



REPORT
ON THE
JUDICIAL ADMINISTRATION
(CIVIL)
IN THE
CENTRAL PROVINCES AND BERAR
FOR THE
CALENDAR YEAR 1938

NAGPUR
GOVERNMENT PRINTING, C. P. & BERAR
1939

Agents for the Sale of Publications issued by the Government of the
Central Provinces and Berar

[NOTE.—Appointments of all official Agents in the United Kingdom and on the Continent for the Sale of Government Publications have been terminated with effect from the 1st April 1925. All publications in future are obtainable either direct from the High Commissioner for India, India House, Aldwych, London, W.C. 2, or through any bookseller.]

INDIA

AKOLA

The Proprietor, Shri Ramdas Stores,
Tajnapeeth.

ALLAHABAD

Mr. Ram Narain Lal, Publisher, etc.,
1, Bank Road.
The Superintendent, Nazair Kanun Hind
Press.

AMRAOTI

Thakur & Co., Ltd., Booksellers.

BARODA

Mr. M. C. Kothari, Bookseller & Publisher,
Raopura Road.

BHANDARA

S. S. Dharashivkar, Esq., Opposite Municipal
Water Reservoir.

BILASPUR

Mr. M. A. Subhan, Bookseller & Publisher

BOMBAY

D. B. Taraporevala, Sons & Co., Treasure
House of Books, Taj Building, 210,
Hornby Road, Fort.
Radhabai Atnaram Sagoon.
Sunder Pandurang, 25, Kalbadevi Road.
Thacker & Co., Ltd.
The Proprietors, New Book Co.

CALCUTTA

The Book Company, 4/4-A, College Street.
Butterworth & Co. (India), Ltd., Avenue
House, Post Box No. 251.
The Indian School Supply Depôt.
M. C. Sircar & Sons, 75, Harrison Road.
Newman & Co.
R. Cambay & Co.
S. K. Lahiri & Co.
Thacker, Spink & Co.

CAWNPORE

The Manager, Sampson William & Co.,
127-B, The Mall.

CHHINDWARA

The Proprietor, Verma Book Depôt.

GOOCH BEHAR :

Babu S. C. Taluqdar, Proprietor, Students
& Co.

DELHI

The Oxford Book & Stationery Co.
R. S. Tomara & Sons, Opposite Fort Gate.

JODHPUR

Messrs. B. S. Mathur & Co., Chaturvilas,
Paota, Civil Lines, Jodhpur (Rajputana).

JUBBULPORE

The Manager, Educational Book Depôt.
The Proprietor, Nerbudda Book Depôt.
The Manager, Bhargava Book Co., Pub-
lisher, Booksellers & Stationers.
Radhamohan, Esq., Proprietor, Shyam
Stationery Mart, Andherdeo.

KARACHI

The Standard Bookstall.

KHAMGAON :

Sakalkale Typewriting Institute.

LAHORE

The Punjab Sanskrit Book Depôt.
Rai Sahib M. Gulab Singh & Sons.
Messrs. Careers & Co., Moheni Road.

LUCKNOW

The Proprietor, Newal Kishore Press.
The Upper India Publishing House, Ltd.,
41, Aminabad Park.

MADRAS

Higginbotham & Co.
S. Murthy & Co., Post Box No. 152.
The Proprietor, The City Book Co., Post
Box No. 283.

NAGPUR

Aidan Binzani, Proprietors, Karmavir
Book Depôt, Mahal.
Chiney & Sons, Dhantoli.
G. G. Khot & Sons, Sitabuldi.
Messrs. Shastri & Sons, Walker Road.
The Manager, Educational Book Depôt
The Manager, "The Hitwada".
The Proprietors, Bhisey Brothers, Book-
sellers & Publishers.
Mr. D. M. Dhumal, Proprietor, Provincial
Book Binding Works.
The Manager, Nagpur Law Journal,
Central Law House, Tulsi Bag Road,
Mahal.
Neston Jacques & Co., Kamptee Road.

PATNA

The Patna Law Press Co.
Laxmi Trading Co., Padri-ki-Haveli,
Patna City.

PESHAWAR CANTONMENT

Faqirchand Marwah, Bookseller.

POONA

The Manager, International Book Service,
Deccan Gymkhana Colony.

RAIPUR

The Proprietor, Chaube Printing Works.

RANGOON

The Superintendent, American Baptist
Mission Press.

VELLORE

A. Venkatasubban, Law Bookseller.

YEOTMAL

V. N. Saraswat.
Mr. M. G. Bakshi, Law Books Agent

TABLE OF CONTENTS

	Paragraph	Page
A.—TRIBUNALS		
High Court	.. 1	1
District and Subordinate Courts	.. 2—4	1
Linked and Touring Courts	.. 5	1-2
Additional Courts	.. 6	2
Village Panchayat Courts	.. 7	2
Training of Officers	.. 8	2
B.—ORIGINAL JURISDICTION		
Institution of suits	.. 9	2-3
Institutions in Village Panchayat Courts	.. 10	3
Valuation of suits	.. 11	3
Disposal of suits	.. 12	4
Durations	.. 13	4
Pending files	.. 14-15	5-6
Conduct of trials	.. 16	6
Executions	.. 17	7
Insolvency	.. 18-19	7-8
Guardians and Wards Act	.. 20	8
Usurious Loans Act	.. 21	8
The Central Provinces Moneylenders Act, 1934 (XIII of 1934), and the Central Provinces Reduction of Interest Act.	.. 22	8
The Central Provinces Adjustment and Liquidation of Industrial Workers' Debt Act, 1936 (V of 1936).	.. 23	8
C.—APPELLATE JURISDICTION		
Appeals to Privy Council	.. 24	9
High Court of Judicature at Nagpur	.. 25—27	9-10
District Courts	.. 28-29	10-11
D.—MISCELLANEOUS		
Bar	.. 30	11
Copying Branch	.. 31	11
Records and Record-rooms	.. 32	11
Working of the Nazarat	.. 33	11-12
Income from process-fees	.. 34	12
The Court-fees Act	.. 35-36	12
Buildings	.. 37	12
Inspections	.. 38	13
Casualties	.. 39-40	13

PRESCRIBED STATEMENTS		PAGE
No. 25.—Tribunal Statement ..		ii-iii
„ 26.—Number of civil cases decided ..		<i>ib.</i>
„ 27.—Number and description of suits instituted.		iv-v
„ 28.—Number and value of suits instituted ..		<i>ib.</i>
„ 29.—Result of trials of civil suits ..		vi-vii
„ 30.—Result of trials of Miscellaneous cases ..		viii-ix
„ 31.—Appeals from decrees ..		x-xi
„ 32.—Miscellaneous appeals ..		xii-xiii

REPORT ON THE ADMINISTRATION OF CIVIL JUSTICE IN THE CENTRAL PROVINCES AND BERAR DURING THE CALENDAR YEAR 1938

[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. The Hon'ble the Chief Justice was on leave for twenty-six days with effect from the 20th June 1938 and the Hon'ble Mr. Justice Grille, Kt., I.C.S., officiated as Chief Justice, during that time. The Hon'ble Mr. Justice Pollock, I.C.S., was on leave for four months and one day with effect from the 20th June 1938, during which time Mr. M. N. Clarke, I.C.S., officiated as Puisne Judge. The Hon'ble Mr. Justice Bose, Bar-at-Law, who acted as Chairman of the Bilaspur Enquiry Committee with effect from 9th April 1938, resumed his seat as Puisne Judge, with effect from the afternoon of the 18th July 1938.

Statement
No. 25.

2. District and Subordinate Courts.—The number of District Courts remained unchanged at nine. The system of subordinate courts in the province, which had been found to be insufficiently elastic in the changing circumstances due to a continuous and unprecedented fall in litigation, was revised during the year, the changes involving the abolition of a Judge of the Courts of the Additional District Judge at Nagpur, Amraoti and Akola, and the Courts of Small Causes at Nagpur, Jubbulpore, Khandwa, Amraoti and Akola, established under the Provincial Small Cause Courts Act and their replacement by Courts of a Subordinate Judge of the First Class.

3. The cadre of Subordinate Judges was reduced to 115 (121) by the abolition of two temporary posts of Subordinate Judges and by reduction of the permanent cadre by four. The reduction in the cadre however gives by no means a full idea of the actual restriction of man power. A large number of judges were placed on deputation as Chairmen, Debt Conciliation Boards, Magisterial Assistants, etc., and the number of officers actually employed as Subordinate Judges, which, on 1st January 1938, was 104 (including one I. C. S. officer) had been reduced by the end of the year to 80 of whom two were Chairmen of Debt Conciliation Boards in addition to their own duties.

4. Fifty-eight (58) Tahsildars and 49 (45) Naib-Tahsildars exercised civil powers. Except in a number of isolated places where they try petty money suits their jurisdiction is restricted to rent suits.

5. Linked and Touring Courts.—The drastic reduction in man power referred to in paragraph 3 required the

removal of permanent judges from a number of places. The policy adopted in connection with these removals was to retain the full jurisdiction at such places in the hands of visiting judges in preference to the system of centralising courts adopted in connection with the reductions effected in 1931. This policy is more costly than centralisation but in the opinion of the Hon'ble the Chief Justice the restriction to a minimum of the deprivation of existing facilities for the litigant public makes the additional expense money well spent.

6. Additional Courts.—Additional Judges were supplied at a number of places during the year to remove congestion but the reduced man power made the provision of such help a matter of difficulty towards the end of the year and in some cases left judges to cope with files heavier than they could be expected to handle. This burden was moreover increased by a decision of Government retaining all Subordinate Judges on duty during the civil court vacation for the trial of criminal cases in an effort to remove the congestion created by the abolition of the Honorary Magistrates.

7. Village Panchayat Courts.—In the Central Provinces 26 Village Panchayat Courts were established during the year, while in Berar nine were created and three abolished. The total number of Courts functioning at the end of the year was 478 in the Central Provinces and 494 in Berar.

