained the highest Court of the province. On the 9th January it was replaced by a Chartered High Court consisting of a Chief Justice, the Hon'ble Sir Gilbert Stone, and five puisne judges, the Hon'ble Mr. Justice F. L. Grille, the Hon'ble Mr. Justice M. B. Niyogi, the Hon'ble Mr. Justice R. E. Pollock, the Hon'ble Mr. Justice H. G. Gruer and the Hon'ble Mr. Justice Vivian Bose. The Hon'ble Mr. Justice Pollock was on leave from the 30th March to the 17th April 1936 and the Hon'ble Mr. Justice Grille from the 29th June to the 7th August 1936, the posts remaining vacant.

2. **District and Subordinate Courts.**—The number of District Courts, nine, remained unchanged. An addition of one post was made to the cadre of Subordinate Judges consequent on the creation of a second post of Deputy Registrar in the High Court. Towards the end of the year the drop in institutions permitted the keeping vacant of two posts in the cadre of Subordinate Judges, new scale. In addition it was possible to allow a number of Judges to act as Chairmen, Debt Conciliation Boards, in addition to their own duties, and to place the services of one Subordinate Judge at the disposal of the Stamp Department to investigate the leakages of stamp revenue such as that referred to in paragraph 33 of the report for 1934.

3. The number of Tahsildars and Naib-Tahsildars empowered as judges of Civil Courts were 58 [58] and 47 [52] respectively. The majority try only rent suits but in a number of remote places petty money suits are also dealt with.

4. **Additional Courts.**—The Court of the Additional Subordinate Judge, First Class, at Akola was closed from the 12th April 1936 and that of the Second Subordinate

Judge, First Class, at Saugor from the 1st March 1936, the judges so spared being utilized in providing Additional Judges of the First Class at Nagpur and Yeotmal. Additional Subordinate Judges of the Second Class continued throughout the year at Nagpur, Bhandara, Saugor, Khandwa and Malkapur and from the beginning of the year till the 11th August 1936 at Buldana. Additional Courts were provided at Arvi from the 27th April to the 31st December 1936 and at Basim and Daryapur from the 15th June to the 22nd October and the 3rd September 1936, respectively. The Court of the Second Subordinate Judge, Second Class, at Bilaspur was revived with effect from the 15th June 1936.

5. **Linked and touring Courts.**—The linked Court between Khamgaon and Jalgaon was discontinued consequent on the reopening of the Court of the Subordinate Judge, Second Class, Jalgaon, in March 1936, and linked Courts between Amraoti and Chandur and Narsinghpur and Gadawara were introduced which permitted the closing of the Chandur and Gadawara Courts. The system continued to operate between Nagpur and Ramtek, Nagpur and Umrer, Chanda and Wardha, Murwara and Sehora, Multai and Betul and Kelapur and Wun. The Subordinate Judges at Sausar, Baloda-Bazar and Bemetara continued to visit Chhindwara, Raipur and Drug, respectively, for a few days each month. The touring Court system continued at Kamptee, Sakoli, Rehli, Banda, Seoni-Malwa, Lakhnadon, Mahasamund and Mungeli during the year.

6. **Village Panchayat Courts.**—Twenty-seven Village Panchayat Courts were established during the year, 24 in the Central Provinces and 3 in Berar: while 14 were abolished, 12 in the Central Provinces and 2 in Berar. The total number of Courts functioning at the end of the year was 439 in the Central Provinces and 483 in Berar.

7. **Training of officers.**—Mr. S. Bose, I.C.S., was under training as Subordinate Judge throughout the year. Four Subordinate Judges of the Second Class were deputed for magisterial training during the year. Mr. K. V. K. Sundaram, I.C.S., was under training in the Legislative Department of the Government of India from the 1st May to the 28th September 1936 and on deputation to the Government of India, Reforms Department, till the end of the year.

B.—ORIGINAL JURISDICTION

8. Institution of suits.—Institutions under three main heads for the years 1932 to 1936 are given below :—

Statement
No. 27.

	1932	1933	1934	1935	1936
<i>Central Provinces</i>					
1. Suits for money and movable property.	71,062	75,169	60,465	56,072	45,572
2. Suits under the Rent Law.	24,862	28,489	29,312	30,784	32,003
3. Title and other suits..	7,267	7,049	6,432	7,071	6,345
Total ..	103,191	110,707	96,209	93,927	83,920
<i>Berar.</i>					
1. Suits for money and movable property.	29,417	34,901	24,853	21,335	18,046
2. Suits under the Rent Law.	182	237	212	211	206
3. Title and other suits..	4,190	5,167	5,102	5,698	3,323
Total ..	33,789	40,305	30,167	27,244	21,575
Grand Total ..	136,980	151,012	126,376	121,171	105,495
Total excluding suits under the Rent Law in the Central Provinces.	112,118	122,523	97,064	90,387	73,492

Despite a further increase in suits under the Rent Law in the Central Provinces to a figure which is a fresh high record, the total institutions showed a decrease of approximately 13 per cent of the low figures of 1935. The full import of this decrease is indicated by the fact that the institution of suits for money and movable property in the Central Provinces is lower than in any year since 1873, the first year for which statistics are available, while in Berar it is the lowest since 1912. Institutions of title and other suits have not been so low in the Central Provinces since 1884, while in Berar the institutions under this head are the lowest since 1903 prior to which figures are not available.

9. The decrease of suits for money and movable property is shared by all districts the percentage fall ranging from 11 per cent in the Wardha to 24 per cent in the Nimar district and that of title and other suits by all districts except Wardha the percentage fall ranging from 2 per cent in Nimar to 44 per cent in Amraoti. Practically all District Judges mention the general economic depression, the establishment of Debt Conciliation Boards and recent legislation to protect debtors as the three causes of the decrease but they attach varying relative importance to these factors. It is interesting to note that the Raipur civil district which was virtually untouched by Debt Conciliation shows a decrease in suits

other than rent suits of 18 per cent over the 1935 figures which is almost exactly the mean decrease in the Central Provinces while the Wardha civil district, in which Debt Conciliation has been prominent, shows a decrease of only 10 per cent. It has not been possible to discern any direct relationship between the percentage fall and the number of Boards created in individual districts and this suggests that Debt Conciliation is a symptom rather than a root cause of the decrease. The effect of the economic depression cannot be so accurately gauged. In the neighbouring province of Bihar and Orissa the institution of suits other than rent suits in the quinquennium 1931-35 decreased by 2 per cent while in this province the corresponding decrease was 16 per cent. This suggests either that the economic resistance of this province was initially weaker or that the legislation designed to help the debtor in the last few years is an important contributing factor. It is probably that both causes have operated. The effect of the Central Provinces Court Fees Amendment Act, 1935 (XVI of 1935), on the number of institutions is reported to be slight. It is said, however, to have affected the average value considerably as there was a rush to file suits of higher value before the Act was applied and this has seriously affected the number of such suits filed this year. Some support is lent to this by the fact that in the current year the percentage fall in the number of suits valued over Rs. 1,000 is greater than the percentage fall in total institutions while in 1935 the contrary was true.

10. Suits under the Rent Law increased by 4 per cent for the province as a whole, Nagpur, Nimar and Chhindwara registering substantial increases which were partially offset by decreases in Hoshangabad, Wardha and Jubbulpore. The variation in other districts is negligible.

11. Institutions in Village Panchayat Courts.—Institutions in Village Panchayat Courts were 8,709 [8,535] during the year under review. The number for 1936 is 8.2 per cent of the number of institutions in the stipendiary civil Courts. 8,693 [8,309] suits were disposed of during the year. The decrees of Panchayat Courts were cancelled by Deputy Commissioners in 103 [107] cases. These figures exclude statistics of 34 Courts in the Amraoti revenue district.

12. Valuation of suits.—The total and average value of suits instituted during the year were

Rs. 2,38,17,022 [Rs. 3,93,87,688] and Rs. 225 [Rs. 325]. The following table shows the figures for the separate classes of Courts :—

Class of Court	Total value		Average value	
	1935	1936	1935	1936
	Rs.	Rs.	Rs.	Rs.
District Courts ..	1,39,17,092	70,37,112	34,967	28,840
Courts of First Class Subordinate Judges.	43,51,410	23,23,304	4,663	3,796
Courts of Second Class Subordinate Judges.	1,37,60,321	89,92,839	257	179
Small Cause Courts ..	73,58,865	54,63,767	110	100

The total and average value decreased in all districts except Chhindwara where the filing of 4 suits over 1 lakh in value caused an increase both in total and average value. In the Central Provinces the institution of suits over Rs. 1,000 in value fell from 2,680 to 1,875 and in Berar from 2,308 to 962.

13. Distribution of suits.—The number and percentage of suits disposed of by each class of Court in 1935 and 1936 were as follows :—

Statement
No. 29.

