



REPORT
ON THE
JUDICIAL ADMINISTRATION
(CIVIL)
IN THE
CENTRAL PROVINCES & BERAR
FOR THE
CALENDAR YEAR 1940

NAGPUR
GOVERNMENT PRINTING, C. P. & BERAR
1941

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TABLE OF CONTENTS

	<i>Paragraph</i>	<i>Page</i>
A.—TRIBUNALS		
High Court	1	1
District and Subordinate Courts ..	2-3	1
Distribution of Subordinate Courts ..	4	1
Village Panchayat Courts ..	5	1-2
Training of Officers	6	2
B.—ORIGINAL JURISDICTION		
Institution of suits in High Court ..	7	2
Institution of suits in Subordinate Courts ..	8	2
Institutions in Village Panchayat Courts ..	9	3
Valuation of suits	10	3
Disposal of suits	11	3
Durations	12	4
Pending files	13-14	4-5
Conduct of trials	15	5-6
Executions	16	6
Insolvency	17-19	6
Guardians and Wards Act	20	6
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
Appeals to Federal Court	25	7
High Court of Judicature at Nagpur ..	26-27	7-8
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	11
Income from process-fees	34	11
The Court-fees Act	35	11
Buildings	36	11
Inspections	37	11-12
Casualties	38-39	12

TABLE OF CONTENTS

PRESCRIBED STATEMENTS

	<i>Pages</i>
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 1940

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

A.—TRIBUNALS

High Court.—The number of Judges of the High Court continued at six. The Honourable Mr. Justice Pollock proceeded on leave from the 20th June 1940 and Mr. M. N. Clarke, I.C.S., officiated as Puisne Judge from the 18th August 1940 in his place. The Honourable Mr. Justice Niyogi was on leave from 2nd January to 14th April 1940, during which period Mr. W. R. Puranik, B.A., LL.B., Advocate-General, officiated as Judge. Statement No. 25.

2. District and Subordinate Courts.—The number of District Courts remained unchanged at nine. At the close of the year five posts of Subordinate Judges on the new scale were vacant in addition to four posts kept in abeyance, three Judges were on leave preparatory to retirement and one was officiating in a clear vacancy in the cadre of District Judges in which he has since been confirmed. Proposals to resume recruitment of Subordinate Judges were made and it is hoped to fill in a number of the vacancies during the current year.

3. During the year 17 [15] Extra-Assistant Commissioners 57 [58] Tahsildars and 45 [49] Naib-Tahsildars exercised Civil powers. The majority try only rent suits but in a number of isolated places they try petty money suits.

4. Distribution of Subordinate Courts.—Debt relief work which was undertaken by the Judges in addition to their regular work, threw a heavy strain on the cadre during the year. It was impossible to supply help at all places needing it and it was necessary to husband the available staff with the greatest care. This led to a substantial number of alterations in the arrangement of Courts. The linked Court system was discontinued between Nagpur-Saoner, Betul-Multai, Raipur-Baloda Bazar, Yeotmal-Kelapur-Wun, Morsi-Chandur and Khamgaon-Jalgaon of the places mentioned in last year's report and was introduced between Chanda-Warora, Jubbulpore-Mandla, Multai-Sohagpur, Raipur-Dhamtari, Amraoti-Chandur and Kelapur-Wun. Touring Courts continued to visit Rehli, Banda, Seoni-Malwa, Lakhnadon and Mungeli. A whole-time Court was opened at Sakoli and additional Judges both of the first and second class were provided as far as the cadre permitted at places requiring them.

5. Village Panchayat Courts.—61 [25] Village Panchayat Courts, 37 [22] in the Central Provinces and 24 [3] in Berar, were established during the year. 24 [13] Courts

were abolished. The total number of Courts functioning at the end of the year was 521 [502] in the Central Provinces and 514 [496] in Berar.

6. **Training of Officers.**—Mr. K. N. Subramanian was under training till the 2nd March 1940. Owing to the heavy demands on the cadre the number of Subordinate Judges undergoing magisterial training was reduced as a temporary measure from two to one.