8. Training of Officers.—Mr. S. Bose, I.C.S., was under training as Subordinate Judge till the 14th April 1938.

B.—ORIGINAL JURISDICTION

9. Institution of suits.—Institutions under the three main heads for the years 1934 to 1938 are given below :—

<i>Central Provinces.</i>	1934	1935	1936	1937	1938
(1) Suits for money and movable property.	60,465	56,072	45,572	37,743	34,406
(2) Suits under the Rent Law	29,312	30,784	32,003	33,659	35,248
(3) Title and other suits ..	6,432	7,071	6,345	6,322	6,450
Total ..	96,209	93,927	83,920	77,724	76,104
<i>Berar.</i>					
(1) Suits for money and movable property.	24,853	21,335	18,046	15,323	13,402
(2) Suits under the Rent Law	212	211	206	218	157
(3) Title and other suits ..	5,102	5,698	3,323	3,636	3,030
Total ..	30,167	27,244	21,575	19,177	16,589
Grand Total ..	126,376	121,171	105,495	96,901	92,693
Total excluding suits under the Rent Law in the Central Provinces.	97,064	90,387	73,492	63,242	57,445

These figures reveal a continuation of the tendency of the last few years referred to in last year's report. While suits for money and movable property and title and other suits both declined the figures of the latter exhibit a greater comparative resilience the fall being 5 per cent as against 10 per cent in the former class. The variation between the two classes is better indicated by the fact that in the period covered by the table above suits for money and movable property declined by 44 per cent while title and other suits declined by 18 per cent. The decrease in suits for money and movable property is shared by all districts except Raipur, the districts most affected being East Berar, Wardha, Hoshangabad and Nimar with drops ranging from over 20 per cent to 18 per cent. The variation in rent suits was uneven, five districts registering an increase and four a decrease. The most notable variation was in Hoshangabad where an increase of 1,725 or 30 per cent over last year's figures was more than the total provincial increase.

10. Institutions in Village Panchayat Courts.—6,671 (7,653) suits were instituted in the Village Panchayat Courts and 6,751 (7,616) were disposed of. The decrees of Panchayat Courts were cancelled by Deputy Commissioners in 128 (175) cases.

11. Valuation of suits.—The total and average value of suits instituted during the year were Rs. 1,76,14,657 (Rs. 1,98,14,369) and Rs. 190 (Rs. 204), respectively. The following table shows the figures for the separate classes of courts :—

Statement
No. 28.

Class of Court	Total value		Average value	
	1937 Rs.	1938 Rs.	1937 Rs.	1938 Rs.
District Courts ..	56,62,184	50,52,358	29,036	27,609
Courts of First Class Subordinate Judges.	19,19,980	19,22,921	3,918	1,398
Courts of Second Class Subordinate Judges.	78,59,373	68,66,399	153	134
Small Cause Courts ..	43,72,832	37,72,979	97	94

In Raipur, the only district with an all round increase in institutions, both total and average value increased. In Jubbulpore and Chhindwara the total and average value increased despite lower institutions owing to the filing of 3 and 1 suits, respectively, of unusually high value. Elsewhere the total and average value decreased. In connection with the decrease in average value it is notable that despite a decrease of 4,208 in the total institution of suits the number of suits valued Rs. 10 and under rose by 1,250. In the Central Provinces the institution of suits over Rs. 1,000 in value fell to 1,431 (1,484) and in Berar to 573 (789).

Statement
No. 29.

12. Disposal of suits.—The number and percentage of suits disposed of by each class of court in 1937 and 1938 were as follows :—

Class of Court	1937		1938	
	Number	Percentage	Number	Percentage
District Courts	298	.3	250	.2
Courts of First Class Subordinate Judges	709	.7	1,243	1.3
Courts of Second Class Subordinate Judges.	53,150	52.0	52,083	54.5
Small Cause Courts	48,091	47.0	42,030	44.0
Total	102,248	100.0	95,606	100.0

The total number of suits disposed of decreased by 6,642 but it exceeded total institutions by 2,913. Ninety-one per cent of the decrease was contributed by Small Cause Courts. The fall is generally ascribed to decreased institutions and the activities of Debt Conciliation Boards, but the decrease in man power referred to in paragraph 3 probably makes other explanation unnecessary. The percentage of contested cases disposed of slightly decreased to 18.4 per cent (19.2 per cent).

13. 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 Court			
		District Judges	Subordinate Judges, First Class	Subordinate Judges, Second Class	Small Cause Courts
Without trial..	{ 1937 ..	275	325	137	144
	{ 1938 ..	446	224	139	165
<i>Ex parte</i>	{ 1937 ..	279	157	99	96
	{ 1938 ..	430	106	99	98
On admission claim.	{ 1937 ..	245	145	82	84
	{ 1938 ..	240	106	86	89
Compromised	{ 1937 ..	504	329	148	156
	{ 1938 ..	444	195	150	150
After full trial	{ 1937 ..	668	445	232	131
	{ 1938 ..	727	329	224	132
On reference arbitration.	{ 1937 ..	483	728	369	331
	{ 1938 ..	470	233	318	224
By transfer	{ 1937 ..	274	182	110	100
	{ 1938 ..	350	139	119	158

There is a considerable improvement in the average duration of suits decided by the Courts of the Subordinate Judge, First Class, but a deterioration in the figures of the District Courts, variation in other courts being considerable.

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

	1937	1938
Suits pending at the beginning of the year ..	31,570	28,826
Institutions	96,901	92,693
Suits revived	2,324	1,723
Otherwise received	4,462	4,887
Total for disposal ..	135,257	128,129
Disposed of—		
By transfer	4,183	4,661
Otherwise	102,248	95,606
Total ..	106,431	100,267
Pending at the close of the year ..	28,826	27,862

Of the pending suits 7,191 are suits for rent leaving a file of 20,671 with the regular judges. The total pending file decreased in all districts except Hoshangabad, Raipur and West Berar and in Hoshangabad the increase is wholly due to Rent suits, the file of regular suits having declined by 192.

15. The position as regards long pending suits is by no means satisfactory. The total number of suits over six months rose to 7,127 (6,495) and over one year fell to 2,834 (3,350). Eliminating suits stayed by Debt Conciliation Board, *i.e.*, suits over which the Civil Courts have no control, the number of suits over six months rose to 5,094 (3,551) and those over a year to 1,509 (1,446) of which 103 (10) are suits for rent. Admitting all the factors that can be urged in defence of these figures, that they probably contain a proportion of cases in which the stay orders of Debt Conciliation Boards have been recently removed and in which there has been insufficient time for disposal, that there is an increasing tendency towards delaying tactics, that there has been a reduction in man power, the figures are still too high. The High Court has, for a considerable time, been instructing District Judges to see that the courts take advantage of falling litigation to dispose of the older suits and that these suits be given preference over more newly instituted cases. The above figures indicate that in general the control of the District Judges has not been completely effective. In Nagpur the District Judge in the latter half of the year took decided action to see that old cases were disposed of. This resulted in a slight set back in disposals but resulted in a reduction in the number of long pending cases, the full extent of which is likely to be noted in the figures for the current year. On the other hand, the figures for

Hoshangabad and West Berar are deplorable. In the former district in which the heavy drop in regular institutions might have been expected to help in permitting the disposing of old cases the total of cases over five years old has risen to 26 which is more than the total for the remaining districts of the Central Provinces. In West Berar in addition to 13 suits over five years there are 217 (164), 119 (59) and 59 (17) suits over one, two and three years, respectively. The figures quoted indicate that the instructions that older suits be given preference are not being obeyed and that in a number of districts the Subordinate Judges prefer to tackle easier and modern cases in order to give better disposals. The experience of the Nagpur district which in the past has not been notorious for early disposals indicate that improvement can be obtained by continuous control by the District Judge.

16. Conduct of trials.—District Judges generally report a slow but steady improvement in the regular courts in following the provisions of Orders VI, X, XIII, XVII and XVIII of the Civil Procedure Code; but the provisions relating to discovery, inspection and interrogatories in Orders XI and XII are still reported to be insufficiently used. The issue during the year of detailed instructions in the volume of Rules and Orders for the subordinate Civil Courts is reported to have been of material help to judges and compliance with these instructions will lead to a general improvement. A number of District Judges report an improvement in the standard of pleadings. The Hon'ble the Chief Justice is not unaware of the difficulties, the members of the Bar have to contend with in the matter of pleadings—the reversal of ideas on pleadings which have become almost traditional, the difficulty of obtaining adequate instructions from illiterate or uneducated client's engagement at a time which does not permit sufficient time to study the case adequately—and it has afforded him great pleasure that some of the District Judges have been able to report as favourably as they have done on the co-operation afforded by the Bar. It is not to be expected that a procedure as to trial and pleadings which has grown up over a period of years will be displaced easily or quickly and any improvement will require continued and unremitting vigilance of the judges and the co-operation of the Bar. The Hon'ble the Chief Justice has noted with pleasure the names of a number of Subordinate Judges brought to his notice in the Annual Report or otherwise who are reported to be making a conscientious effort to improve the existing practice.

17. Executions.—The total number of pending applications for execution fell further to 128,281 (143,526). Of these 102,580 (114,334) were disposed of and 25,701 (29,192) were pending at the close of the year. Applications were wholly infructuous in 55.1 (57.8) per cent of the cases, partly satisfied in 15.1 (15.8) per cent and fully satisfied in 10.1 (11.1) per cent. Nimar records the highest percentage 70.7 (76.0) of applications dismissed as wholly infructuous and lowest percentage 6.3 (6.0) of those satisfied in full. The amount realized was Rs. 17,72,627 (Rs. 20,76,331). Judgment-debtors arrested numbered 216 (828) of whom 11 (30) were committed to prison. The drop in these figures appears to be due partly to the operation of the Code of Civil Procedure (Amendment) Act, 1936 (XXI of 1936), and partly to the temporary postponement of Execution of Decrees Act, 1938 (XVI of 1938). Movable property was sold in 747 (1,017) cases and immovable property in 1,368 (1,715).

18. Insolvency.—The number of insolvency petitions presented during the year by debtors and creditors fell to 626 (979) and 81 (91). The fall shows that the trend referred to in last year's report continues. 591 (986) petitions were disposed of by order of adjudication, 74 (145) were dismissed under section 25, 33 (48) withdrawn under section 14 and 129 (215) were disposed of by death or default. Orders of adjudication of 943 (1,309) insolvents were annulled, 565 (574) insolvents were discharged absolutely, 161 (240) conditionally and 33 (109) after the expiry of the period of suspension. Stricter enforcement of the rules regarding maintenance of proper accounts by receivers appears to be necessary in some districts.

19. As indicated in paragraph 17 of last year's report Khan Bahadur Abdul Kadir resigned his position as Official Receiver, Amraoti, early in the year. Mr. Deshmukh, pleader, was appointed in his place but his services were dispensed with in October when Government directed that the estates be taken over by the Courts. Mr. Deshmukh had not handed over all estates by the end of the year. A surprise audit of accounts in August disclosed irregularities and discrepancies in the accounts and deficit of Rs. 377. Khan Bahadur Abdul Kadir was paid at the rate of Rs. 125 per mensem. Mr. Deshmukh's remuneration was fixed at 3 per cent of the amount realised and available for distribution a rate subsequently raised to 5 per cent. The amount due to Mr. Deshmukh during his term of office was Rs. 380 which averages

Rs. 37-8-0 per mensem. The balance of the Official Receivers Fund which was created only in 1935 stood at Rs. 3,052-6-7 at the end of the year under report. The District Judge, East Berar, reports that the changes during the year have seriously dislocated insolvency work and considers that the scheme of appointing an Official Receiver has been a failure and should not be revived.