Class of Courts	1935		1936	
	Number	Percentage	Number	Percentage
District Courts ..	336	.3	341	.3
Courts of First Class Subordinate Judges.	1,083	.9	1,075	.9
Courts of Second Class Subordinate Judges.	54,563	43.2	54,603	47.9
Small Cause Courts ..	70,239	55.6	57,964	50.9
Total ...	126,221	100.0	113,983	100.0

The number of suits disposed of decreased by 12,238 but it exceeded total institutions by 8,488. The whole of the decrease is contributed by Courts of Small Causes. Indeed, apart from the Small Cause Courts more cases were disposed of in all classes of original Courts than in the preceding years despite the loss in personnel due to the causes indicated in paragraph 2. The disposals of Subordinate Judges of the Second Class show little numerical variation, but as the figures include 32,262 [30,373] rent suits, the disposals of suits other than rent suits show a decrease. Decreased outturn must inevitably follow in time if institutions continue to fall, but the Hon'ble the Chief Justice has taken occasions to impress upon all districts that advantage must be taken of the decreased institutions to diminish pendencies, not disposals. The figures for 1937 will disclose whether this advice has been followed.

14. Durations.—The average durations in days of suits decided by the several classes of Courts during the year under review are given below :—

Average duration of suits decided.

Class of Courts	Year	Without trial	Ex-parte	On admission of claim	Com-promised	After full trial	On re-ference to arbi-tration	By transfer
District Judges .. {	1935	548	202	130	426	933	919	658
	1936	436	314	166	571	656	365	435
Subordinate Judges, {	1935	325	133	138	315	429	387	269
First Class. {	1936	285	133	139	307	357	625	300
Subordinate Judges, {	1935	127	101	81	146	232	393	130
Second Class. {	1936	134	96	74	155	235	374	105
Small Cause Courts.. {	1935	116	108	98	125	142	254	278
	1936	134	101	85	133	141	340	67

It is impossible to say how far these figures have been affected by the disposal of cases stayed by Debt Conciliation Boards. The results show a reduction in the case of contested suits. A greater improvement in the figures for Courts of Small Causes might have been expected in view of the very heavily decreased files there. At the same time it is a matter for favourable comment that cases disposed of after full trial in the highest Courts under review, have had a substantially shorter duration, the decrease being approximately 30 per cent. In the case of Subordinate Judges, First Class, the decrease is approximately 17 per cent.

15. Pending files.—

	1935	1936
Suits at the beginning of the year ..	39,223	37,348
Institutions ..	121,171	105,495
Revived ..	2,887	2,531
Otherwise received ..	4,762	6,699
Total for disposal ..	168,043	152,073
Disposed of—		
By transfer ..	4,474	6,520
Otherwise ..	126,221	113,983
Total disposed of ..	130,695	120,503
Pending at the close of the year ..	37,348	31,570

The pending file at the end of the year was approximately 15.5 per cent lower than at the end of 1935, the decrease being shared by all districts.

16. The number of suits over 6 months fell to 7,519 [9,189] of which 2,716 were stayed under orders of Debt Conciliation Boards. Suits over a year rose to 3,116 [2,731] of which 1,148 were similarly stayed. While recognizing the fact that Debt Conciliation work

necessarily involves an accumulation of old cases, an effort is being made to reduce the pendencies of such cases. Faulty arrangement of work, unnecessary laxity in the grant of adjournments and defective procedure have all operated to maintain the number of long pending cases at a height not justified by the state of work. The Hon'ble the Chief Justice has issued to judges general instructions designed to minimize these acts and expects a substantial improvement to be effected. The figures for 1937 will be carefully watched to see whether these instructions have borne the expected fruit. This expectation is more likely to be fulfilled if District Judges will make inspection notes more helpful to the judges whose Courts are inspected, even though the notes are more critical. The Hon'ble the Chief Justice, as the result of his inspections, has arrived at the conclusion that a considerable number of the Orders and Rules of the Code of Civil Procedure, especially those relating to pleadings (Order 6), examination of parties (Order 10), arguments (Order 17) and hearing (Order 18), designed to clarify cases and expedite their disposal are insufficiently known. In practice substantial departures from the practice laid down by the Code appear to have grown up. Steps have been taken, or are being taken, designed to bring practice into harmony with the scheme of the Code. A preliminary survey has also been made with a view to modifying in some particulars the interlocutory work in Civil Courts. It is anticipated that 1937 will see such modifications introduced in a selected district as an experimental measure.

17. Executions.—Applications for execution before the Court numbered 162,569 [178,052] of which 129,390 [139,182] were disposed of. Applications were wholly infructuous in 57.6 [56.8] per cent of the cases, partly satisfied in 16.1 [17.1] per cent and fully satisfied in 10.0 [10.9] per cent; 16.3 per cent were disposed of by transfer. The amount realized was Rs. , 22,32,467 [Rs. 29,43,213]. Judgment-debtors arrested numbered 2,158 [2,509] of whom 190 [253] were committed to prison. Movable property was sold in 1,211 [1,510] cases and immovable property in 1,853 [2,221]. Increased use is being made of the provision of section 11, Central Provinces Moneylenders Act, 1934 (XIII of 1934), and repayment by instalments is allowed in suitable cases. The rules regarding sale of land by Collectors are reported to be working satisfactorily.

18. **Insolvency.**—The number of insolvency petitions presented during the year by debtors and creditors somewhat surprisingly fell to 1,630 [2,095] and 136 [315] respectively, these being the lowest figures recorded since 1921 and 1923 respectively. The drop does not appear to indicate any lessening of economic pressure but rather follows from the preference evinced by the debtor class for the remedies provided by Debt Conciliation and the Central Provinces Moneylenders Act, 1934 (XIII of 1934). 1,332 [1,778] petitions were disposed of by order of adjudication, 140 [262] were dismissed under section 25, 53 [83] were withdrawn under section 14 and 336 [501] were disposed of by death or default. Orders of adjudication of 2,157 [1,551] insolvents were annulled, 839 [1,154] were discharged absolutely, 161 [327] conditionally, and 109 [69] after the expiry of the period of suspension.

19. **Guardians and Wards Act.**—The number of estates under management and the number relinquished rose to 1,046 [1,031] and 942 [924], respectively, during the year. The District Judges still report that the annual accounts submitted by the guardians are not as complete and accurate as they should be. There was one case of extraordinary delay at Saugor and the District Judge, Jubbulpore, reports that the guardian was fined. The Official Receiver at Amraoti was in charge of 29 estates of minors and received Rs. 1,537-13-0 as remuneration for their management.

20. **Usurious Loans Act.**—The Act of 1918 as amended by the Central Provinces Amending Act, 1934 (XI of 1934), is reported to be applied in all suitable cases.

C.—APPELLATE JURISDICTION

21. **Appeals to Privy Council.**—At the beginning of the year 7 applications for leave to appeal were pending before this Court and 7 new applications were filed during the year. Fourteen applications were pending at the close of the year. One appeal was despatched to England during the year. Of the four appeals pending before the Privy Council against the decision of this Court, two were disposed of during the year, the decision of this Court being affirmed in one instance and reversed in the other.

22. High Court of Judicature at Nagpur.—The table below compares the figures of civil appellate work in the years 1935 and 1936 :—

Statements
Nos. 31 and
32.

	1935			1936		
	Insti- tutions	Dis- posals	Pending	Insti- tutions	Dis- posals	Pending
First Appeals—						
From decrees ..	237	254	446	120	114	452
From orders ..	86	76	75	125	60	140
Letters Patent appeals ..	..	..	..	35	..	35
Second Appeals—						
From decrees ..	892	865	1,396	569	1,010	955
From orders ..	28	24	25	188	48	165
Civil Revisions—						
Revisions under section 25 of the Provincial Small Cause Courts Act.	579	603	371	464	528	307
Other Revisions ..	553	500	340	420	533	227
Total ..	2,375	2,322	2,653	1,921	2,293	2,281

The average duration of First and Second appeals from original and appellate decrees disposed of during the year were 891.6 [634.3] and 560.3 [610.7] respectively. The increase in the duration of First Appeals is probably due to the gradual disposal of long pending cases consequent on the substitution of a Running Cause List system for the Fixed Cause List system.

23. District Courts.—The statement below compares the figures for civil appellate work in the years 1935 and 1936 :—

	1935			1936		
	Insti- tutions	Dis- posals	Pending	Insti- tutions	Dis- posals	Pending
<i>Central Provinces.</i>						
Regular appeals ..	2,436	2,285	1,195	2,469	2,194	1,470
Miscellaneous appeals ..	471	481	189	425	413	201
Total ..	2,907	2,766	1,384	2,894	2,607	1,671
<i>Berar.</i>						
Regular appeals ..	1,045	1,179	592	1,097	1,090	599
Miscellaneous appeals ..	390	477	143	374	341	176
Total ..	1,435	1,656	735	1,471	1,431	775
Grand Total ..	4,342	4,422	2,119	4,365	4,038	2,446

An increase in institution coupled with a decrease in disposals led to a pending file of 2,069 [1,787] regular appeals. Of these 551 were over six months and 149 over one year old. After allowing for the demands of Sessions and other Criminal work the Hon'ble the Chief Justice still considers that the number of long pending appeals is capable of reduction. The average duration of regular civil appeals rose to 167.7 [159.6] in the Central Provinces and fell to 197.3 [240.4] in Berar. The

result of the 3,284 [3,464] regular civil appeals disposed of may be summarized thus—

Summarily dismissed in 2.5 [3.3] per cent, not prosecuted 9.2 [7.8] per cent, decrees confirmed in 49.6 [47.8] per cent, modified in 16.0 [15.8] per cent, reversed in 16.2 [15.8] per cent and cases remanded in 6.5 [9.5] per cent of appeals.