B.—ORIGINAL JURISDICTION

Statement
No- 27

7. **Institution of suits in the High Court.**—Of the two suits registered in the High Court one was transferred for trial under section 225 of the Government of India Act and the other, at first registered as a miscellaneous appeal, was subsequently ordered to be registered as a suit.

8. **Institution of suits in Subordinate Courts.**—Institutions in Subordinate Courts under the three main heads for the years 1936 to 1940 are given below :—

<i>Central Provinces.</i>					
	1936	1937	1938	1939	1940
(1) Suits for money and movable property.	45,572	37,743	34,406	28,669	25,585
(2) Suits under Rent Law	32,003	33,659	35,248	33,098	34,290
(3) Title and other suits ..	6,345	6,322	6,450	6,144	6,358
Total ..	83,920	77,724	76,104	67,911	66,233
<i>Berar.</i>					
(1) Suits for money and movable property.	18,046	15,323	13,402	11,769	11,831
(2) Suits under Rent Law	206	218	157	211	254
(3) Title and other suits ..	3,323	3,636	3,030	2,826	4,977
Total ..	21,575	19,177	16,589	14,806	17,062
Grand Total ..	105,495	96,901	92,693	82,717	83,295
Total excluding suits under the Rent Law in the Central Provinces.	73,492	63,242	57,445	49,619	49,005

The Berar figures reflect the good prices obtained for cotton in 1939. Successive poor seasons had been forcing down the price of land and one good year's receipts led to a flock of pre-emption cases. It was even sufficient to stem temporarily the downward drift in suits for money and movables. As an illustration of the reaction of litigation to economic condition it is interesting to note that this, the first rise in litigation in Berar since 1933, follows the first really successful year since 1933. In the Central Provinces the downward drift in suits for money and movables continued as was expected and is shared by all districts. Rent suits increased considerably in Nagpur, slightly in Chhindwara and Wardha and decreased in other civil districts.

9. **Institutions in Village Panchayat Courts.**—Suits instituted in Village Panchayat Courts numbered 6,619 [6,539]. 6,512 [6,483] were disposed of. The decrees of Panchayat Courts were cancelled by Deputy Commissioners in 146 [237] cases. These figures exclude statistics of 60 Courts in the Yeotmal revenue district.

10. **Valuation of suits.**—The total and average value of suits instituted during the year increased by Rs. 44,26,573 and Rs. 52 to Rs. 20,166,168 [Rs. 15,739,595] and Rs. 242 [Rs. 190] respectively. Both rises are due solely to the filing of a number of exceptionally highly valued cases in Nagpur where total and average values increased to Rs. 78,17,764 [Rs. 33,15,064] and Rs. 509 [Rs. 236]. Elsewhere variations are relatively minor. The following table shows the figures for separate classes of Courts :—

Class of Courts	Total value		Average value	
	1939	1940	1939	1940
	Rs.	Rs.	Rs.	Rs.
District Courts	47,34,344	88,12,784	28,868	52,146
Courts of first class Subordinate Judges	17,84,757	19,06,774	1,039	829
Courts of second class Subordinate Judges.	62,25,995	64,98,481	130	125
Small Cause Courts	29,94,499	26,60,564	90	91

11. **Disposal of suits.**—One suit was disposed of by the High Court. The number and percentage of suits disposed of by the various classes of subordinate courts in 1939 and 1940 were as follows :—

Class of Courts	1939		1940	
	Number	Percentage	Number	Percentage
District Courts	385	.4	238	.3
Courts of Subordinate Judges, first class.	2,636	2.8	3,194	3.3
Courts of Subordinate Judges, second class.	52,900	56.4	57,349	60.6
Courts exercising powers as Courts of Small Causes.	37,874	40.4	33,916	35.8
	93,795	100.0	94,697	100.0

Although disposals show an increase of 902, disposals by transfer increased by 3,853 and real disposals, *i.e.*, disposals other than by transfer, were consequently lower by 2,951. The total number of suits disposed of after full trial decreased to 15,596 [17,886], 13,061 or 83.7 per cent resulting in favour of the plaintiff and 2,535 or 16.9 per cent in favour of the defendant. With the fall in the disposal of regular suits, rent suits assume a higher percentage value and this explains the increase in the percentage of cases disposed of by Courts of Subordinate Judges of the second class. The same reason coupled with the decrease in simple suits for money explains the decrease in the Courts exercising powers as Courts of Small Causes.