20. Guardians and Wards Act.—During the year under report, the number of estates under management and the number relinquished fell to 1,040 (1,051) and 103 (134), respectively, leaving 937 (917) pending at the close of the year. A number of District Judges repeat the perennial complaints as to the failure to produce accounts, unsatisfactory maintenance of accounts and the absence of interest in the proper control of estates. Revision of the Act to meet some of these defects is under consideration.

21. 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.

22. The Central Provinces Moneylenders Act, 1934 (XIII of 1934), and the Central Provinces Reduction of Interest Act.—These Acts which are complementary to the Usurious Loans Act are reported to be applied extensively and to be working satisfactorily. In East Berar the latter Act was applied in 663 cases, the courts acting *suo motu* in 529 cases and the former in 432 cases, the courts acting *suo motu* in 132 of these.

23. The Central Provinces Adjustment and Liquidation of Industrial Workers Debt Act, 1936 (V of 1936).—Twenty-eight (*nil*) applications under section 3 of the Act were pending from the previous year and 14 (35) applications were presented during the year making a total of 42 (35) for disposal. Of these 8 petitions were disposed of by discharge under section 22, 9 by declaration under section 23, 9 by death or default and 9 were dismissed under section 14. Seven petitions were pending at the close of the year. Liquidation proceedings were cancelled under section 34 against 2 encumbered workers and they were pending against 10 at the close of the year. The low institution of the year supports the view, advanced in last year's report that the Act would not be widely used.

C.—APPELLATE JURISDICTION

24. Appeals to Privy Council.—Eighteen applications for leave to appeal were pending at the beginning of the year and eight were filed during the year. Thirteen were disposed of, leave being granted in five cases and refused in eight. One appeal pending at the beginning of the year before the Privy Council against a decision of the Judicial Commissioner's Court mention of which was inadvertently omitted from last year's report was dismissed for want of prosecution. No appeals from decisions of the High Court were decided during the year.

25. High Court of Judicature at Nagpur.—The table below compares the figures of civil appellate work in the years 1937 and 1938:—

Statements
Nos. 31 and
32.

	1937			1938		
	Institutions	Disposals	Pending	Institutions	Disposals	Pending
First Appeals—						
From Decrees	.. 161	162	451	138	116	473
From Orders	.. 150	132	158	151	58	251
Letters Patent appeals	.. 16	4	47	43	22	68
Second Appeals—						
From Decrees	.. 832	753	1,034	755	640	1,149
From Orders	.. 176	146	195	151	175	171
Civil Revisions—						
Revisions under section 25 of the Provincial Small Cause Courts Act.	.. 454	504	257	400	406	251
Other revisions	.. 439	431	235	478	408	305
Total	.. 2,228	2,132	2,377	2,116	1,825	2,668

The average durations of first and second appeals disposed of were 1,027.0 (991.0) and 600.4 (542.7) respectively, the increase is due to preference given to appeals from, or applications for revision of, interlocutory orders which have the effect of delaying cases in the lower Courts. By the end of the year all civil revisions filed prior to 1937 had been disposed of but a number of first appeals of 1935 were undisposed of.

26. One hundred and twenty first appeals from original decrees or orders, 427 appeals from appellate decrees, 103 second appeals from orders, 497 revisions and 21 Letters Patent appeals were disposed of after contest. The following table shows the manner of disposal by percentage:—

	First Appeals	Second Appeals	Second Appeals from orders	Revisions	Letters Patent appeals
Decisions—					
Confirmed	.. 53.3	64.6	52.4	56.5	71.4
Modified	.. 24.2	12.4	4.9	8.7	9.5
Reversed	.. 17.5	19.0	34.0	24.3	19.1
Remanded	.. 5.0	4.0	8.7	10.5	0.0
Total	.. 100.0	100.0	100.0	100.0	100.0

27. The following table shows the civil appeals and revisions disposed of by Single and Division Benches respectively :—

	Single Bench	Division Bench
First Appeals—		
From Decrees ..	10	106
From Orders ..	37	21
Letters Patent appeals ..	..	22
Second Appeals—		
From Decrees ..	590	50
From Orders ..	121	54
Civil Revisions—		
Revisions under section 25 of the Provincial Small Cause Courts Act.	406	..
Other revisions ..	395	13
Total ..	1,559	266

28. District Courts.—The statement below compares the figures for civil appellate work in the years 1937 and 1938 :—

	1937			1938		
	Institutions	Disposals	Pending	Institutions	Disposals	Pending
<i>Central Provinces.</i>						
Regular appeals ..	2,295	2,544	1,221	2,066	2,302	981
Miscellaneous appeals ..	491	477	215	411	481	146
Total ..	2,786	3,021	1,436	2,477	2,783	1,127
<i>Berar.</i>						
Regular appeals ..	916	1,119	396	766	837	329
Miscellaneous appeals ..	324	419	81	260	267	73
Total ..	1,240	1,538	477	1,026	1,104	402
Grand Total ..	4,026	4,559	1,913	3,503	3,887	1,529

Institutions decreased by 13 per cent and disposals by 14.7 per cent. The fall in institution was shared by all districts but was most notable in the East Berar and Nimar districts. There were 286 (476) regular and 31 (81) miscellaneous appeals pending over six months. Eighty-five (189) regular and 10 (36) miscellaneous appeals were pending over a year, of which 31 (35) were stayed by orders of Debt Conciliation Boards. Improvement is most notable in the Nagpur and Jubbulpore districts. As in the case of original work Hoshangabad attracts undesirable notice there being 16 appeals over one year and five over two years of a pending file of 114

appeals. The average duration of regular civil appeals fell to 169.6 (182.0) in the Central Provinces and increased to 152.3 (144.6) in Berar. Of the 3,139 (3,663) regular civil appeals disposed of during the year 2.7 (2.6) per cent were summarily dismissed, 7.2 (6.6) per cent not prosecuted, decrees confirmed in 48.5 (51.6) per cent, modified in 17.5 (14.4) per cent, reversed in 17.0 (17.1) per cent and cases remanded in 7.1 (7.7) per cent of the appeals.

29. The Hon'ble the Chief Justice would impress on judges the desirability of expeditious disposal of miscellaneous appeals which delay the decision of cases in lower Courts. The duration figures indicate that the point is not fully appreciated.

D.—MISCELLANEOUS

30. Bar.—For the first time since 1921 a decrease in the strength of the Bar to 2,345 (2,352) of whom 419 (409) were Advocates, is to be recorded. The number of persons admitted as pleaders was 133 (173). There were four complaints of professional misconduct against pleaders during the year of which one resulted in the suspension of the pleader from practice, one was rejected and two complaints were pending at the close of the year.

31. Copying Branch.—The work in the branch decreased with decreasing litigation the number of sheets filled in at headquarters of civil districts and outstations being, respectively, 341,733 (362,132) and 441,126 (466,288). Rs. 468 was spent on section-writing during the year. Durations at Jubbulpore, Saugor, Chhindwara and Raipur increased due to preference over ordinary work given to the preparation of copies of commitment proceedings and of Police Case diaries applied for by defence counsel.

32. Records and Record-rooms.—The elimination of records is everywhere reported to be up to date except in respect of papers of File A-I from the records of Class I pertaining to the period prior to August 1926 at Raipur. To remove congestion in the Record-room at Jubbulpore, the Record-room at Saugor which was closed in 1932 was re-opened with effect from the 6th May 1938.

33. Working of the Nazarat.—Forty-three posts of process-servers were abolished during the year and 115 posts kept vacant. The percentage of service of summons and notices ranged from 79 to 85 and that of warrants from 72 to 86. One hundred and thirty-seven

cases of obstruction to service were reported out of which 53 were brought to trial. Twenty ended in conviction, eight in acquittal, one in discharge and the remainder were pending at the end of the year. An officiating process-server of Bilaspur was found guilty of misappropriating two items of Rs. 6-10-0 and Rs. 5 and was sentenced to six months' rigorous imprisonment.

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

	Rs.	a.	p.		Rs.	a.	p.
1935 ..	8,08,976	10	0	1937 ..	5,82,098	9	0
1936 ..	6,77,691	8	0	1938 ..	4,98,670	2	0

The income decreased by about 14 per cent of last year's figures, the decrease being shared by all districts.

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

	Rs.	a.	p.		Rs.	a.	p.
1935 ..	30,70,092	14	0	1937 ..	15,31,272	14	0
1936 ..	24,80,818	7	0	1938 ..	13,47,014	6	0

During the year a system of inspection of the records of Courts by the Inspectors of Registration Offices was introduced. A perusal of the inspection notes recorded by these officers corroborates the statement in paragraph 9 of the Instructions under the Court-fees Act and the Stamp Act issued by the High Court on the 10th November 1937 and printed as Appendix II to Chapter 22 of the Volume of Rules and Orders that the leakage of revenue is mainly under the head of exhibits. The Hon'ble the Chief Justice again draws the attention of all judges to the necessity of following the directions given in this respect. In a number of Courts the notes revealed defective cancellation of Court-fee stamps and this matter requires continued vigilance.

36. The reader of the First Subordinate Judge, Second Class, Akola, was found guilty of an offence under section 409, Indian Penal Code, and sentenced to nine months' rigorous imprisonment. The *modus operandi* was to remove unpunched Court-fee stamps from one record and use them in another.

37. **Buildings.**—Work on the new High Court building is in progress. A sum of Rs. 7,000 was available for minor works of which Rs. 5,000 were earmarked for construction of a bar-room at Yeotmal. No funds are available for carrying out extensions to Civil Court buildings though in many places they are urgently required.

38. **Inspections.**—The Hon'ble the Chief Justice visited Seoni, Jubbulpore, Damoh, Saugor, Narsinghpur and Chhindwara, during the year and the Hon'ble Mr. Justice Grille, Kt., I.C.S., the Civil Courts at Raipur, Drug, Bemetara, Baloda-Bazar and Mahasamund. All Civil Courts and offices due for inspection were inspected by the District and Sessions Judges.

39. **Casualties.**—Messrs. S. C. Chakrabarti, J. E. Solomon and S. R. Dashottar, Subordinate Judges, First Class, and Mr. R. R. Tipnis, Subordinate Judge, Second Class, retired from service during the year 1938. The Hon'ble the Chief Justice records with regret the tragic death of Mr. S. Bose, I.C.S., under training as Subordinate Judge, on the 14th April. This officer had revealed during his service in the department high judicial promise and his sudden death on the eve of his first officiation as District Judge was a severe loss. Rai Sahib Vijaishankar Mehta, Deputy Registrar of this Court, retired on the 22nd March 1938 after 31 years' unremitting faithful service in the Court.