D.—MISCELLANEOUS

24. **Bar.**—The year under report saw a thorough recasting of the structure of the Bar consequent on the creation of High Court. The rules for admission of advocates were liberalized and the long standing division of pleaders into the two grades, First and Second, came to an end. The number of advocates increased to 380 [94] and the total strength of the bar to 2,203 [2,085]. The increase in the Bar coupled with the decrease in institutions has created a considerable strain on the resources of junior practitioners and such help as was possible was provided by relaxing the application of the rules restricting the pursuit of outside avocations by pleaders. There were 8 complaints of professional misconduct, three of which were filed, one ended in a warning to the pleader, three are pending and in one an advocate was suspended from practice from the 30th September to the 31st December 1936.

25. **Copying Branch.**—The total number of sheets filled in by copyists at headquarters of civil districts decreased to 381,240 [391,701]. The fall is shared by Jubbulpore, Hoshangabad and Akola, where the number fell to 57,276 [70,065]. The total number of sheets filled in at all places was 480,609 [485,676].

26. **Records and Record-rooms.**—The elimination of records is everywhere reported to be up to date but rebundling of records is in arrears in East Berar. The re-transfer of records to Saugor referred to in last year's report has only slightly relieved the congestion at Jubbulpore and further transfers are under consideration. The District Judges, Raipur and Hoshangabad, report that rack space is sufficient only for one or two years more.

27. **Working of the Nazarat.**—Ten further posts of process-servers which had been kept vacant were abolished during the year and 52 posts were kept vacant.

The percentage of service of summons and notices ranged from 77 to 81 and that of warrants from 69 to 85. 175 cases of obstruction to service and 29 cases of escape from custody were reported out of which 61 were brought to trial, 37 ended in conviction, 11 in acquittal and the remainder were pending at the close of the year. The district Nazir at Amraoti was found guilty of misappropriation of Government funds amounting to Rs. 343 and was dismissed from service, the whole sum being recovered from him.

28. **Income from process-fees.**—The income from this source during the past four years was as follows :—

	Rs.	a. p.
1933	.. 9,94,602	2 0
1934	.. 8,78,628	4 0
1935	.. 8,08,976	10 0
1936	.. 6,77,691	8 0

The fall in income is mainly due to the fall in institutions and to cases being stayed by Debt Conciliation Boards. A number of District Judges again refer to a tendency of the litigants to produce their witnesses rather than summon them in order to save the expenses on process-fees.

29. **Court Fees Act.**—The income from Court fees realized by the Civil Courts in the last four years was as follows :—

	Rs.	a. p.
1933	.. 37,72,124	13 0
1934	.. 32,00,947	1 0
1935	.. 30,70,092	14 0
1936	.. 24,80,818	7 0

Of the sum realized in 1936 Rs. 1,79,152 was due to the operation of the Central Provinces (Court Fees Amendment) Act, 1935 (XVI of 1935). The effect of this Act is felt most in connection with suits over Rs. 1,000 in value, and the yield from it has been gravely affected by the abnormal drop in institution of suits of this class referred to in paragraph 12.

30. **Buildings.**—The construction of the new High Court building commenced during the year under report. A sum of Rs. 940 only was available for carrying out minor works. No funds were available for carrying out extensions or improvements to Civil Court buildings though in many places these are urgently required. The chief difficulty lies in providing accommodation for the steadily increasing Bar, the situation at Nagpur being especially serious. It is to be hoped that funds will be made available for this purpose during the current year.

31. **Furniture and Libraries.**—Owing to financial stringency very little new furniture was purchased during the year. Revised editions of law books in Court libraries were supplied as far as funds permitted.

32. **Inspections.**—The Hon'ble the Chief Justice inspected the Civil Courts and offices at Chhindwara, Jubbulpore, Amraoti and Khandwa and the Civil Courts at Bhandara, Raipur, Bilaspur, Akola and Buldana. Almost all the regular Civil Courts were inspected by the District and Sessions Judges. The Courts and offices at Jalgaon and Buldana were inspected by Additional District Judges, Khamgaon and Buldana, respectively. The District and Sessions Judge, Chhindwara, could not inspect the Court of the Extra-Subordinate Judge, Second Class, Amarwara, for want of time. The Court of the Additional District Judge, Buldana, remained uninspected owing to illness of the District and Sessions Judge, Akola.

33. **Retirements.**—Mr. F. H. Staples, I.C.S., who proceeded on leave from the 13th September 1935 retired on the 8th July 1936. Mr. G. L. Subhedar, Bar-at-Law, was granted furlough from the 9th January to the 25th April 1936 and was permitted to retire on the expiry of his leave. Rai Bahadur G. B. De and Rao Bahadur G. H. Gokhale, District and Sessions Judges, Mr. G. K. Agarwala, Subordinate Judge (select post), Messrs. P. B. Telang and G. S. Sapre, Subordinate Judges of the First Class, and Mr. Mohammad Inayatulla, Subordinate Judge, Second Class, retired during the year. Mr. V. L. Khare, Subordinate Judge, First Class, died on the 12th April 1936.

34. During the year under review a Companionship of the Order of the Indian Empire was conferred on the Hon'ble Mr. Justice M. B. Niyogi, M.A., LL.M.

G. BURGESS,

Registrar,

High Court of Judicature at Nagpur.

NAGPUR :

The 28th April 1937.

PRESCRIBED STATEMENTS
(CIVIL)

1936

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

Name of Province (1)	Judges of Chief Court of Province (2)	Civil	
		Number of districts (3)	District Judges (4)
Central Provinces (including Berar)	6	9	9 (a)

- (a) Do both civil and criminal work.
 (b) 212 do both civil and criminal work.
 (c) All Panchayat Courts.

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

Name of Province (1)	Number of cases decided		
	Original		Appellate
	Regular (2)	Miscellaneous (3)	Regular (4)
Central Provinces (including Berar).	120,503	21,176	5,078

the number of officers exercising Appellate or Original Civil Jurisdiction in the 31st December 1936—(Paragraphs 2—7).

Other Judges		Remarks		
Stipendiary	Honorary			
(5)	(6)	(7)		
228 (b)	922 (c)	Grades of Judicial Officers	Euro- peans	Indians
		Chief Justice	1	..
		Puisne Judges	3	2
		District Judges	3	6
		Additional District Judges	..	30
		Subordinate Judges, first class	..	..
		Additional Judges to Courts of Subordinate Judges, first class.	..	16
		Judges, Small Cause Courts	..	5
		Subordinate Judges, second class	..	72
		Extra-Subordinate Judges, second class	..	57
		Additional Judges to Courts of extra Subordinate Judges, second class.	..	46
		Additional Judges to Courts of Subordinate Judges, second class.	..	2
		Total	7	236

in the Central Provinces and Berar for the year 1936.

Remarks	
Miscellaneous	
(5)	(6)
528	

**STATEMENT No. 27.—Showing the number and description of Civil Suits
for the year 1936—**

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	8,816	31,870	..	..
Small Cause Courts	54,515	..	..	..
District Courts other than Chief Courts of districts.	236	65	..	..
Chief Courts of districts	51	..	..	..
Total ..	63,618	31,935	..	..

**STATEMENT No. 28.—Showing the number and value of suits
for the year 1936—**

Class of Tribunal (1)	Number			
	Value not exceeding Rs. 10 (2)	Value Rs. 10 to Rs. 50 (3)	Value Rs. 50 to Rs. 100 (4)	Value Rs. 100 to Rs. 500 (5)
COURTS IN THE INTERIOR				
Unpaid Tribunals	..	..	..	..
Paid Sub-Divisional Tribunals	6,799	21,455	8,900	8,630
Small Cause Courts	2,721	21,538	13,254	16,237
District Courts other than Chief Courts of districts.	5	34	19	31
Chief Courts of districts	..	..	..	9
Total ..	9,525	43,027	22,173	24,907

instituted in the Civil Courts in the Central Provinces and Berar (Paragraph 8).

Rent Law		Title and other suits					
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	Grand Total
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
..	..	..	..	..	..	..	..
274	32,144	4,515	1,146	2,797	706	9,164	50,124
..	..	..	..	..	..	..	54,515
..	65	93	87	101	30	311	612
..	..	42	51	50	50	193	244
274	32,209	4,650	1,284	2,948	786	9,668	105,495

instituted in the Civil Courts in the Central Provinces and Berar (Paragraph 12).

of suits 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)
..	..	..	..	..	..
2,194	2,146	..	..	50,124	89,92,839
765	..	..	..	54,515	54,63,767
65	208	250	..	612	23,23,304
2	8	224	1	244	70,37,112
3,026	2,362	474	1	1,05,495	2,38,17,022

**STATEMENT No. 29.—Showing the general results of the trial of Civil
Berar 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 ..	..	..	..	..	..
Paid Sub-Divisional Tribunals ..	18,586	50,124	1,444	4,690	74,844
Small Cause Courts ..	17,101	54,515	1,019	1,415	74,050
District Courts other than Chief Courts of districts.	1,054	612	47	473	2,186
Chief Courts of districts ..	607	244	21	121	993
Total ..	37,348	105,495	2,531	6,699	152,073

Cases in the Courts of original jurisdiction in the Central Provinces and year 1936.