12. 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	<i>Ex Parte</i>	On admision
District Judges	1939	477	235	134
	1940	451	375	102
Subordinate Judges, first class	1939	216	143	114
	1940	234	145	131
Subordinate Judges, second class	1939	152	109	86
	1940	135	107	88
Small Cause Courts	1939	190	107	90
	1940	139	94	84

Class of Courts	Year	Compromised	After full trial	On refer- ence to arbitra- tion	By trans- fer
District Judges	1939	339	704	317	261
	1940	790	627	1,750	465
Subordinate Judges, first class.	1939	250	308	335	193
	1940	211	362	1,329	99
Subordinate Judges, second class.	1939	138	205	343	123
	1940	130	204	396	119
Small Cause Courts	1939	143	132	289	101
	1940	112	123	238	119

The figures are liable to violent fluctuations where they refer to cases severely restricted in numbers. Thus in the West Berar district the duration of cases in the Court of the District Judge decided on refer-ence to arbitration was 2,928 [*Nil*] and in the East Berar district was 1,748 [37]. The inclusion in these small classes of a limited number of long pending cases thus produces a very large variation in the provincial figure. In the main class of cases, those decided after full trial, there was an improvement in duration except in the Courts of Subordinate Judges of the first class.

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

		1939	1940
Suits pending at the beginning of the year	..	27,862	24,484
Institutions	..	82,717	83,295
Suits revived	..	1,828	1,860
Otherwise received	..	5,872	9,732
	Total for disposal	118,279	119,371
Disposed of—			
By transfer	..	5,737	9,590
Otherwise	..	88,058	85,108
	Total	93,795	94,698
Pending at the close of the year	..	24,484	24,673

There is a slight rise in pending files, the first recorded since 1933. That the increase is not greater is a matter of credit to the Judges in view of the shrinking of the cadre and the very considerable mass of Debt Relief work accomplished during the year.

14. The number of suits pending over six months and over one year was 5,014 [4,465] and 1,913 [1,722], respectively, but eliminating suits stayed was 3,688 [3,931] and 1,090 [1,350]. Nagpur has maintained the progress referred to in last year's report. In Hoshangabad where a fairly generous staff was provided a very substantial improvement was obtained as, eliminating stayed proceedings, suits over six months, one year and two years fell to 273 [832], 52 [126] and 21 [52] respectively. West Berar was more unhappily situated. Not only had the Judges to deal with a substantial increase in civil institutions but they had to cope with far and away the heaviest Debt Relief file in the province. It was impossible to provide all the help that could be desired and many of the Judges were seriously overworked. In these circumstances it is creditable that a slight reduction in active long pending suits can be recorded.

15. **Conduct of trial.**—Efforts to enforce a more correct procedure than that hitherto prevailing in the province continued throughout the year. District Judges comments indicate slow but steady improvement but do not minimise the difficulties of the project and display less of the rather facile optimism of previous reports. The general position appears to be that the drafting of pleadings is improving, their bulk has decreased, plaintiffs' replies are filed only when necessary and oral pleadings have almost died out. The instructions in Orders XI and XII are not much used. In certain cases Subordinate Judges objected that the enforcement of proper procedure, requiring amendment of pleadings, merely retarded the progress of cases. This attitude is entirely incorrect. Temporarily duration may be increased but eventually the proper procedure will be found the quickest procedure. In any case the proper procedure is that provided by law and, delays or not, must be followed.

An evil almost as great as that of defective pleadings was the general tendency to hear evidence piecemeal and to ignore the provision of the proviso to rule 1 of Order XVII. In 1939 instructions were issued for Judges to fix blocks of days in each month reserved for the recording of evidence. This is reported to have resulted in some improvement but there is no doubt that the evil still largely persists. The instructions in rules 120 and 121 of Civil Rules and Orders are still too much ignored and District Judges should impress them on their Subordinate Judges whenever occasion offers.