40. During the year under review the titles of Rao Bahadur and Rao Sahib were conferred on Messrs. Balkrishna Shamrao Pharaskhanewala, District and Sessions Judge, Wardha, and Vishnu Ramchandra Bhagwat, Clerk of Court, District and Sessions Judge's Office, Amraoti, respectively.

G. BURGESS,

Registrar,

High Court of Judicature.

NAGPUR :

The 25th April 1939.

PRESCRIBED STATEMENTS (CIVIL)
1938

STATEMENT No. 25.—SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND JURISDICTION IN THE CENTRAL PROVINCES AND

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) and (b) Do both civil and criminal work.

(c) All Panchayat Courts.

STATEMENT No. 26.—SHOWING THE NUMBER OF CIVIL CASES DECIDED IN

Name of Province (1)	Number of cases decided		
	Original		Appellate
	Regular (2)	Miscellaneous (3)	Regular (4)
Central Provinces (including Berar).	100,267	17,771	1,662

THE NUMBER OF OFFICERS EXERCISING APPELLATE OR ORIGINAL CIVIL
 BERAR ON THE 31ST DECEMBER 1938—(Paragraphs 1—8).

Other Judges		Remarks		
Stipendiary	Honorary			
(5)	(6)		(7)	
		Grades of Judicial Officers	Euro- peans	Indians
205 (b)	972(c)	Chief Justice	.. 1	..
		Puisne Judges	.. 3	2
		District Judges	.. 3	6
		Additional District Judges	.. ..	32
		Subordinate Judges, first class	.. ..	1
		Additional Judges to Courts of Subordinate Judges, first class.	.. ..	17
		Judges, Small Cause Courts	.. ..	..
		Subordinate Judges, second class	.. ..	48
		Extra-Subordinate Judges, second class	.. ..	57
		Additional Judges to Courts of extra Sub- ordinate Judges, second class.	.. ..	48
		Additional Judges to Courts of Subordinate Judges, second class.	.. ..	2
		Total	.. 7	213

THE COURTS IN THE CENTRAL PROVINCES AND BERAR FOR THE YEAR 1938

Miscellaneous	Remarks
(5)	(6)
1,052	

STATEMENT No. 27.—SHOWING THE NUMBER AND DESCRIPTION OF CIVIL AND BERAR FOR THE YEAR

Class of Tribunal	Suits under the			
	Suits for money or movable property	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	.. 7,077	35,113	2	6
Small Cause Courts	.. 40,079	..	..	..
District Courts other than Chief Courts of districts	606	121	..	..
Chief Courts of districts	.. 46	..	..	..
Total	.. 47,808	35,234	2	6

STATEMENT No. 28.—SHOWING THE NUMBER AND VALUE OF SUITS BERAR FOR THE YEAR

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	.. 8,312	22,863	9,145	7,921
Small Cause Courts	.. 2,602	17,079	9,431	10,295
District Courts other than Chief Courts of districts.	47	300	190	334
Chief Courts of districts	.. ..	..	..	5
Total	.. 10,961	40,242	18,766	18,555

SUITS INSTITUTED IN THE CIVIL COURTS IN THE CENTRAL PROVINCES
1938—(Paragraph 9).

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)
..
163	35,284	4,790	930	2,071	904	8,695	51,056
..	..	..	..	..	..	..	40,079
..	121	285	91	178	94	648	1,375
..	..	43	23	34	37	137	183
163	35,405	5,118	1,044	2,283	1,035	9,480	92,693

INSTITUTED IN THE CIVIL COURTS IN THE CENTRAL PROVINCES AND
1938—(Paragraph 11).

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)
					Rs.
..
1,368	1,447	..	..	51,056	68,66,399
672	..	..	..	40,079	37,72,979
123	183	198	..	1,375	19,22,921
2	3	170	3	183	50,52,358
2,165	1,633	368	3	92,693	1,76,14,657

STATEMENT No. 29.—SHOWING THE GENERAL RESULTS OF THE TRIAL OF PROVINCES AND BERAR

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	.. 15,308	51,056	1,116	2,882	70,362
Small Cause Courts	.. 12,455	40,079	564	1,202	54,300
District Courts other than Chief Courts of districts.	616	1,375	35	720	2,746
Chief Courts of districts	.. 447	183	8	83	721
Total	.. 28,826	92,693	1,723	4,887	1,28,129

STATEMENT No. 29.—SHOWING THE GENERAL RESULTS OF THE TRIAL OF PROVINCES AND BERAR

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	.. 3,084	150	7,338	1,659	224
Small Cause Courts	.. 2,048	150	6,934	982	132
District Courts other than Chief Courts of districts.	175	195	416	84	329
Chief Courts of districts	.. 43	444	106	41	727
Total	.. 5,350	154	14,794	2,766	190

CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE CENTRAL
FOR THE YEAR 1938

(Paragraphs 12—16)

Under Order IX, Rule 3, and Order IX, rule 8, where the defendant does not admit the claim	Number of suits disposed of					
	Without trial		<i>Ex parte</i>		On admission of claim	
	Otherwise	Average duration	Number	Average duration	Number	Average duration
(7)	(8)	(9)	(10)	(11)	(12)	(13)
..
3,895	2,075	139	18,966	99	15,048	86
4,266	2,266	165	13,293	98	12,232	89
88	106	224	147	106	223	106
13	25	446	6	430	13	240
<u>8,262</u>	<u>4,472</u>	<u>155</u>	<u>32,412</u>	<u>99</u>	<u>27,516</u>	<u>88</u>

CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE CENTRAL
FOR THE YEAR 1938.

(Paragraphs 12—16)—*concl'd.*

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)
..	
18	318	3,308	119	14,971	1,120	
9	224	1,177	158	11,093	1,107	
4	233	94	139	1,409	372	
3	470	82	350	389	235	
<u>34</u>	<u>296</u>	<u>4,661</u>	<u>133</u>	<u>27,862</u>	<u>2,834</u>	

**STATEMENT No. 30.—SHOWING THE GENERAL RESULTS OF THE TRIAL OF CIVIL
CASES AND BERAR**
Miscellaneous

Class of Tribunal	Number of cases before the Courts					Total
	Pending at the beginning of the year	Instituted during the year	Revived during the year	Otherwise received		
(1)	(2)	(3)	(4)	(5)	(6)	
COURTS IN THE INTERIOR						
Unpaid Tribunals
Paid Sub-Divisional Tribunals	..	2,407	7,763	25	213	10,408
Small Cause Courts	..	1,595	5,469	6	171	7,241
District Courts other than Chief Courts of districts.	..	503	1,433	5	272	2,213
Chief Courts of districts	..	515	1,431	3	68	2,017
Chief Courts of the Province	..	114	173	2	..	289
Total	..	5,134	16,269	41	724	22,168

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

**STATEMENT No. 30.—SHOWING THE GENERAL RESULTS OF THE TRIAL OF
PROVINCES AND BERAR FOR**
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	..	139	123	1,227	843	139
Small Cause Courts	..	117	108	747	402	111
District Courts other than Chief Courts of districts.	..	41	234	262	141	184
Chief Courts of districts	..	24	148	259	151	200
Chief Courts of the Province	25	39	487
Total	..	321	133	2,520	1,576	147

NOTES.—(1) Five cases 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 PROV-
FOR THE YEAR 1938.

Cases

Under Order IX, Rule 3 and Order IX, rule 8, where the defendant does not admit the claim	Number of cases disposed of					
	Without trial		<i>Ex parte</i>		On admission of claim	
	Otherwise	Average duration	Number	Average duration	Number	Average duration
(7)	(8)	(9)	(10)	(11)	(12)	(13)
787	3,475	84	782	77	940	70
845	2,517	84	332	80	819	80
112	575	116	87	95	220	86
68	655	104	87	121	220	100
46	36	80	32	86	..	..
1,858	7,258	88	1,320	82	2,199	78

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

CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE CENTRAL THE YEAR 1938.

Cases—concl'd.

cases 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)
..	
..	..	382	93	1,833	83	
..	..	171	46	1,291	22	
..	..	98	56	677	106	
..	..	68	108	485	96	
..	111	48	
..	..	719	78	4,397	355	

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

STATEMENT No. 31.—SHOWING THE BUSINESS OF THE CIVIL APPELLATE

Appeals from

Number of appeals before the Courts

Class of Tribunal	Number of appeals before the Courts				Total
	Pending at the beginning of the year	Instituted and re-instituted during the year	Otherwise received		
(1)	(2)	(3)	(4)	(5)	
COURTS IN THE INTERIOR					
Appeals From Original Decrees					
Chief Appellate Courts of districts	.. 1,617	2,827	690	5,134	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT					
<i>Chief Court of Province</i>					
Appeals from original decrees	.. 451	138	..	589	
Appeals from appellate decrees	.. 1,034	755	..	1,789	
Appeals under the Letters Patent	.. 47	43	..	90	
Total	.. 1,532	936	..	2,468	
Grand Total	.. 3,149	3,763	690	7,602	

NOTE.—There were no references under section 27 of the

COURTS IN THE CENTRAL PROVINCES AND BERAR FOR THE YEAR 1938

Decrees—(Paragraphs 25—28)

Numbr of appeals disposed of

Numbr of appeals disposed of											Remarks
Dismissed or not prosecuted							By transfer				
Number	Average duration	Confirmed	Modified	Reversed	Remanded for retrial	Average duration of appeals in columns 8, 9, 10 and 11	Number	Average duration	Pending at the close of the year	Pending for more than a year	
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
312	145	1,524	551	532	220	167	685	134	1,310	85	
27	840	43	28	13	5	1,084	..	..	473	340	
213	180	276	53	81	17	810	..	..	1,149	536	
1	616	15	2	4	..	735	..	..	68	25	
241	256	334	83	98	22	853	..	..	1,690	901	
553	193	1,858	634	630	242	277	685	134	3,000	986	

Workmen's Compensation Act, 1923.