(Paragraphs 13—16)

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)
..	..	..	..	..	..	..
4,306	2,179	134	18,334	96	15,125	74
6,319	2,044	134	20,391	101	15,491	85
75	92	285	106	133	109	139
21	40	436	8	314	27	166
10,721	4,355	137	38,839	99	30,752	80

*STATEMENT No. 29.—Showing the general results of the trial of Civil
Berar 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 ..	..	..	..	..	..
Paid Sub-Divisional Tribunals ..	3,264	155	9,239	2,122	235
Small Cause Courts ..	2,561	133	9,847	1,295	141
District Courts other than Chief Courts of districts.	114	307	458	117	357
Chief Courts of districts ..	69	571	136	37	656
Total ..	6,008	153	19,680	3,571	206

Cases in the Courts of original jurisdiction in the Central Provinces and year 1936.

(Paragraphs 13—16)—*concl'd.*

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)
..	..	..	..	..	..	
34	374	4,608	105	15,633	1,549	
16	340	1,445	67	14,641	869	
4	625	348	300	763	363	
3	365	119	455	533	335	
57	382	6,520	113	31,570	3,116	

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

Miscellaneous

Class of Tribunal	Number of suits before the Courts				
	Pending at the begin- ning 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 ..	3,069	10,476	49	202	13,796
Small Cause Courts ..	1,755	6,555	7	55	8,372
District Courts other than Chief Courts of districts.	506	1,523	4	69	2,102
Chief Courts of districts ..	474	1,424	4	6	1,908
Chief Courts of the Province ..	(a) 116	175	..	..	291
Total ..	5,920	20,153	64	332	26,469

NOTE—(1) Two cases of contempt of Court under Chapter
(2) Insolvency petitions are not taken into account for
(a) Includes 35 miscellaneous petitions pending at the

Cases in the Courts of original jurisdiction in the Central Provinces and year 1936.

31

Cases—(Paragraph 16)

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)
..	..	..	..	..	..	..
860	4,435	80	1,099	84	1,520	64
704	2,696	74	485	75	979	72
87	530	109	123	125	230	77
68	756	86	94	100	111	51
9	131	63	25	76	..	..
1,728	8,548	81	1,826	85	2,840	69

XXXV of the Code of Criminal Procedure were disposed of by Civil Courts during the year. purposes of this statement.
close of the year 1935 which have been classified as miscellaneous civil cases.

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

Miscellaneous

Class of Tribunal	Number of				
	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 ..	150	110	1,732	1,256	47
Small Cause Courts ..	97	87	1,164	651	101
District Courts other than Chief Courts of districts.	38	179	260	165	196
Chief Courts of districts ..	26	229	199	153	203
Chief Courts of the Province ..	..	..	7	6	812
Total ..	311	121	3,362	2,231	123

NOTE.—(1) Two cases of contempt of Court under Chapter XXXV
(2) Insolvency petitions are not taken into account for

Cases in the Courts of original jurisdiction in the Central Provinces and year 1936

Cases—(Paragraph 16)—*concl'd.*

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			
(19)	(20)	(21)	(22)	(23)	(24)	(25)
..	..	..	..	..	..	
..	..	231	78	2,513	65	
..	..	56	36	1,540	14	
1	399	35	142	633	63	
1	405	6	117	494	66	
..	..	..	..	113	47	
2	402	328	79	5,293	255	

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

STATEMENT No. 3r.—Showing the business of the Civil Appellate

Appeals from

Class of Tribunal (1)	Number of appeals before the Courts			
	Pending at the beginning of the year (2)	Instituted and re-instituted during the year (3)	Otherwise received (4)	Total (5)
COURTS IN THE INTERIOR				
APPEALS FROM ORIGINAL DECREES				
Chief Appellate Courts of districts ..	1,787	3,560	676	6,023
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT				
Chief Court of Province. { Appeals from original decrees ..	446	119	1	566
{ Appeals from appellate decrees ..	1,396	569	..	1,965
{ Appeals under the Letters Patent ..	..	35	..	35
Total ..	1,842	723	1	2,566
Grand Total ..	3,629	4,283	677	8,589

NOTE.—There were no references under section 27

Courts in the Central Provinces and Berar for the year 1936

Decrees—(Paragraphs 22—23)

Number of appeals disposed of										Pending at the close of the year	Pending for more than a year	Remarks
Dismissed or not prosecuted		Confirmed	Modified	Reversed	Remanded for retrial	Average duration of appeals in columns 8, 9, 10 and 11	By transfer					
Number	Average duration						Number	Average duration				
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	
383	152	1,628	527	532	214	181	670	175	2,069	149		
39	614	39	22	11	3	1,036	..	..	452	333		
443	260	423	44	75	25	795	..	..	955	567		
..	..	..	..	..	..	..	..	..	35	..		
482	288	462	66	86	28	823	..	..	1,442	900		
865	228	2,090	593	618	242	297	670	175	3,511	1,049		

of the Workmen's Compensation Act, 1923.

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

Miscellaneous

Class of Tribunal (1)	Number of appeals before the Courts			
	Pending at the beginning of the year (2)	Instituted and re-instituted during the year (3)	Otherwise received (4)	Total (5)
COURTS IN THE INTERIOR				
APPEALS FROM ORIGINAL DECREES				
Chief Appellate Courts of districts ..	332	793	72	1,197
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT				
Chief Court of Province. { Appeals from original decrees ..	75	(a) 125	..	(a) 200
{ Appeals from appellate decrees ..	25	188	..	213
Total ..	100	313	..	413
Grand Total ..	432	1,106	72	1,610

(a) Includes two appeals under section 30 of

Courts in the Central Provinces and Berar for the year 1936.

appeals—(Paragraphs 22—23)

Number of appeals disposed of									Pending at the close of the year	Pending for more than a year	Remarks
Dismissed or not prosecuted		Confirmed	Modified	Reversed	Remanded for retrial	Average duration of appeals in columns 8, 9, 10 and 11	By transfer				
Number	Average duration						Number	Average duration			
(5)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
166	113	334	41	152	61	146	66	109	377	24	
48	142	4	1	7	..	411	..	..	(a) 140	41	
41	99	4	..	3	..	427	..	..	165	29	
89	122	8	1	10	..	417	..	..	305	70	
255	116	342	42	162	61	168	66	109	682	94	

the Workmen's Compensation Act, 1923.

GOVERNMENT OF THE
CENTRAL PROVINCES AND BERAR



REPORT
ON THE
JUDICIAL ADMINISTRATION
(CIVIL)
IN THE
CENTRAL PROVINCES & BERAR
FOR THE
CALENDAR YEAR 1937

NAGPUR
GOVERNMENT PRINTING, C. P. & BERAR
1938

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REPORT ON THE ADMINISTRATION OF CIVIL JUSTICE IN THE CENTRAL PROVINCES AND BERAR DURING THE CALENDAR YEAR 1937

[The figures in brackets denote the corresponding numbers in the previous year.]

A.—TRIBUNALS

High Court.—The strength of the High Court was unchanged at six. Sir Gilbert Stone, Bar.-at-Law, Chief Justice, was on leave for twenty-five days with effect from 21st June 1937 during which time the Hon'ble Mr. Justice Grille, Kt., I.C.S., officiated as Chief Justice, The Hon'ble Mr. Justice Niyogi and the Hon'ble Mr. Justice Gruer, I.C.S., were on leave for four months and eleven days with effect from 21st June 1937, Mr. W. R. Puranik, B.A., LL.B., Advocate-General, and Mr. K. G. Digby, Bar.-at-Law, I.C.S., officiating in their absence. Statement No. 25.

2. District and subordinate courts.—The number of District Courts, nine, remained unchanged during the year. Advantage was taken of the reduced pressure on the cadre due to the reduction of institutions to leave unfilled a number of short vacancies in the cadre of Subordinate Judges, First class. Two posts of Subordinate Judges on the new scale were vacant during the latter half of the year. Five officers were deputed to the Revenue Department for service as Chairmen of Debt Conciliation Boards and ten officers were allowed to perform such duties in addition to their own work. In addition the cadre was in effect further reduced below strength throughout the year by reason of a Subordinate Judge officiating in a clear vacancy in the cadre of District and Sessions Judges. The Subordinate Judge, whose services were placed at the disposal of the Stamp Department in 1936, reverted to this department on the termination of his special duty on the 31st July 1937.

3. During the year, 58 [58] Tahsildars and 45 [47] Naib-Tahsildars exercised civil powers. The majority try only rent suits but at a few remote places they also try petty money suits.