An interesting comment on the conduct of trials comes from Nagpur where the District Judge reports that while the junior Judges have successfully endeavoured to improve the standard of pleadings and to avoid the piecemeal recording of evidence, the Additional District Judges have done little and in some cases have virtually

ignored both the instructions issued by the High Court and the law on the subject. Whether the failure be due to slackness or to excessive rigidity of mind Judges against whom this complaint persists must understand that it is liable seriously to compromise their future.

16. Executions.—The total number of applications for execution before the Courts was 122,496 [120,196]. 99,644 [94,999] applications were disposed of during the year leaving a balance of 22,852 [25,197] pending, of which 3,601 [4,069] were over six months. Applications were wholly infructuous in 52.7 [55.4] per cent, partly satisfied in 14.4 [14.1] and fully satisfied in 12.7 [10.6] per cent of the cases. The amount realised in execution of decrees was Rs. 18,49,428 [Rs. 14,27,978]. Debtors were arrested in 218 [240] cases and imprisoned in 11 [10]. Movable property was attached in 4,424 [4,841] cases but sold in 565 [620] cases only. Immovable property was sold in 943 [1,088] cases. 4,864 [5,113] decrees were transferred to the Collector under section 68 of the Code of Civil Procedure.

17. Insolvency.—The number of insolvency petitions presented by debtors and creditors fell further to 339 [383] and 64 [90] respectively. The decrease requires no comment in view of the remarks made on the Insolvency jurisdiction in the report for the year 1937. Order of adjudication was passed in 295 [304] cases. 80 [80] petitions were dismissed under section 25, 24 [24] withdrawn under section 14 and 60 [78] were dismissed for death or default. Orders of adjudication of 370 [824] insolvents were annulled, 136 [262] insolvents were discharged absolutely, 33 [106] conditionally and 63 [48] after the expiry of the period of suspension.

18. One District Judge remarks that insolvency work in general is very poorly done and that Judges exhibit a regrettable lack of understanding of and interest in the work. He finds that post-adjudication work is often markedly unintelligent and dilatory. A similar criticism has been made before and the position appears to call for the attention of District Judges.

19. The system of appointing individual receivers from amongst the members of Bar is reported to be working satisfactorily everywhere, and it is to be hoped that the future will see improved liquidation and control of insolvents' estates. Rs. 226-11-10 was withdrawn from the Official Receivers' Remuneration Fund at Amraoti and Rs. 542-0-1 credited to the fund during the year. The balance in the fund at the close of the year was Rs. 3,154-9-5.

20. Guardians and Wards Act.—The number of estates under management and the number relinquished rose to 1,083 [1,056] and 89 [71] respectively during the year. 994 [985] estates remained under management at the close of the year. The complaints of previous years are repeated but under the existing law the Courts are often virtually powerless to improve matters. The enactment of far-reaching amendments to this unsatisfactory Act was suggested to Government during the year and if this is done the Courts will be in a better position to deal with existing defects.

21. **Usurious Loans Act.**—The provisions of the Act were applied by all Courts in suitable cases.

22. **The Central Provinces Moneylenders Act, 1934 (XIII of 1934), and Central Provinces Reduction of Interest Act.**—The Central Provinces Moneylenders Act is reported to be of great use and its provisions are widely applied in suitable cases and give substantial relief to debtors. The life of the Central Provinces Reduction of Interest Act ended on the 1st January 1940.

23. **The Central Provinces Adjustment and Liquidation of Industrial Workers Debt Act, 1936 (V of 1936).**—6 [7] applications were pending from previous year and 9 [11] were presented during the year. Of these 1 [Nil] was disposed of by discharge under section 22, 6 [10] petitions were disposed of by declaration under section 23, 1 [2] by death or default and 4 [Nil] were dismissed under section 14. At the close of the year 3 [6] petitions were pending. As pointed out in the report for the year 1937 the scheme of rehabilitation provided by the Act, has little attraction for the class of people for whom it has been enacted and there appears to be no prospect of its wide use.