STATEMENT No. 32.—SHOWING THE BUSINESS OF THE CIVIL APPELLATE

Class of Tribunal	Number of appeals before the Courts				Miscellaneous	
	Pending at the beginning of the year	Instituted and re-instituted during the year	Other wise received	Total	Number	
					Dismissed or not prosecuted	Average duration
(1)	(2)	(3)	(4)	(5)	(6)	(7)

COURTS IN THE INTERIOR

Appeals From Original Decrees

Chief Appellate Courts of districts	296	668	74	1,038	160	108
-------------------------------------	-----	-----	----	-------	-----	-----

COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT

Chief Court of Province

Appeals from original decrees ..	158	151 (a)	..	309 (b)	27	187
Appeals from appellate decrees ..	195	151	..	346	72	169
Total ..	353	302	..	655	99	174
Grand Total ..	649	970	74	1,693	259	133

NOTE.—(a) Includes four appeals under section 30 of the Workmen's Compensation Act, 1923, of (b) Includes six appeals under section

COURTS IN THE CENTRAL PROVINCES AND BERAR FOR THE YEAR 1938

appeals—(Paragraphs 25—29)

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)
329	55	135	69	148	71	96	219	10	
21	1	8	1	646	..	..	251	131	
54	5	35	9	559	..	..	171	57	
75	6	43	10	579	..	..	422	188	
404	61	178	79	228	71	96	641	198	

30 of the Workmen's Compensation Act, 1923.
which three were disposed of—two by dismissal and one by remand for retrial.



REPORT
ON THE
JUDICIAL ADMINISTRATION
(CIVIL)
IN THE
CENTRAL PROVINCES & BERAR
FOR THE
CALENDAR YEAR 1939

NAGPUR
GOVERNMENT PRINTING, C P & BERAR
1940

**Agents for the sale of Publications issued by the Government of the
Central Provinces and Berar**

[NOTE.—Appointments of all official Agents in the United Kingdom and on the Continent for the Sale of Government Publications have been terminated with effect from the 1st April 1925. All publications in future are obtainable either direct from the High Commissioner for India, India House, Aldwych, London, W.C. 2, or through any bookseller.]

INDIA

AKOLA

The Proprietor, Shri Ramdas Stores,
Tajnapeth.

ALIGARH

The Manager, Rama Book Depôt, Uni-
versity Book-sellers, etc., Sarai
Hakim.

ALLAHABAD

Mr. Ram Narain Lal, Publisher, etc.,
1, Bank Road.
The Superintendent, Nazair Kanun Hind
Press.

AMRAOTI

Thakur & Co., Ltd., Booksellers.

BARODA

Mr. M. C. Kothari, Bookseller & Publisher,
Raopura Road.

BHANDARA

S. S. Dharashivkar, Esq., Opposite Municip-
al Water Reservoir.

BILASPUR

Mr. M. A. Subhan, Bookseller & Publisher.

BOMBAY

D. B. Taraporevala, Sons & Co., Treasure
House of Books, Taj Building, 210,
Hornby Road, Fort.
Radhabai Atmaram Sagoon.
Sunder Pandurang, 25, Kalbadevi Road.
Thacker & Co., Ltd.
The Proprietors, New Book Co.

CALCUTTA

The Book Company, 4/4-A, College Street.
Butterworth & Co. (India), Ltd., Avenue
House, Post Box No. 251.
The Indian School Supply Depôt.
M. C. Sircar & Sons, 75, Harrison Road.
Newman & Co.
R. Cambay & Co.
S. K. Lahiri & Co.
Thacker, Spink & Co.

GHINDWARA

Mr. Mannilal Ganesh Prasad Gupta,
General Merchant and Bookseller.
The Proprietor, Verma Book Depôt.

COOCH BEHAR

Babu S. C. Taluqdar, Proprietor, Students
& Co.

DELHI

The Oxford Book & Stationery Co.

JODHPUR

Messrs B. S. Mathur & Co., Chaturvilas,
Paota, Civil Lines, Jodhpur (Rajputana).

JUBBULPORE

The Manager, Educational Book Depôt.
The Proprietor, Nerbudda Book Depôt.
The Manager, Bhargava Book Co., Pub-
lishers, Booksellers & Stationers.
Radhamohan. Esq., Proprietor, Shyam.
Stationery Mart, Andherdeo.

KARACHI

The Standard Bookstall.

KHAMGAON

Sakalkale Typewriting Institute.

LAHORE

The Punjab Sanskrit Book Depôt.
Rai Sahib M. Gulab Singh & Sons.
Messrs. Careers & Co., Moheni Road.

LUCKNOW

The Proprietor, Newal Kishore Press.
The Upper India Publishing House, Ltd.,
41, Aminabad Park.

MADRAS

Higginbotham & Co.
E. Murthy & Co., Post Box No. 152.
The Proprietor, The City Book Co., Post
Box No. 283.

NAGPUR

Aidan Binzani, Proprietors, Karmavir
Book Depôt, Mahal.
G. G. Khot & Sons, Sitabuldi.
Messrs. Shastry & Sons, Walker Road.
The Manager, Educational Book Depôt.
The Manager, "The Hitavada".
The Proprietors, Bhisey Brothers, Book-
sellers & Publishers.
Mr. D. M. Dhurnal, Proprietor, Provincial
Book Binding Works.
The Manager, Nagpur Law Journal,
Central Law House, Tulsi Bag Road,
Mahal.
Neston Jacques & Co., Kamptee Road.

PATNA

The Patna Law Press Co.
Laxmi Trading Co., Padri-ki-Haveli,
Patna City.

PESHAWAR CANTONMENT

Faquirchand Marwah, Bookseller.

POONA

The Manager, International Book Service
Deccan Gymkhana Colony.
The Manager, "Harijan", Fergusson Col-
lege Road, Poona 4.

RAIPUR

The Proprietor, Chaube Printing Works.

RANGOON

The Superintendent, American Baptist
Mission Press.

VELLORE

Mr. A. Venkatasubban, Law Bookseller.

YEOTMAL

Mr. V. N. Saraswat.
Mr. M. G. Bakshi, Law Books Agent.

TABLE OF CONTENTS

	Paragraph	Page
A.—TRIBUNALS		
High Court ..	1	1
District and Subordinate Courts ..	2	1
Distribution of Subordinate Courts ..	3	1
Linked, Touring and Additional Courts ..	4	1—2
Village Panchayat Courts ..	5	2
Training of Officers ..	6	2
B.—ORIGINAL JURISDICTION		
Institution of suits ..	7	2—3
Institutions in Village Panchayat Courts ..	8	3
Valuation of suits ..	9	3
Disposal of suits ..	10	3—4
Durations ..	11	4
Pending files ..	12—14	4—5
Conduct of trials ..	15	5—6
Executions ..	16	6
Insolvency ..	17—19	6—7
Guardians and Wards Act ..	20	7
Usurious Loans Act ..	21	7
The Central Provinces Moneylenders Act, 1934 (XIII of 1934), and the Central Provinces Reduction of Interest Act ..	22	7
The Central Provinces Adjustment and Liquidation of Industrial Workers Debt Act, 1936 (V of 1936) ..	23	7
C.—APPELLATE JURISDICTION		
Appeals to the Privy Council ..	24	7—8
High Court of Judicature at Nagpur ..	25—27	8—9
District Courts ..	28—29	9—10
D.—MISCELLANEOUS		
Bar ..	30	10
Copying Branch ..	31	10
Records and Record-rooms ..	32	10
Working of the Nazarat ..	33	10—11
Income from process-fees ..	34	11
The Court-fees Act ..	35	11
Buildings ..	36	11—12
Inspections ..	37	12
Casualties ..	38—39	12

TABLE OF CONTENTS
PRESCRIBED STATEMENTS

	Page
No. 25.—Tribunal Statement ..	ii—iii
„ 26.—Number of civil cases decided ..	<i>ib.</i>
„ 27.—Number and description of suits instituted ..	iv-v
„ 28.—Number and value of suits instituted ..	<i>ib.</i>
„ 29.—Result of trials of civil suits ..	vi—vii
„ 30.—Result of trials of miscellaneous cases ..	viii—ix
„ 31.—Appeals from decrees ..	x—xi
„ 32.—Miscellaneous appeals ..	xii—xiii

REPORT ON THE ADMINISTRATION OF CIVIL JUSTICE IN THE CENTRAL PROVINCES AND BERAR DURING THE CALENDAR YEAR 1939

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

A — TRIBUNALS

High Court.—The number of the Judges of the High Court was unchanged at six. The Honourable Mr. Justice Grille, Kt., was on leave for 31 days in continuation of the vacation and the Honourable Mr. Justice Gruer for four days prior to the vacation. No substitutes were appointed. Statement
No. 25.

2. District and Subordinate Courts.—The number of District Courts, nine, was unchanged. In addition to the permanent reduction in the cadre of Subordinate Judges effected during the year 1938 it was decided during the year to keep a further four posts in this cadre in abeyance. Fifty-eight [58] Tahsildars and 49 [49] Naib-Tahsildars exercised civil powers.

3. Distribution of Subordinate Courts.—The notable feature of the year was the introduction with effect from the 22nd July 1939 of the provisions of the Central Provinces and Berar Relief of Indebtedness Act, 1939 (XIV of 1939), the creation of Debt Relief Courts staffed by Subordinate Judges exercising functions under the Act in addition to their regular work as civil judges and the consequent cessation of the bulk of the work before Debt Conciliation Boards. Subordinate Judges, who had been on deputation as Chairman of the Boards, returned to the regular line in July and by the end of the year the number working as Subordinate Judges had risen to 101. For reasons unnecessary to mention practically no work was done by the Debt Relief Courts but when the work really commences the demands on the cadre are likely to be heavier than the cadre can stand. The returned judges were utilised as far as possible in disposing of civil arrears, in some cases their posting resulting in the discontinuance of the linked court system and in others permitting the opening of additional courts.

4. Linked, Touring and Additional Courts.—The linked court system continued throughout the year between Nagpur-Ramtek, Nagpur-Saoner, Umrer-Brahmapuri, Sehora-Murwara, Narsinghpur-Gadarwara, Betul-Multai, Chhindwara-Sausar, Raipur-Baloda Bazar, Drug-Bemetara, Yeotmal-Kelapur-Wun, Morsi-Chandur and

Khamgaon-Jalgaon. Consequent on the return of Judges from Debt Conciliation work permanent judges were provided at Katol, Arvi, Warora, Sohagpur and Pusad which were formerly linked courts. A linked court system was introduced for Gondia-Sakoli and Raipur-Mahasamund replacing the former touring courts at Sakoli and Mahasamund. The touring court system continued at Rehli, Banda, Seoni-Malwa, Lakhnadon and Mungeli. Additional Judges were provided wherever required as far as circumstances permitted.

5. **Village Panchayat Courts.**—Twenty-five [35] Village Panchayat Courts were established during the year, 22 [26] in the Central Provinces and 3 [9] in Berar. Thirteen [3] Panchayat Courts were abolished, 12 in Hoshangabad and 1 in Akola districts. The total number of courts functioning at the end of the year was 502 [478] in the Central Provinces and 496 [494] in Berar.

6. **Training of Officers.**—Mr. K. N. Subramanian, I.C.S., was posted at Amraoti for training as Subordinate Judge from the 29th November 1939.