4. Additional courts.—Additional Subordinate Judges of the first class were posted during the year at Jubbulpore, Bhandara and Bilaspur, one being made available by keeping vacant the Court of the Subordinate Judge of the first class at Amraoti and two being available against two Subordinate Judges who are members of the Indian Civil Service. The services of the Additional Subordinate Judge of the first class stationed at Hoshangabad since 17th November 1935 terminated on 1st January 1937 and the Court of the Subordinate Judge of

the first class at Narsinghpur was re-opened. Additional Subordinate Judges of the first class continued at Nagpur and at Yeotmal throughout the year with short intervals. Additional Subordinate Judges of the second class continued at Nagpur, Khandwa, Saugor and Malkapur throughout the year, at Bhandara till the 1st April and at Arvi till the 9th October. The Courts of the Second Subordinate Judge, Second class, at Harda and Basim, were vacant from the 5th May and the 16th November, respectively, but the Court of the Second Subordinate Judge, Second class, Gondia, previously vacant was filled from the 15th March to the end of the year.

5. **Linked and Touring Courts.**—An increase in the pending files at Umrer and a decrease in those at Saoner resulted in the breaking of the Nagpur-Umrer link and the establishing of a Nagpur-Saoner link from the 1st April 1937. The linked court system ceased between Sausar and Chhindwara but continued between the other stations listed in last year's report. The touring court system continued at Kamptee, Sakoli, Rehli, Banda, Seoni-Malwa, Lakhnadon, Mahasamund and Mungeli.

6. **Village Panchayat Courts.**—In the Central Provinces 19 village panchayat courts were created and six abolished, while in Berar eight were created and three abolished. The total number of courts functioning at the end of the year was 452 in the Central Provinces and 488 in Berar.

7. **Training of Officers.**—Mr. S. Bose, I.C.S., was under training as Subordinate Judge throughout the year. Four Subordinate Judges of the second class were deputed for Magisterial training during the year.

B.—ORIGINAL JURISDICTION

Statement
No. 27.

8. **Institution of suits.**—Institutions under the three main heads for the years 1933 to 1937 are given below :—

<i>Central Provinces.</i>	1933	1934	1935	1936	1937
1. Suits for money and movable property.	75,169	60,465	56,072	45,572	37,743
2. Suits under the Rent Law ..	28,489	29,312	30,784	32,003	33,659
3. Title and other suits ..	7,049	6,432	7,071	6,345	6,322
Total ..	110,707	96,209	93,927	83,920	77,724
<i>Berar.</i>					
1. Suits for money and movable property.	34,901	24,853	21,335	18,046	15,323
2. Suits under the Rent Law ..	237	212	211	206	218
3. Title and other suits ..	5,167	5,102	5,698	3,323	3,636
Total ..	40,305	30,167	27,244	21,575	19,177
Grand Total ..	151,012	126,376	121,171	105,495	96,901
Total excluding suits under the Rent Law in the Central Provinces	122,523	97,064	90,387	73,492	63,242

The most notable feature of the above figures is the comparative resilience shown by the figures of title and other suits as compared with those of suits for money and movable property. Comparing the figures for the comparatively settled period 1921—1927 with those of the seven lean years 1931—1937, it is found that in the earlier period the institution of both the main classes of suits moved in a comparatively narrow range while in the late period title and other suits only moved in a similarly narrow range, approximately 25 per cent below that of the earlier period, while suits for money and movable property underwent a heavy and disproportionate fall. The fall in title and other suits may be looked on as the normal restriction of litigation in a period of economic stress. If this is so, the disproportionate fall in suits for money and movables may largely be ascribed to the direct effect of recent legislation designed to help the debtor class. In this connection a number of matters merit attention. Of the fall in suits for money and movables 85 per cent in 1936 and 90.5 per cent in 1937 was contributed by Courts of Small Causes. The figures of appellate institution both in the District Courts and in the High Court, to which the simple type of money suits normally make little contribution show only a minor, or no, recession. These figures indicate that the effect of recent debt legislation has been to decrease the credit available for the small man unable to offer convincing security and has had a much slighter effect on transaction underlying other type of suits. In neighbouring provinces, which have shared with this province the burden of economic depression, but which started later, or have not advanced as far, on the road of legislative help for the debtor as the Central Provinces, litigation generally has decreased much as title and other suits have decreased here; but nothing comparable to the phenomenal decline in suits for money and movable property has been witnessed. From these figures it appears that there is little prospect of any substantial revival in suits for money and other property unless and until the creditor class is satisfied that the courts are in a position to enforce claims with reasonable certainty and without excessive legislative interference in favour of the debtor.

9. Institutions in Village Panchayat Courts.—Institutions in village panchayat courts were 7,653 [8,709] during the year under report. The number for 1937 is 7.9 per cent of the number of institutions in the stipendiary civil courts. 7,616 [8,693] suits were disposed of during the year. The decrees of panchayat courts were cancelled by Deputy Commissioners in 175 [103] cases,

Statement
No. 28.

10. Valuation of suits.—The total and average value of suits instituted during the year under review were Rs. 1,98,14,369 [Rs. 2,38,17,022] and Rs. 204 [Rs. 225]. The following table shows the figures for the separate classes of courts:—

Class of Court	Total value		Average value	
	1936 Rs.	1937 Rs.	1936 Rs.	1937 Rs.
District Courts ..	70,37,112	56,62,184	28,840	29,036
Courts of First Class Subordinate Judges.	23,23,304	19,19,980	3,796	3,918
Courts of Second Class Subordinate Judges.	89,92,839	78,59,373	179	153
Small Cause Courts ..	54,63,767	43,72,832	100	97

The total value decreased in all districts and is consequent on the fall in institutions. The average value of suits before all classes of courts except those of Subordinate Judges of the second class shows little variation and the decline in the value of suits before the latter must be held responsible for the general fall in average valuation. This decline is probably due to the increasing proportion of rent suits, normally for a comparatively small amount, included in these figures. In the Berar districts, where rent suits are negligible, the average valuation of suits before Subordinate Judges of the second class is approximately double the provincial average though the average value of suits in other classes of courts varies only slightly from the provincial mean. In the Central Provinces, the institution of suits over Rs. 1,000 fell further to 1,484 [1,875] and in Berar to 789 [962].

11. Durations.—The average durations in days of suits decided by the several classes of courts during the year under review are given below:—

Average duration of suits decided		Class of Courts			
		District Judges	Subordinate Judges, First Class	Subordinate Judges, Second Class	Small Cause Courts
Without trial ..	{ 1936 ..	436	285	134	134
	{ 1937 ..	275	325	137	144
<i>Ex parte</i> ..	{ 1936 ..	314	133	96	101
	{ 1937 ..	279	157	99	96
On admission of claim.	{ 1936 ..	166	139	74	85
	{ 1937 ..	245	145	82	84
Compromised ..	{ 1936 ..	571	307	155	133
	{ 1937 ..	504	329	148	156
After full trial ..	{ 1936 ..	656	357	235	141
	{ 1937 ..	668	445	232	131
On reference to arbitration.	{ 1936 ..	365	625	374	340
	{ 1937 ..	483	728	369	331
By transfer ..	{ 1936 ..	435	300	105	67
	{ 1937 ..	274	182	110	100

There is a considerable improvement in the average duration of suits decided by the chief courts of the districts, but a deterioration in the figures of the Courts of the Subordinate Judges of the first class. As suits affected by the activities of Debt Conciliation Boards are increasing among the disposals of the courts, the figures of

duration tend to become somewhat artificial since duration in such cases is a matter outside the courts' control. It is, however, a matter for favourable comment that the duration of contested suits as a whole fell by 6 per cent in the Province.

12. Disposal of suits.—The number and percentage of suits disposed of by each class of court in 1936 and 1937 were as follows :—

Statement
No. 29.

Class of Courts	1936		1937	
	Number	Percentage	Number	Percentage
District Courts ..	341	.3	298	.3
Courts of First Class Subordinate Judges ..	1,075	.9	709	.7
Courts of Second Class Subordinate Judges ..	54,603	47.9	53,150	52.0
Small Cause Courts ..	57,964	50.9	48,091	47.0
Total ..	113,983	100.0	102,248	100.0

The total number of suits disposed of decreased by 11,735, 84 per cent of which was contributed by the Courts of Small Causes, but it exceeded total institutions by 5,347. The general decrease is shared by all the districts, except Nagpur, which, as in the case of institutions, records a rise. Almost all District Judges explain the decrease as due to the decline in institutions and to the staying of a large number of suits by Debt Conciliation Boards, the District Judge, Jubbulpore, adding that the disposals of the Courts of Subordinate Judges, First Class, have been adversely affected in his district by the exceptionally heavy criminal work. The percentage of contested cases was slightly lower at 19.2 per cent [20.4 per cent].

13. Pending files.—The following figures indicate the state of the pending files :—

	1936	1937
Suits pending at the beginning of the year ..	37,348	31,570
Institutions ..	105,495	96,901
Suits revived ..	2,531	2,324
Otherwise received ..	6,699	4,462
Total for disposal ..	152,073	135,257
Disposed of—		
By transfer ..	6,520	4,183
Otherwise ..	113,983	102,248
Total ..	120,503	106,431
Pending at the close of the year ..	31,570	28,826

The pending file at the end of the year under review was approximately 8.7 per cent lower than that for the preceding year and no less than 43 per cent lower than that of 1933. The decrease was shared by all districts, except Nimar where there was a negligible increase. The number of suits over six months fell to 6,495 [7,519].

of which 2,944 [2,716] were stayed by order of Debt Conciliation Boards. The number of suits over a year was 3,350 [3,116] of which 1,904 [1,148] were similarly stayed. On what may be called the active file of the Judges, i.e., the files excluding suits stayed by Debt Conciliation Boards, cases pending over six months fell to 3,551 [4,798] and those over a year to 1,446 [1,968]. It is to be remembered that a proportion of the suits on the active file are suits previously stayed by Debt Conciliation Boards but in which the stay order has been vacated and such suits increase the number of long pending suits. On the whole the figures indicate a considerable improvement but there is room for further diminution in the number of long pending cases. The number of Miscellaneous Judicial Cases pending at the close of the year was 5,134 [5,293] of which 330 [255] were over a year.