C.—APPELLATE JURISDICTION

24. **Appeals to Privy Council.**—13 [13] applications for leave to appeal were pending at the beginning of the year and 12 [10] were filed during the year. 7 [10] were disposed of, leave being granted in 3 [5] and refused in 4 [5] cases. 18 [13] applications were pending at the close of the year. No appeals from the decisions of this High Court were decided during the year.

25. **Appeals to Federal Court.**—Two applications for leave to appeal to Federal Court were filed and disposed of during the year, leave being refused in both cases.

26. **High Court of Judicature at Nagpur.**—The table below compares the figures of civil appellate work in the years 1939 and 1940:—

	1939			
	Institutions	Disposals		Pending
		By Single Bench	By Division Bench	
First Appeals—				
From decrees	.. 132	2	112	491
From orders	.. 129	29	92	259
Letters Patent Appeals	.. 11	..	16	63
Second Appeals—				
From decrees	.. 602	504	43	1,204
From orders	.. 185	117	58	181
Civil Revisions under section 25 of the Provincial Small Cause Courts—				
Act	.. 411	389	..	273
Other revisions	.. 464	443	26	390
Total	.. 1,934	1,484	347	2,771

Statements
Nos. 31 and
32.

	1940			
	Institutions	Disposals		Pending
		By Single Bench	By Division Bench	
First Appeals—				
From decrees	.. 136	1	135	491
From orders	.. 197	29	164	263
Letters Patent Appeals	.. 15	..	12	66
Second Appeals—				
From decrees	.. 649	494	37	1,322
From orders	.. 103	122	36	126
Civil Revisions under section 25 of the Provincial Small Cause Courts—				
Act	.. 378	425	..	226
Other revisions	.. 387	385	40	262
Total	.. <u>1,865</u>	<u>1,456</u>	<u>424</u>	<u>2,756</u>

Institutions are the lowest since the High Court was created and for the first time since 1936 permitted a slight reduction in the pending files. The average duration of appeals from original and appellate decrees disposed of was 867.9 [713.1] and 520.2 [584.4] respectively. Continued attention was paid to the early disposal of those civil revisions which hold up proceedings in the lower court and by the end of the year the vast majority of interlocutory revisions filed prior to June 1940 had been disposed of.

27. 129 [88] appeals from original decrees, 345 [340] appeals from appellate decrees, 240 [167] appeals from orders, 536 [476] revisions and 9 [13] Letters Patent Appeals were disposed of after contest. The following table shows the manner of disposal by percentages :—

	First appeals from decrees	Second appeals from decrees	Appeals from orders	Revisions	Letters Patent appeals
Decisions—					
Confirmed	.. 61.2	72.8	65.8	56.3	77.8
Modified	.. 20.2	6.6	6.2	11.3	..
Reversed	.. 18.6	14.2	24.1	26.7	22.2
Remanded	.. ..	6.4	3.9	5.7	..
Total	.. <u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>

The percentage of decrees confirmed in first appeals shows a considerable improvement over the figure for 1939 (43.2 per cent). In other respects the variations from the previous year figures are not considerable and require no comment.

28. District Courts.—The statement below gives the figures of civil appellate work in the years 1939 and 1940 :—

	Institutions		Disposals		Pending
	Instituted or reinsti- tuted	Otherwise received	By transfer	Others	
1939					
<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
1940					
<i>Central Provinces.</i>					
Regular appeals ..	1,955	742	737	2,001	884
Miscellaneous appeals ..	377	50	50	417	105
Total ..	2,332	792	787	2,418	989
<i>Berar.</i>					
Regular appeals ..	795	90	86	806	297
Miscellaneous appeals ..	181	11	11	198	55
Total ..	976	101	97	1,004	352
Grand Total ..	3,308	893	884	3,422	1,341