B.—ORIGINAL JURISDICTION

7. **Institution of suits.**—Institutions under the three main heads for the years 1935 to 1939 are given below :—

Central Provinces—	1935	1936	1937	1938	1939
(1) Suits for money and movable property	56,072	45,572	37,743	34,406	28,669
(2) Suits under the Rent Law.	30,784	32,003	33,659	35,248	33,098
(3) Title and other suits ..	7,071	6,345	6,322	6,450	6,144
Total ..	93,927	83,920	77,724	76,104	67,911
Berar—					
(1) Suits for money and movable property.	21,335	18,046	15,323	13,402	11,769
(2) Suits under the Rent Law	211	206	218	157	211
(3) Title and other suits ..	5,698	3,323	3,636	3,030	2,826
Total ..	27,244	21,575	19,177	16,589	14,806
Grand Total ..	121,171	105,495	96,901	92,693	82,717
Total excluding suits under the Rent Law in the Central Provinces.	90,387	73,492	63,242	57,445	49,619

The fall in institutions of suits for money and movable property is shared by all districts and is a continuation of the tendency of the last few years. The condition necessary for a revival in such suits suggested in the report for 1937 far from being satisfied appears to have been further deferred by the radical provisions of the Relief of Indebtedness Act. It appears that legislation has not only curtailed credit but that where credit has

been available, the effectiveness of the civil courts has been so impaired by legislation that creditors no longer feel that the court services are worth the cost. The variation in suits under the other main heads requires little comment. Hoshangabad which, in 1938, recorded an abnormal rise in rent suits, was responsible for almost 50 per cent of the decrease of such suits in the Central Provinces.

8. Institutions in Village Panchayat Courts.—Institutions in Village Panchayat Courts were 6,539 [6,671] during the year under report. 6,483 [6,751] suits were disposed of. The decrees of Panchayat Courts were cancelled by Deputy Commissioners in 237 [128] cases. These figures exclude statistics of 83 courts in the Amraoti district.

9. Valuation of suits.—The total value of suits instituted during the year decreased to Rs. 1,57,39,595 [Rs. 1,76,14,657] but the average value was unchanged at Rs. 190. The following table shows the figures for separate classes of courts :—

Class of Court	Total value		Average value	
	1938	1939	1938	1939
District Courts ..	50,52,358	47,34,344	27,609	28,868
Courts of First Class Subordinate Judges.	19,22,921	17,84,757	1,398	1,039
Courts of Second Class Subordinate Judges.	68,66,399	62,25,995	134	130
Small Cause Courts ..	37,72,979	29,94,499	94	90

The increase in average value in district courts is consequent on the filing of a few suits of exceptionally high value. In the Central Provinces, the institution of suits over Rs. 1,000 in value was 1,225 [1,431] and in Berar 527 [573].

10. Disposals of suits.—The number and percentage of suits disposed of by each class of court in 1938 and 1939 were as follows :—

Class of Court.	1938		1939	
	Number	Percentage	Number	Percentage
District Courts ..	250	.2	385	.4
Courts of Subordinate Judges, First Class.	1,243	1.3	2,636	2.8
Courts of Subordinate Judges, Second Class.	52,083	54.5	52,900	56.4
Courts exercising the power as Court of Small Causes.	42,030	44.0	37,874	40.4
Total ..	95,606	100.0	93,795	100.0

The very marked increase in the percentage of suits disposed of by courts of Subordinate Judges of the first class is probably mainly due to the fact that in some places the closure of courts made it necessary for Subordinate

Judges of the first class to deal with matters of a second class nature but even in the absence of this factor a small increase might have been expected as the recession in institution appears to have most affected suits of lower value. The number of suits disposed of decreased by 1,810. As suits disposed of by transfer increased by 1,076, disposals other than by transfer decreased by 2,886.

11. 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	Without trial	Ex-parte	On admission	Com-promised	After full trial
District Judges ..	f1938	446	430	240	444	727
	\1939	477	235	134	339	704
Subordinate Judges, First Class.	f1938	224	106	106	195	329
	\1939	216	143	114	250	308
Subordinate Judges, Second Class.	f1938	139	99	86	150	224
	\1939	152	109	86	138	205
Small Cause Courts ..	f1938	165	98	89	150	132
	\1939	190	107	90	143	132
				On reference to arbitration		By transfer
District Judges ..	f1938			470		350
	\1939			317		261
Subordinate Judges, First Class.	f1938			233		139
	\1939			335		193
Subordinate Judges, Second Class.	f1938			318		119
	\1939			343		123
Small Cause Courts ..	f1938			224		158
	\1939			289		101

Improvement is noticeable in the duration of cases disposed of after full trial in all courts except Courts of Small Causes.

12. Pending files.—The figures noted below show the state of the pending files:—

	1938	1939
Suits pending at the beginning of the year.	28,826	27,862
Institutions ..	92,693	82,717
Suits revived ..	1,723	1,828
Otherwise received ..	4,887	5,872
Total for disposal ..	<u>128,129</u>	<u>118,279</u>
Disposed of—		
By transfer ..	4,661	5,737
Otherwise ..	95,606	88,058
Total ..	<u>100,267</u>	<u>93,795</u>
Pending at the close of the year ..	<u>27,862</u>	<u>24,484</u>

Of the pending file 7,233 [7,191] are suits for rent leaving 17,251 [20,671] suits with the regular judges. The

reduction in the pending file is shared by all districts except Wardha and Chhindwara where there was a negligible rise.

13. The number of suits over six months and over one year was 4,465 [7,127] and 1,722 [2,834], respectively, and eliminating suits stayed was 3,931 [5,094] and 1,350 [1,509]. Nagpur showed a striking and welcome improvement, forecast in last year's report, and probably following from the vigorous action taken by the District Judge in 1938. Suits, excluding suits stayed, over six months and one year in this district fell to 457 [853], and 98 [133]. Hoshangabad and West Berar although exhibiting improvement still retain an undesirable pre-eminence in the matter of long pending cases. It appears that vigorous administrative action and continued vigilance by the District Judge on the lines followed last year in Nagpur are required in these districts.

14. It is essential that the courts take advantage of the existing lull in the work, created by the Relief of Indebtedness Act. At the close of the year, there were 18,905 cases pending before Civil Judges empowered under that Act. Although it is impossible to lay down an exact equivalence it has been suggested that each such case can be considered, from the point of view of the work involved, equal to a contested civil suit or to three suits of the nature of those in a Court of Small Causes. Judged on this basis the additional work is equivalent to total institutions for more than two years in regular courts excluding Courts of Small Causes or to institutions for one and a half years to two years in Courts of Small Causes. If the courts are to tackle this addition with any success it is essential that their civil files be reduced as rapidly as possible and this is a matter which requires the earnest attention of the District Judges.

15. Conduct of trials.—Pressure on Judges to try cases in accordance with the provisions of the Code of Civil Procedure rather than in accordance with the incorrect procedure which has become traditional in these provinces continued throughout the year. Most District Judges consider that the reiterated instructions on this point are at last bearing fruit, reports varying from a statement from Jubbulpore that there has been a great improvement in procedure to one from Hoshangabad that the correct procedure is only just beginning to be understood. From the varying opinions expressed it does appear that there is a perceptible improvement in the general level but much remains to be done before it can

be stated as a general rule that the trial of cases in these provinces is in accordance with the provisions of the Code of Civil Procedure. The very important proviso to rule 1 of Order XVII which has long been honoured mainly in the breach is at length receiving attention and the provisions of Orders VI, VII, VIII, X, XIII and XVIII are being more used but the provisions of Orders XI and XII of the Code of Civil Procedure are not yet popular and are rarely applied. The tendency to grant adjournments lightly is being strictly checked. If the improvement so far effected as a result of pressure exerted over the last four years is to be consolidated the unremitting vigilance of the District Judges will be required.

16. Executions.—The total number of pending applications for execution further decreased to 120,196 [128,281]. 94,999 [102,580] were disposed of and 25,197 [25,701] were pending at the close of the year, of which 4,069 [5,071] were pending over six months. Applications were wholly infructuous in 55.4 [55.1] per cent, partly satisfied in 14.1 [15.1] per cent and fully satisfied in 10.6 [10.1] per cent of the cases. The amount realised further decreased to Rs. 14,27,978 [Rs. 17,72,627] a figure approximately 25 per cent of such realisations ten years ago. 240 [216] debtors were arrested out of whom 10 [11] were imprisoned. Ten years ago the number imprisoned was 372. Movable property was sold in 620 [747] and immovable property in 1,088 [1,368] cases.

17. Insolvency.—The number of insolvency petitions presented during the year by debtors declined to 383 [626] but those presented by creditors rose slightly to 90 [81]. The decrease requires no explanation in view of the remarks made on the insolvency jurisdiction in the report for the year 1937. The extent to which the insolvency work has decreased is brought out by a comparison with figures of ten years ago. In 1929, 4,207 petitions were presented by debtors. Thus over a period of 10 years these petitions have fallen by no less than 91 per cent. 304 [591] petitions were disposed of by order of adjudication, 80 [74] were dismissed under section 25, 24 [33] were withdrawn under section 14 and 78 [129] were disposed of by death or default. Orders of adjudication of 824 [943] insolvents were annulled, 262 [565] were discharged absolutely, 106 [161] conditionally and 48 [33] after the period of suspension.

18. During the year, the handing over of estates by the late Official Receiver, Amraoti, was completed and all estates were made over to selected pleaders. The discrepancies in accounts referred to in last year's

report were reconciled and the deficit correctly accounted for. The system of appointing individual Receivers is reported to be working satisfactorily at Amraoti. The rules under the Insolvency Act were amended during the year in an endeavour to increase the control of the courts over the liquidation of estates. The balance of the Official Receivers Fund stood at Rs. 2,839-5-2 [Rs. 3,052-6-7] at the close of the year.

19. One District Judge reports that the sale of land by the Collector in insolvency cases was unnecessarily delayed. This attitude of the Collector is perhaps explained by a failure to differentiate between sales of land in insolvency cases and those held under the Third Schedule to the Code of Civil Procedure. Delay in sales in insolvency cases is contrary to the scheme of the Act and is to be deprecated.

20. **Guardians and Wards Act.**—The number of estates under management rose to 1,056 [1,040] while the number relinquished during the year fell to 71 [103]. Estates under management at the close of the year were 985 [937]. The District Judges continued to report that laxity prevails among guardians in the matter of submitting the accounts accurately and in time.

21. **Usurious Loans Act.**—The provisions of the Usurious Loans Act were reported to have been applied by the courts in all suitable cases, but the Act has lost much of its importance in view of the enactment of the Central Provinces Reduction of Interest Act and the Central Provinces Moneylenders Act.

22. **The Central Provinces Moneylenders Act, 1934 (XIII of 1934), and the Central Provinces Reduction of Interest Act.**—These Acts have proved beneficial to debtors and their provisions are now freely applied in suitable cases.