14. Conduct of trials.—District Judges report that the instructions contained in Civil Circular I-5 are generally followed. They also state that there is some improvement in the use of Orders VI, X, XI, XIII, XVII and XVIII of the First Schedule to the Civil Procedure Code and that endeavours are made on all possible occasions to promote the proper use of these orders. The Hon'ble the Chief Justice is satisfied that a certain number of Judges have made a conscientious attempt to follow the practice for the trial of suits as laid down in the Civil Procedure Code rather than the traditional practice involving substantial departures from the Code which appears to have grown up in the Province. On the other hand a number of Judges appear to have made no substantial effort in the matter. The defective procedure followed is largely responsible for excessive durations, and the Hon'ble the Chief Justice has impressed on Judges that a consistent effort must be made by all Judges in the matter. A great deal of help can be obtained by an improvement of the standards of pleading and the Hon'ble the Chief Justice appeals for the co-operation of the Bar in this matter.

15. Executions.—The total number of applications for execution pending before the courts numbered 143,526 [162,569]. Of these 114,334 [129,390] were disposed of, the pending file at the end of the year being 29,192 [33,179]. Applications were wholly infructuous in 57.8 [57.6] per cent of the cases, partly satisfied in 15.8 [16.1] per cent and fully satisfied in 11.1 [10.0] per cent. The figures are particularly unsatisfactory in Nimar where the percentage of wholly infructuous cases was 76 and full satisfaction was obtained in only 6 per

cent. The amount realized was Rs. 20,76,331 [Rs. 22,32,467]. Judgment-debtors arrested numbered 828 [2,158] of whom 30 [190] were committed to prison. The very considerable drop in these figures may be largely ascribed to the operation of the Code of Civil Procedure (Amendment) Act, 1936 (XXI of 1936). Movable property was sold in 1,017 [1,211] cases and immovable property in 1,715 [1,853]. Free use is being made of the provisions of section 11 of the Central Provinces Moneylenders Act, 1934 (XIII of 1934), and repayment by instalment was allowed in all suitable cases.

16. **Insolvency.**—The number of insolvency petitions presented during the year by debtors and creditors declined still further to 979 [1,630] and 91 [136], respectively, these figures being less than one-third of those of the year 1933 and slightly more than one-fourth of those of 1930. As pointed out in last year's report the fall does not indicate a lessening of distress but is consequent on the preference evinced by the debtor class for the remedies provided by the Central Provinces Moneylenders Act, 1934 (XIII of 1934), and the Debt Conciliation Boards. Insolvency carries with it a certain social stigma and legal disabilities and throws the whole of the insolvent's property into the hands of the creditors. In a very large number of cases debtors filed petitions only under the immediate threat of confinement in jail. This threat has been considerably lessened by the amendment of the law relating to imprisonment for debt. Legislation has provided remedies designed to allow the settlement of debts over a period of years and these procrastinatory remedies which at any rate defer the necessity for the plunge into insolvency are being widely availed of. Any substantial increase in insolvency petitions in the near future appears unlikely.

17. Nine hundred and eighty-six [1,332] petitions were disposed of by order of adjudication, 145 [140] were dismissed under section 25, 48 [53] were withdrawn under section 14 and 215 [336] were disposed of by death or default. Orders of adjudication of 1,309 [2,157] insolvents were annulled, 574 [839] were discharged absolutely, 240 [161] conditionally and 109 [103] after the expiry of the period of suspension. The experiment referred to in the report for the year 1935 of concentrating receiverships in the hand of a single member of the Bar was discontinued and the procedure by which these posts were distributed among suitable members of the Bar restored. An audit of the accounts of the Official Receiver, Amraoti, made in December 1937 disclosed a large number of irregularities and the Official

Receiver resigned after the close of the year. One District Judge expresses the opinion that insolvency work is poorly understood and compares unfavourably in quality with other work done. It appears that some Judges have not mastered the intricacies of accounts and lack an adequate agency for managing estates.

18. Guardians and Wards Act.—During the year under report, the number of estates under management and the number relinquished rose to 1,051 [1,046] and 134 [104], respectively, leaving 917 [942] pending at the close of the year. A number of District Judges again report that annual accounts are not submitted by the guardians in time and that when notices are issued for their production they are not as complete and accurate as they should be. Unfortunately most of the estates are too small to bear the cost of audit but it may be a matter for consideration whether it will not in some cases be necessary to employ the services of the Local Audit Department. The Official Receiver at Amraoti was in charge of 25 estates at the close of the year and received Rs. 1,263-6-9 as his remuneration in respect of those estates. The District Judge, Amraoti, is of opinion that the Act requires a thorough revision to remedy what he considers to be the existing inadequate powers of supervision and the lack of sanctions to enforce the orders of the Court.

19. Usurious Loans Act.—The provisions of the Usurious Loans Act, 1918, as amended by the Central Provinces Amending Act, 1934 (XI of 1934), are reported to have been applied by the Courts in all suitable cases and had a salutary effect on creditors who now frequently claim reasonable interest. The Act, once of considerable legislative interest as the sole anti-usury law, has in some of its outstanding provisions been greatly modified by the local anti-usury legislation enacted in the last few years.

20. The Central Provinces Moneylenders Act, 1934 (XIII of 1934).—The Act is reported to be well known and of increasing application, advantage being frequently taken of the provisions of section 11 to allow payment by instalments. There were a few cases in which the provisions of sections 7 and 9 were also applied. The Act is reported to be working satisfactorily in almost all the districts.

21. The Central Provinces Adjustment and Liquidation of Industrial Workers Debt Act (V of 1936).—The Act, which was brought into effect in selected areas from 1st January 1937, was designed to provide a procedure alternative to insolvency for the economic rehabilitation

of the indebted worker. It entails neither the social stigma nor the legal disabilities attaching to insolvency but it results in a proportion of the debtor's assets, which includes income, over a period up to three years, being earmarked for the settlement of debt. It is doubtful if it will, at least for the present, be widely availed of. As with insolvency, the procrastinatory remedies offered by the Central Provinces Moneylenders Act and the Debt Conciliation Act are likely to be more popular. Only 35 petitions under section 3 of the Act were filed—three in the Nagpur and 32 in the Nimar district, none being filed in the other places in which the Act has been applied. All the petitions received were disposed of in Nagpur one by adjudication, one by death or default and one by dismissal under section 14. In the Nimar district only four petitions were disposed of during the year under review, an order of adjudication being passed in one, one being disposed of by death or default and two being dismissed under section 14.

C.—APPELLATE JURISDICTION

22. Appeals to Privy Council.—At the beginning of the year 14 applications for leave to appeal were pending before this Court and 13 new applications were filed during the year. Eighteen applications were pending at the close of the year. The three appeals pending before the Privy Council against the decision of the Judicial Commissioner's Court were disposed of during the year, the decision being modified in one instance and reversed in two.

23. High Court of Judicature at Nagpur.—The table below compares the figures of civil appellate work in the years 1936 and 1937 :—

	1936			1937		
	Insti- tutions	Dispo- sals	Pending	Insti- tutions	Dispo- sals	Pending
First Appeals—						
From decrees ..	120	114	452	161	162	451
From orders ..	125	60	140	150	132	158
Letters Patent appeals ..	35	..	35	16	4	47
Second Appeals—						
From decrees ..	569	1,010	955	832	753	1,034
From orders ..	188	48	165	176	146	195
Civil Revisions—						
Revisions under section 25 of the Provincial Small Cause Courts Act.	464	528	307	454	504	257
Other revisions ..	420	533	227	439	431	235
Total ..	1,921	2,293	2,281	2,228	2,132	2,377

The increase in first appeals threw a heavy strain on the resources of the Court, it being necessary for a portion of the year to have two Civil Division Benches. The decrease in institution in the lower Courts has had no effect

on institution in the High Court which are approximately 16 per cent above those of last year. The average durations of first and second appeals from original and appellate decrees disposed of during the year under review were 991.0 [891.6] and 542.7 [560.3] respectively.

24. Of the 162 appeals from original decrees decided during the year under review, 37 or 22.8 per cent were uncontested. Of 125 decided after contest, in 56 or 44.8 per cent the decrees of the lower Courts were confirmed, in 35 or 28 per cent modified, in 27 or 21.6 per cent reversed, and in 7 or 5.6 per cent the case was remanded. Out of the total number disposed of under this class, 149 appeals were disposed of by a Bench of two or more Judges and 13 by a Judge sitting singly.