23. **The Central Provinces Adjustment and Liquidation of Industrial Workers Debt Act, 1936 (V of 1936).**—Eleven [14] petitions were filed during the year. Of the 18 [28] petitions for disposal before the courts 10 [9] were disposed of by declaration under section 23 and 2 [9] by death or default. Six [7] petitions were pending at the end of the year. The Act appears to be of little practical value.

C.—APPELLATE JURISDICTION

24. **Appeals to the Privy Council.**—At the beginning of the year 13 [18] applications for leave to appeal were pending before this court and 10 [8] new applications

were filed during the year. Ten [13] applications were disposed of, leave being granted in 5 [5] cases and refused in 5 [8]. Thirteen [13] applications were pending at the close of the year. One appeal against the decision of this court was decided, the decision of this court being reversed.

Statements
Nos. 31 and 32.

25. High Court of Judicature at Nagpur.—The following table compares the figures of civil appellate work in the years 1938 and 1939 :—

	1938			1939		
	Institutions	Disposals	Pending	Institutions	Disposals	Pending
First Appeals—						
From Decrees ..	138	116	473	132	114	491
From Orders ..	151	58	251	129	121	259
Letters Patent appeals.	43	22	68	11	16	63
Second Appeals—						
From Decrees ..	755	640	1,149	602	547	1,204
From Orders ..	151	175	171	185	175	181
Civil Revisions—						
Revisions under section 25 of the Provincial Small Cause Courts Act.	400	406	251	411	389	273
Other revisions	478	408	305	464	469	300
Total ..	2,116	1,825	2,668	1,934	1,831	2,771

Despite the continued recession in the work of the lower courts institutions before this court are little affected. The average durations of first and second appeals disposed of during the year were 713.1 [1,027.0] and 584.4 [600.4], respectively. All civil revisions filed prior to 1938 had been disposed of by the end of the year.

26. Eighty-eight [120] first appeals from original decrees or orders, 340 [427] appeals from appellate decrees, 167 [103] second appeals from orders, 476 [497] revisions and 13 [21] Letters Patent appeals were disposed of after contest. The table given below indicates the manner of disposal by percentages :—

	First appeals	Second appeals	Second appeals from order	Revisions	Letters Patent appeals
Decisions—					
Confirmed	.. 43.2	71.5	70.0	61.8	84.6
Modified	.. 26.1	6.2	2.4	8.9	..
Reversed	.. 28.4	19.1	21.6	23.8	15.4
Remanded	.. 2.3	3.2	6.0	5.5	..
Total ..	100.0	100.0	100.0	100.0	100.0

The percentage of reversals in first appeals is considerably higher than the figure for 1938 (17.5).

27. The table given below shows the number of civil appeals and revisions disposed of by Single and Division Benches, respectively :—

	Single bench	Division bench
First Appeals—		
From Decrees ..	2	112
From Orders ..	117	58
Letters Patent Appeals ..	..	16
Second Appeals—		
From Decrees ..	504	43
From Orders ..	29	92
Civil Revisions—		
Revisions under section 25 of the Provincial Small Cause Courts Act.	389	..
Other revisions ..	443	26
Total ..	1,484	347

28. District Courts.—The following statement compares the figures of civil appellate work in the years 1938 and 1939 :—

	1938				
	Institutions		Disposals		Pending
	Instituted or reinsti- tuted	Other- wise received	By transfer	Others	
<i>Central Provinces</i>					
Regular Appeals ..	2,066	532	536	2,302	981
Miscellaneous Appeals ..	408	43	39	481	146
Total ..	2,474	575	575	2,783	1,127
<i>Berar</i>					
Regular Appeals ..	761	158	149	837	329
Miscellaneous Appeals ..	260	31	32	267	73
Total ..	1,021	189	181	1,104	402
Grand Total ..	3,495	764	756	3,887	1,529
	1939				
	Institutions		Disposals		Pending
	Instituted or reinsti- tuted	Other- wise received	By transfer	Others	
<i>Central Provinces</i>					
Regular Appeals ..	2,142	622	621	2,199	925
Miscellaneous Appeals ..	455	39	39	456	145
Total ..	2,597	661	660	2,655	1,070
<i>Berar</i>					
Regular Appeals ..	694	269	266	722	304
Miscellaneous Appeals ..	191	24	24	192	72
Total ..	885	293	290	914	376
Grand Total ..	3,482	954	950	3,569	1,446

Of the appeals pending at the end of the year 515 [641] and 34 [96] appeals were pending over three months and one year, respectively. The average duration of regular civil appeals disposed of fell to 112.3 [135.5]. Of the 3,808 [3,139] regular civil appeals shown as disposed of in the preceding paragraph, 23.3 [17.8] per cent were disposed of by transfer, 8.0 [8.2] per cent were summarily dismissed or not prosecuted, decrees were confirmed in 38.2 [39.8] per cent, modified in 12.6 [14.4] per cent, reversed in 12.8 [13.9] per cent and the cases were remanded in 5.1 [5.9] per cent of the appeals.

29. The average duration of miscellaneous appeals disposed of fell to 111.0 [127.3]. This appears to be the result of the remarks noted in paragraph 29 of last year's report. Old appeals are generally given precedence over new institutions.

D.—MISCELLANEOUS

30. **Bar.**—The strength of the Bar increased to 2,384 [2,345] of whom 452 [419] were advocates. There were three complaints of professional misconduct against advocates and six against pleaders. Two cases against advocates were disposed of, of which one was dismissed and in the other an apology was tendered. Four complaints against pleaders were either dismissed or withdrawn and two remained pending. A pleader at Amraoti was convicted on two counts for offences under section 405, Indian Penal Code, committed in his capacity as a guardian of a minor and was sentenced to six months' rigorous imprisonment and a fine of Rs. 500 in each case the sentences to run concurrently.

31. **Copying Branch.**—The copying work further decreased owing to the fall in litigation, the number of sheets filled in at headquarters and out-stations being 311,921 [341,733] and 99,413 [441,126], respectively. Rs. 597-3-0 [Rs. 468] were paid as section-writing charges during the year. Scrutiny of the staff required continued throughout the year and a number of posts were kept vacant.

32. **Records and Record-rooms.**—The elimination of records is everywhere reported to be up to date. The elimination of papers of File A-I from the Class I records of the period prior to August 1926 at Raipur referred to in last year's report has been brought up to date.

33. **Working of the Nazarat.**—During the year, a further 43 posts of process-servers were abolished, 20 in Jubbulpore, one in the East Berar and 22 in the West

Berar districts. In addition a number of posts were kept vacant. The percentage of service of summonses and notices ranged from 80.7 [79.0] to 85.0 [86.0] and that of warrants from 76.1 [72.0] to 88.1 [86.0]. One hundred and twenty-one cases of obstruction to service were reported of which 50 were brought to trial. Seventeen ended in conviction, 6 in acquittal, 10 were filed or dropped and 17 were reported to be pending at the close of the year.

34. **Income from process fees.**—The income from process-fees during the past four years is—

			Rs.	a.	p.
1936	..	..	6,77,691	8	0
1937	..	..	5,82,098	9	0
1938	..	..	4,98,670	2	0
1939	..	..	4,33,403	7	0

The income again decreased by 13.1 per cent of last year's figures, the decrease being shared by all the districts.

35. **The Court-fees Act.**—The income from court-fees realised by civil courts in the last four years was as follows :—

			Rs.	a.	p.
1936	..	..	24,80,818	7	0
1937	..	..	15,31,272	14	0
1938	..	..	13,47,014	6	0
1939	..	..	16,85,476	8	0

Despite the drop in institutions the income has increased by 20.8 per cent over last year's figures. The system of inspecting pending and disposed of records, with a view to checking leakage of court-fee revenue, by Inspectors of Registration continued throughout the year. It is a matter of credit that the leakage in the Civil Courts was found considerably less than in other courts. The inspections have undoubtedly proved beneficial but continued vigilance by the Presiding Officers required by the Civil Rules and Orders is no less essential in preventing leakage of revenue.

36. **Buildings.**—The work in the new High Court building has not been completed. An allotment of Rs. 2,000 for minor works in connection with Civil Court buildings was largely utilised in the provision of fire fighting appliances required by recent Government orders on the subject. Funds are, however, not available for extensions of Civil Court buildings though extension is needed

in many places. In addition to the allotment of Rs. 2,000 an allotment of Rs. 3,000 was provided for a Bar Room at Saugor. This is the first fruit of the suggestion made in the report for 1937, the allotment covering half the cost of building, the remainder of which is being borne by the Bar Association.

37. *Inspections.*—During the year the Honourable the Chief Justice visited Balaghat, Mandla, Jubbulpore, Sehora, Saugor, Narsinghpur, Chhindwara, Amraoti, Morsi, Daryapur, Ellichpur, Akola, Khamgaon, Buldana, Mehkar, Basim, Darwha and Yeotmal. The Honourable Mr. Justice Grille inspected the Courts at Bhandara and Gondia. The District Judges inspected all Civil Courts and offices due for inspection.

38. *Casualties.*—Rao Bahadur B. S. Pharaskhanewala and Mr. D. V. Paranjpe, District Judges, Mr. G. R. Mahadeokar, Subordinate Judge, Select Grade, Mr. N. R. Kale, Subordinate Judge of the First Class and Mr. C. D. Pare, Subordinate Judge of the Second Class, retired during the year.

39. The title of Rao Bahadur was conferred on Mr. V. N. Deo, District and Sessions Judge, Nagpur, during the year under report.

G. BURGESS,

Registrar,

High Court of Judicature at Nagpur.

NAGPUR :

The 22nd April 1940.

PRESCRIBED STATEMENTS (CIVIL)
1939

STATEMENT No. 25.—SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND JURISDICTION IN THE CENTRAL PROVINCES AND

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) 213 do both civil and criminal work.
 (c) All Panchayat Courts.

STATEMENT No. 26.—SHOWING THE NUMBER OF CIVIL CASES DECIDED IN

Name of Province	Number of cases decided		
	Original		Appellate
	Regular	Miscellaneous	Regular
(1)	(2)	(3)	(4)
Central Provinces (including Berar),	93,795	15,550	4,485

THE NUMBER OF OFFICERS EXERCISING APPELLATE OR ORIGINAL CIVIL
 BERAR ON THE 31ST DECEMBER 1939—(Paragraphs 1—6).