25. Of the 753 appeals decided from appellate decrees of the District and Additional District Judges, 237 were summarily dismissed and 87 not prosecuted. Of the 429 contested appeals, the decision in 280 or 65.3 per cent of the cases was confirmed, in 53 or 12.3 per cent was modified and in 77 or 18 per cent was reversed while 19 or 4.4 per cent of the appeals were remanded for retrial. Seventy-eight of these appeals were disposed of by a Bench of two Judges and 675 by a single Judge.

26. Two hundred and seventy-eight appeals were decided from orders, of which 135 were uncontested and 143 contested. Of the contested appeals, orders were confirmed in 86, modified in 8, reversed in 36 and 13 appeals were remanded. Of the appeals decided from orders, 131 were disposed of by a Division Bench and 147 by a Judge sitting singly.

27. Of the four Letters Patent appeals disposed of during the year, two were not prosecuted. Of the two decided after contest, the decision was confirmed in one case and reversed in the other.

28. District Courts.—The statement below compares the figures for civil appellate work in the years 1936 and 1937:—

	1936			1937		
	Institutions	Disposals	Pending	Institutions	Disposals	Pending
<i>Central Provinces</i>						
Regular appeals	.. 2,469	2,194	1,470	2,295	2,544	1,221
Miscellaneous appeals	.. 425	413	201	491	477	215
Total	.. 2,894	2,607	1,671	2,786	3,021	1,436
<i>Berar</i>						
Regular appeals	.. 1,097	1,090	599	916	1,119	396
Miscellaneous appeals	.. 374	341	176	324	419	81
Total	.. 1,471	1,431	775	1,240	1,538	477
Grand Total	.. 4,365	4,038	2,446	4,026	4,559	1,913

Though institutions have fallen, they, as in the case of the institutions in the High Court, have not undergone a fall comparable with that in original jurisdiction. They are in fact higher than in the year 1932 when original institutions, excluding rent suits, were almost double those of 1937. The increase in disposals due to the lesser demands of original work resulted in the lowest pending file since 1932. There were 476 [551] regular appeals pending which were over six months, and 189 regular appeals and 36 miscellaneous appeals over one year, of which 35 were stayed by Debt Conciliation Boards. The average duration of regular civil appeals increased to 182 [167.7] in the Central Provinces and fell to 144.6 [197.3] in Berar. The result of 3,663 [3,284] regular civil appeals disposed of is as follows :—

Summarily dismissed in 2.6 [2.5] per cent, not prosecuted 6.6 [9.2] per cent, decrees confirmed in 51.6 [49.6] per cent, modified in 14.4 [16.0], reversed in 17.1 [16.2] per cent and cases remanded in 7.7 [6.5] per cent of appeals.

D.—MISCELLANEOUS

29. Bar.—The total strength of the Bar further increased to 2,352 [2,203], of whom 409 [380] were Advocates. There were four complaints of professional misconduct against pleaders during the year, of which three resulted in the suspension of the pleaders from practice and in one the pleader was censured.

30. Copying Branch.—The total number of sheets filled in by copyists at headquarters of civil districts further decreased to 362,132 [381,240]. The fall is shared by Wardha, Hoshangabad, Chhindwara, Raipur, Amraoti and Akola. The total number of sheets filled in at all places was 466,288 [480,609]. The fall is due to the fall in litigation. The decrease in work had the effect of reducing section writing charges to Rs. 757 [Rs. 1,320], and a number of posts of copyists were kept vacant.

31. Records and Record-rooms.—The elimination of records is everywhere reported to be up to date. The rebundling of records which was in arrears at Amraoti was finished during the vacation of the year under report. The Jubbulpore Record-room remained congested and there is little hope of providing additional accommodation. In the circumstances the re-opening of the Saugor Record-room was under consideration towards the end of the year and a decision in favour of re-opening was taken after the close of the year. It is possible that other Record-rooms at out-stations will have to be opened in the

near future as accommodation at several district headquarters is approaching saturation and its extension is for financial reasons difficult.

32. Working of the Nazarat.—Five posts of process-servers were abolished during the year under report and 68 posts were kept vacant. The percentage of service of summons and notices ranged from 79 to 84 and that of warrants from 73 to 85. One hundred and eighty-four cases of obstruction to service and eight of escape from custody were reported out of which 69 were brought to trial, 29 ending in conviction, 17 in acquittal and the remainder pending at the close of the year. One process-server was found guilty of misappropriating money to the extent of Rs. 6-10-0, and another of misappropriating Rs. 23-4-0. In both cases the money was recovered. A Sale Amin was found to have held back certain amounts of sale proceeds and was reduced by way of punishment.

33. Income from process-fees.—The income realized from this source during the past four years was as follows :—

	Rs.	a.	p.		Rs.	a.	p.
1934	..	8,78,628	4 0	1935	..	8,08,976	10 0
1936	..	6,77,691	8 0	1937	..	5,82,098	9 0

The steady fall in the income during the last three years is mainly due to the decrease in institutions. A number of District Judges consider a portion of the fall to be due to cases being stayed under certificates of the Debt Conciliation Boards while others refer to the tendency of the litigants to produce their own witnesses in order to save the money required for process-fees. It is possible that these factors have had a certain effect on receipts but it is not likely to be considerable, since the percentage falls in annual income from process-fees do not vary very considerably from the percentage falls in institutions.

34. The Court-fees Act.—The income from Court-fees realized by the Civil Courts in the last four years was as follows :—

	Rs.	a.	p.		Rs.	a.	p.
1934	..	32,00,947	1 0	1935	..	30,70,092	14 0
1936	..	24,80,818	7 0	1937	..	15,31,272	14 0

The fall needs no comments and follows from the fall in institutions coupled with the fall in average value.

35. Buildings.—Work on the new High Court building continued during the year. A sum of Rs. 2,907 was available for carrying out minor works of which Rs. 1,000 was earmarked for preliminary work in connection with construction of a Bar-room at Yeotmal to be completed during the financial year 1938-39. No funds

were available for carrying out extension or improvements to Civil Court buildings though in many places they are urgently required. With the steady increase in the members of the Bar the question of accommodation is becoming more acute. Owing to financial stringency it is unlikely that provincial finances will be in a position to provide accommodation wherever it is necessary and it has been suggested that the various Bar Associations, instead of relying solely on Government, should take steps to help themselves. In pursuance of this suggestion Government has declared its willingness to consider the provision of a site and funds up to 50 per cent of the cost of building in cases where Bar Association will provide the remainder.

36. **Inspections.**—The Hon'ble the Chief Justice inspected the Civil Courts at Wardha, Chanda and Hoshangabad during the year. All the regular Civil Courts were inspected by the District and Sessions Judges. The District Judge, Chhindwara, inspected the Court of the Extra-Subordinate Judge, Second class, Amarwara, which was due for inspection in the preceding year but which remained uninspected. In addition a few District and Sessions Judges inspected the Courts of a few of the Honorary Magistrates in their districts.

37. **Retirements.**—Sir David Mitchell, K.C.I.E., C.S.I., I.C.S., who was on leave preparatory to retirement for one year, six months and twenty-four days with effect from 2nd January 1936 to 25th July 1937 retired at the expiry of his leave. Mr. S. N. Trivedi, Subordinate Judge, First class, and Mr. B. R. Godbole, Subordinate Judge, Second class, retired from service on 16th August 1937 and 13th June 1937, respectively.

38. During the year under review a knighthood was conferred on the Hon'ble Mr. Justice Grille, and the title of Rai Sahib on Mr. Vijaishankar Mehta, Deputy Registrar of this Court.

G. BURGESS,

Registrar,

High Court of Judicature at Nagpur.

NAGPUR :

The 25th April 1938.

PREScribed STATEMENTS
(CIVIL)

1937

**STATEMENT No. 25.—Showing the number of Judicial Divisions and
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)	6	9	9 (a)

(a) Do both civil and criminal work.

(b) 209 do both civil and criminal work.

(c) All Panchayat Courts.

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

Name of Province	Number of cases decided		
	Original		Appellate
	Regular	Miscellaneous	Regular
(1)	(2)	(3)	(4)
Central Provinces (including Berar).	106,431	20,254	5,467

the number of officers exercising Appellate or Original Civil Jurisdiction in the 31st (December 1937—Paragraph 1—7).

Other Judges		Remarks			
Stipendiary	Honorary				
(5)	(6)	(7)			
225 (b)	940 (c)	Grades of Judicial Officers	Euro- peans	Indians	
		Chief Justice	..	1	..
		Puisne Judges	..	3	2
		District Judges	..	3	6
		Additional District Judges	..	1	30
		Subordinate Judges, first class	..	..	..
		Additional Judges to Courts of Subordinate Judges, first class.	..	..	17
		Judges, Small Cause Courts	..	..	5
		Subordinate Judges, second class	..	..	59
		Extra-Subordinate Judges, second class	..	..	57
		Additional Judges to Courts of extra-Subordinate Judges, second class.	..	..	44
		Additional Judges to Courts of Subordinate Judges, second class.	..	..	2
		Total	..	8	232

in the Central Provinces and Berar for the year 1937.