Other Judges		Remarks		
Stipendiary	Honorary		Grades of Judicial Officers	
(5)	(6)	(7)	Europeans	Indians
225 (b)	998 (c)	Chief Justice	.. 1	..
		Puisne Judges	.. 3	2
		District Judges	.. 3	6
		Additional District Judges	.. ..	32
		Subordinate Judges, first class	.. ..	2
		Additional Judges to Courts of Sub- ordinate Judges, first class.	..	15
		Judges, Small Cause Courts	.. ..	..
		Subordinate Judges, second class	.. ..	67
		Extra-Subordinate Judges, second class	.. ..	58
		Additional Judges to Courts of extra-Sub- ordinate Judges, second class.	..	49
		Additional Judges to Courts of Sub- ordinate Judges, second class.	..	2
		Total	.. <u>7</u>	<u>233</u>

THE COURTS IN THE CENTRAL PROVINCES AND BERAR FOR THE YEAR 1939

Miscellaneous	Remarks
(5)	(6)
1,067	

STATEMENT No. 27.—SHOWING THE NUMBER AND DESCRIPTION OF CIVIL AND BERAR FOR THE YEAR

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	.. 6,502	33,007	..	13
Small Cause Courts	.. 33,076	..	..	..
District Courts other than Chief Courts of districts	829	126	..	..
Chief Courts of districts	.. 31	..	..	..
Total	.. 40,438	33,133	..	13

STATEMENT No. 28.—SHOWING THE NUMBER AND VALUE OF SUITS BERAR FOR THE YEAR

Class of Tribunal	Value not exceeding Rs. 10	Value Rs. 10 to Rs. 50	Value Rs. 50 to Rs. 100	Number
				Value Rs. 100 to Rs. 500
(1)	(2)	(3)	(4)	(5)
COURTS IN THE INTERIOR				
Unpaid Tribunals	.. ..	..	..	..
Paid Sub-Divisional Tribunals	.. 7,990	21,303	8,583	7,412
Small Cause Courts	.. 2,348	14,543	7,557	8,095
District Courts other than Chief Courts of districts	107	407	316	447
Chief Courts of districts	.. ..	..	..	8
Total	.. 10,445	36,253	16,456	15,962

SUITS INSTITUTED IN THE CIVIL COURTS IN THE CENTRAL PROVINCES
1939—(Paragraph 7).

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)
..
163	33,183	4,305	1,476	1,919	374	8,074	47,759
..	..	..	..	..	..	..	33,076
..	126	403	160	180	20	763	1,718
..	..	34	20	26	53	133	164
163	33,309	4,742	1,656	2,125	447	8,970	82,717

INSTITUTED IN THE CIVIL COURTS IN THE CENTRAL PROVINCES AND
1939—(Paragraph 9).

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)
..
1,234	1,237	..	..	47,759	62,25,995
533	..	..	..	33,076	29,94,492
81	163	184	..	1,705	17,84,757
1	8	156	4	177	47,34,344
1,849	1,408	340	4	82,717	1,57,39,595

STATEMENT No. 29.—SHOWING THE GENERAL RESULTS OF THE TRIAL OF PROVINCES AND BERAR

Civil Suits—

Class of Tribunal	Number of suits before the Courts					Total
	Pending at the beginning of the year	Instituted during the year	Revived during the year	Otherwise received		
(1)	(2)	(3)	(4)	(5)	(6)	
COURTS IN THE INTERIOR						
Unpaid Tribunals
Paid Sub-Divisional Tribunals	..	14,971	47,759	1,122	3,587	67,439
Small Cause Courts	..	11,093	33,076	632	1,622	46,423
District Courts other than Chief Courts of districts.		1,409	1,718	63	550	3,740
Chief Courts of districts	..	389	164	11	113	677
Total	..	27,862	82,717	1,828	5,872	118,279

STATEMENT No. 29.—SHOWING THE GENERAL RESULTS OF THE TRIAL OF PROVINCES AND BERAR

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	..	3,335	138	7,535	1,619	205
Small Cause Courts	..	1,794	143	6,875	889	132
District Courts other than Chief Courts of districts.		179	250	637	148	308
Chief Courts of districts	..	27	339	148	35	704
Total	..	5,335	140	15,195	2,691	183

CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE CENTRAL FOR THE YEAR 1939

(Paragraphs 10—15)

Number of suits disposed of						
Under Order IX, Rule 3, and Order IX, rule 8, where the defendant does not admit the claim	Without trial		<i>Ex parte</i>		On admission of claim	
	Otherwise	Average duration	Number	Average duration	Number	Average duration
(7)	(8)	(9)	(10)	(11)	(12)	(13)
..
3,421	1,846	152	17,667	109	14,192	86
3,488	2,126	190	10,897	107	10,202	90
158	143	216	303	143	284	114
17	28	447	6	235	12	134
<u>7,084</u>	<u>4,143</u>	<u>165</u>	<u>28,873</u>	<u>109</u>	<u>24,690</u>	<u>88</u>

CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE CENTRAL FOR THE YEAR 1939

(Paragraphs 10—15)—*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)
..	
17	343	3,268	123	14,539	832	
21	289	1,582	101	8,549	589	
6	335	778	193	1,104	295	
3	317	109	261	292	167	
<u>47</u>	<u>326</u>	<u>5,737</u>	<u>129</u>	<u>24,484</u>	<u>1,883</u>	

STATEMENT No. 30.—SHOWING THE GENERAL RESULTS OF THE TRIAL OF CIVIL
CASES AND BERAR

Class of Tribunal	Miscellaneous Number of cases before the Courts				Total	
	Pending at the beginning of the year	Instituted during the year	Revived during the year	Otherwise received		
(1)	(2)	(3)	(4)	(5)	(6)	
COURTS IN THE INTERIOR						
Unpaid Tribunals	
Paid Sub-Divisional Tribunals	..	1,833	6,698	19	332	8,882
Small Cause Courts	..	1,291	4,640	3	55	5,989
District Courts other than Chief Courts of districts.	..	677	1,521	7	116	2,321
Chief Courts of districts	..	485	1,403	3	73	1,964
Chief Courts of the Province	..	111	175	1	..	287
Total	..	4,397	14,437	33	576	19,443

NOTES—(1) No case of contempt of Court under Chapter
(2) Insolvency petitions are not taken into account

STATEMENT No. 30.—SHOWING THE GENERAL RESULTS OF THE TRIAL OF
CASES AND BERAR FOR

Class of Tribunal	Miscellaneous 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	..	144	113	1,132	763	145
Small Cause Courts	..	62	110	659	377	119
District Courts other than Chief Courts of districts.	..	29	309	312	170	232
Chief Courts of districts	..	22	154	275	139	220
Chief Courts of the Province	..	1	308	30	35	615
Total	..	258	138	2,408	1,484	165

NOTES—(1) No 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 PROV.
FOR THE YEAR 1939

Cases

Under Order IX, rule 3 and Order IX, rule 8, where the defendant does not admit the claim (7)	Number of cases disposed of					
	Without trial		<i>Ex parte</i>		On admission of claim	
	Otherwise (8)	Average duration (9)	Number (10)	Average duration (11)	Number (12)	Average duration (13)
..
632	2,827	91	555	82	872	72
802	2,209	93	291	79	578	83
106	677	125	135	95	217	88
70	682	100	87	93	147	140
55	14	139	45	111	2	230
1,665	6,409	84	1,113	85	1,816	83

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

CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE CENTRAL
THE YEAR 1939

Cases—concl'd.

cases disposed of

On reference to arbitration		By transfer		Pending at the close of the year (23)	Pending for more than a year (24)	Remarks (25)
Number (19)	Average duration (20)	Number (21)	Average duration (22)			
..
7	220	300	107	1,650	70	
1	41	55	70	955	19	
..	..	141	175	534	58	
1	138	74	57	467	82	
..	..	..	..	105	38	
9	190	570	114	3,711	267	

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

STATEMENT No. 31.—SHOWING THE BUSINESS OF THE CIVIL APPELLATE

Appeals from

Number of appeals before the Courts

Class of Tribunal	Number of appeals before the Courts				Total
	Pending at the beginning of the year	Instituted and re-instituted during the year	Otherwise received		
(1)	(2)	(3)	(4)	(5)	
COURTS IN THE INTERIOR					
Appeals from Original Decrees					
Chief Appellate Courts of districts	.. 1,310	2,836	891	5,037	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT					
Chief Court of Province.					
Appeals from original decrees	.. 473	132	..	605	
Appeals from appellate decrees	.. 1,149	602	..	1,751	
Appeals under the Letters Patent	.. 68	11	..	79	
Total	.. 1,690	745	..	2,435	
Grand Total	.. 3,000	3,581	891	7,472	

NOTE—There were no references under section 27 of the

COURTS IN THE CENTRAL PROVINCES AND BERAR FOR THE YEAR 1939

Decrees—(Paragraphs 24—28)

Number of appeals disposed of

Dismissed or not prosecuted		Number of appeals disposed of										Remarks
Number	Average duration	Confirmed	Modified	Reversed	Remanded for retrial	Average duration of appeals in columns 8, 9, 10 and 11	By transfer		Pending at the close of the year	Pending for more than a year		
							Number	Average duration				
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	
306	132	1,456	477	487	195	155	887	119	1,229	31		
26	852	38	23	25	2	1,309	..	..	491	363	
207	143	243	21	65	11	826	..	..	1,204	750	
3	123	11	..	2	..	659	..	..	63	60	
236	263	292	44	92	13	918	..	..	1,758	1,173	
542	189	1,748	521	579	208	265	887	119	2,987	1,204		

Workmen's Compensation Act, 1923.

STATEMENT No. 32.—SHOWING THE BUSINESS OF THE CIVIL APPELLATE

Class of Tribunal	Number of appeals before the Courts				Miscellaneous Number	
	Pending at the beginning of the year	Instituted and re-instituted during the year	Other-wise received	Total	Dismissed or not prosecuted	
					Number	Average duration
(1)	(2)	(3)	(4)	(5)	(6)	(7)
COURTS IN THE INTERIOR						
Appeals from Original Decrees						
Chief Appellate Courts of districts ..	219	646	63	928	136	109
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT						
Chief Court of Province						
Appeals from original decrees ..	251 (a)	129	..	380 (a)	52	320
Appeals from appellate decrees ..	171	185	..	356	77	179
Total ..	422	314	..	736	129	236
Grand Total ..	641	960	63	1,664	265	170

NOTE—(a) Includes three appeals under section 30 of the Workmen's Compensation Act, 1923.

COURTS IN THE CENTRAL PROVINCES AND BERAR FOR THE YEAR 1935

Appeals—(Paragraphs 24—29)

of appeals disposed of

Con- firmed	Modi- fied	Revers- ed	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)
272	24	131	85	124	63	81	217	3	
50	1	13	5	770	..	..	259	135	
67	3	23	5	586	..	..	181	68	
117	4	36	10	662	..	..	440	203	
389	28	167	95	256	63	81	657	206	

All the three were disposed of during the year.