Remarks	
Miscellaneous	(6)
(5)	
1,321	

**STATEMENT No. 27.—Showing the number and description of Civil suits
for the year 1937—**

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 ..	7,855	33,557	..	3
Small Cause Courts ..	44,993	..	..	..
District Courts other than Chief Courts of districts.	180	71	..	..
Chief Courts of districts ..	38	..	..	..
Total ..	53,066	33,628	..	3

**STATEMENT No. 28.—Showing the number and value of suits
for the year 1937—**

Class of Tribunal	Number			
	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 ..	7,231	22,580	9,390	8,524
Small Cause Courts ..	2,467	18,494	10,913	12,442
District Courts other than Chief Courts of districts.	13	25	11	27
Chief Courts of districts ..	..	..	..	8
Total ..	9,711	41,099	20,314	21,001

*instituted in the Civil Courts in the Central Provinces and Berar
(Paragraph 8).*

Rent Law		Title and other suits					
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	Grand Total
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
..	..	..	..	..	..	..	..
246	33,806	4,919	1,060	2,451	1,132	9,562	51,223
..	..	..	..	..	..	..	44,993
..	71	77	62	76	24	239	490
..	..	28	41	46	42	157	195
246	33,877	5,024	1,163	2,573	1,198	9,958	96,901

*instituted in the Civil Courts in the Central Provinces and Berar
(Paragraph 10).*

of suits 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)
..	..	..	..	..	..
1,766	1,732	..	..	51,223	78,59,373
677	..	..	..	44,993	43,72,832
58	122	234	..	490	19,19,980
2	7	177	1	195	56,62,184
2,503	1,861	411	1	96,901	1,98,14,369

**STATEMENT No. 29.—Showing the general results of the trial of civil
Berar 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 ..	..	..	..	..	..
Paid Sub-Divisional Tribunals ..	15,633	51,223	1,388	3,408	71,652
Small Cause Courts ..	14,641	44,993	890	561	61,085
District Courts other than Chief Courts of districts.	763	490	34	329	1,616
Chief Courts of districts ..	533	195	12	164	904
Total ..	31,570	96,901	2,324	4,462	1,35,257

cases in the Courts of original jurisdiction in the Central Provinces and year 1937.

(Paragraphs 11—14).

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)
..	..	..	..	..	..	..
5,313	2,360	137	18,443	99	14,877	82
4,757	2,516	144	16,042	96	13,654	84
55	84	325	77	157	97	145
12	45	275	10	279	10	245
9,137	5,005	143	34,572	98	28,638	83

**STATEMENT No. 29.—Showing the general results of the trial of civil
Suits 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 ..	..	..	..	..	..
Paid Sub-Divisional Tribunals ..	3,086	148	8,121	1,927	232
Small Cause Courts ..	2,016	156	8,037	1,055	131
District Courts other than Chief Courts of districts.	79	329	251	63	44
Chief Courts of districts ..	42	504	139	36	668
Total ..	5,223	157	16,548	3,081	193

cases in the Courts of original jurisdiction in the Central Provinces and year 1937.

(Paragraphs 11—14)—*concl.*

disposed of				Pending at the close of the year	Pending for more than a year	Remark
On reference to arbitration		By transfer				
Number	Average duration	Number	Average duration			
(19)	(20)	(21)	(22)	(23)	(24)	(25)
..	..	..	..	..	..	
23	369	3,194	110	15,308	1,286	
14	331	539	100	12,455	1,498	
3	728	291	182	616	276	
4	483	159	274	447	290	
44	392	4,183	120	28,826	3,350	

**STATEMENT No. 30.—Showing the general results of the trial of civil
Cases for the**

Miscellaneous

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 ..	..	..	..	..	..
Paid Sub-Divisional Tribunals ..	2,513	9,843	34	253	12,643
Small Cause Courts ..	1,540	6,637	15	14	8,206
District Courts other than Chief Courts of districts.	633	1,215	11	98	1,957
Chief Courts of districts ..	494	1,581	3	183	2,261
Chief Courts of the Province ..	113	208 [217—9(a)]	..	..	321
Total ..	5,293	19,484	63	548	25,388

NOTE.—(1) One case of contempt of Court under
was disposed of by Civil
(2) Insolvency petitions are not taken
(a) Wrongly shown as not disposed of
in the monthly

cases in the Courts of original jurisdiction in the Central Provinces and year 1937.

Cases—(Paragraph 13).

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)
..	..	..	..	..	..	..
850	4,077	77	1,008	68	1,305	67
782	2,596	71	461	72	1,059	72
82	423	107	114	133	233	95
71	829	77	121	107	104	86
44	62	111	56	146	6	396
1,829	7,987	78	1,754	78	2,707	73

Chapter XXXV of the Code of Criminal Procedure
 Courts during the year.
 into account for purposes of this statement,
 previously; now adjusted, *vide* Chief Justice's Order, dated the 23rd July 1937,
 note-sheet.

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

Miscellaneous

Class of Tribunal (1)	Number of				
	Compromised		After full trial		
	Number	Average duration	Judgment for plaintiff	Judgment for defendant	Average duration
	(14)	(15)	(16)	(17)	(18)
COURTS IN THE INTERIOR					
Unpaid Tribunals ..	..	..	..	..	..
Paid Sub-Divisional Tribunals ..	161	101	1,516	1,077	126
Small Cause Courts ..	88	84	1,032	578	102
District Courts other than Chief Courts of districts.	26	184	283	161	206
Chief Courts of districts ..	21	217	299	149	203
Chief Courts of the Province ..	3	474	26	16	524
Total ..	299	115	3,156	1,981	135

NOTE.—(1) One case of contempt of Court under Chapter XXXV of the Code of
(2) Insolvency petitions are not taken into account for purposes of

cases in the Courts of original jurisdiction in the Central Provinces and year 1937.

Cases—(Paragraph 13)—concl'd.

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			
(19)	(20)	(21)	(22)	(23)	(24)	(25)
..	..	..	..	..	..	
.	..	242	90	2,407	108	
4	82	11	28	1,595	23	
..	..	132	112	503	72	
..	..	152	116	515	77	
..	..	..	..	114	50	
4	82	537	101	5,134	330	

Criminal Procedure was disposed of by Civil Courts during the year. this statement.

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

Miscellaneous

Class of Tribunal	Number of appeals before the Courts				Dismissed or not prosecuted	
	Pending at the beginning of the year	Instituted and re-instituted during the year	Other-wise received	Total	Number	Average duration
(1)	(2)	(3)	(4)	(5)	(6)	(7)
COURTS IN THE INTERIOR						
APPEALS FROM ORIGINAL DECREES						
Chief Appellate Courts of districts.	377	810	152	1,339	201	89
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT						
CHIEF COURT OF PROVINCE.						
Appeals from original decrees ..	140	(a) 150 [153—3(b)]	..	290	68	314
Appeals from appellate decrees ..	165	176	..	341	67	72
Total ..	305	326	..	631	135	194
Grand Total ..	682	1,136	152	1,970	336	131

(a) Includes three appeals under section 30 of the Workmen's Compensation Act, 1923, out of
 (b) Wrongly shown as not disposed of previously; now adjusted, *vide* Chief Justice's

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 ..	2,069	3,201	895	6,165
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT				
CHIEF COURT OF PROVINCE				
Appeals from original decrees ..	452	(a) 155	6	613
Appeals from appellate decrees ..	955	(b) 832	..	1,787
Appeals under the Letters Patent ..	35	16	..	51
Total ..	1,442	1,003	6	2,451
Grand Total ..	3,511	4,204	901	8,616

NOTE.—There were no references under section 27 of the
 (a) Includes three appeals wrongly shown as disposed of previously;
 (b) Includes three appeals wrongly shown as disposed of previously;

Courts in the Central Provinces and Berar for the year 1937.

Decrees—(Paragraphs 23—28).

Number of appeals disposed of											
Dismissed or not prosecuted		Con- firmed	Modi- fied	Re- versed	Re- mand- ed for retrial	Average duration of appeals in columns 8, 9 10 and 11	By transfer		Pend- ing at the close of the year	Pend- ing for more than a year	Remarks
Num- ber	Aver- age dura- tion						Num- ber	Aver- age dura- tion			
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
337	177	1,86	527	626	284	170	885	154	1,617	189	
37	835	56	35	27	7	1,037	..	..	451	294	
324	180	280	53	77	19	815	..	..	1,034	553	
2	119	1	..	1	..	430	..	..	47	32	
363	247	337	88	105	26	864	..	..	1,532	879	
700	213	2,226	615	731	310	269	885	154	3,149	1,068	

Workmen's Compensation Act, 1923.

now adjusted by Chief Justice's order, dated the 23rd July 1937, in the monthly note-sheet.
now adjusted, *vide* Chief Justice's order mentioned above.

Courts in the Central Provinces and Berar for the year 1937.

appeals—(Paragraphs 23—28).

Number of appeals disposed of									
Con- firmed	Modi- fied	Reversed	Remand- ed for retrial	Average dura- tion 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
					Num- ber	Average dura- tion			
(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
419	28	171	86	137	147	119	296	36	
36	6	17	5	547	..	..	158	51	
50	2	19	8	404	..	..	195	70	
86	8	36	13	468	..	..	353	121	
496	36	207	99	193	147	119	649	157	

which one was dismissed under Order 41, Rule 11, Civil Procedure Code.
order, dated the 23rd July 1937, in the monthly note-sheet.