Institutions and disposals both decreased by 5.6 and 4.7 per cent respectively. There were 436 [444] regular and 58 [71] miscellaneous appeals pending over three months and 38 [31] regular and 5 [3] miscellaneous appeals pending over a year, of which 9 appeals were stayed. It is unfortunate that the rate of improvement in dealing with long pending appeals recorded last year has not been maintained but it has to be remembered that the slight improvement made was obtained despite the gathering weight of applications for revisions of the decisions of Debt Relief Courts to which for administrative reasons preference had to be given. The average durations of regular and miscellaneous appeals disposed of increased to 129.5 [112.3] and 124.2 [111.0] respectively. Duration could be substantially reduced if more satisfactory use were made of the provision of rule 11 (1) of Order XLI. An unexpected feature of the district returns is that the heavier the burden on the appellate judges the less use they appear to make of the power of summary dismissal. Thus in the West Berar and Nagpur divisions where the work has been heaviest the percentage of appeals summarily dismissed was under

1 per cent and was much lower than in other districts where the work did not bear so heavily. Even making allowance for the personal factor that certain judges are more hesitant than others in dismissing summarily, this suggests that heavily worked judges, rather than deal with the appeals on admission, attempt to postpone the evil day by automatically and without adequate consideration posting the appeal for hearing parties. Such an attitude is of course short-sighted as temporary postponement of work is obtained only at the expense of eventually heavier work, and it is a matter to which District Judges should devote their attention at inspections.

29. Of 3,630 [3,808] regular civil appeals shown as disposed of in the preceding paragraph 22.5 [23.3] per cent were disposed of by transfer, 6.6 [8.0] per cent were summarily dismissed or not prosecuted, decrees were confirmed in 39.9 [38.2] per cent, modified in 12.9 [12.6] per cent, reversed in 13.9 [12.8] per cent and cases were remanded in 4.2 [5.1] per cent of the appeals.

D.—MISCELLANEOUS

30. By the close of the year the strength of the Bar had further increased to 2,434 [2,384], of whom 446 [452] were advocates. There were three complaints of professional misconduct against advocates and eight against pleaders, including two pending from previous year. Eight were either dismissed in default or for want of prosecution or sufficient proof leaving three pending at the close of the year. Relations between the Bench and Bar are reported to continue cordial.

The year under report was the first to which the revised rules governing the grant of pleaders sanads under clause (d) of the Second Schedule to the Legal Practitioners Act applied. So far there appears to have been little demand for such certificates.

31. **Copying Branch.**—The work in the branch increased, the total number of sheets filled in by copyists increased to 455,492 [411,334], of which 334,979 [311,921] were filled in at headquarters. The increase appears to be mainly due to the functioning of the Debt Relief Courts and led to the filling in of certain of the posts of copyists kept vacant in previous years. Rs. 589-8-0 [Rs. 597-3-0] was paid as section-writing charges during the year.

Procedure was provided by amendment of rules for the grant of urgent copies.

32. **Records and Record Rooms.**—The elimination of records is reported to be up-to-date in all districts. At Hoshangabad records are stored in three different rooms owing to insufficient accommodation in the main record room, and this increases the difficulty of control and administration. Rack space is reported to be sufficient at some places for only a very limited time and failing extension of record rooms it will be necessary shortly to adopt other expedients to meet the situation.

33. Working of Nazarat.—The sanctioned strength of process serving staff in the province was further reduced by two posts in the Nagpur district. In almost all districts the sanctioned staff appears to be in excess of requirements and a number of posts have been kept vacant. As this has been possible despite the service by the civil staff of Debt Relief processes it seems likely that there is room for further abolition of posts and steps are being taken to this end. The percentages of service of summonses and notices ranged from 81.5 [80.7] to 87.7 [85.0] and of warrants from 73.0 [76.1] to 89.7 [88.1]. Out of 139 [121] cases of obstruction to service reported during the year, 68 [50] were brought to trial, 23 ending in conviction, 2 in acquittal, 3 in discharge and 40 remained pending at the close of the year. A case of an attack on and robbery of a process-server by some persons in the Jubbulpore district was investigated and the accused were convicted under section 341, Indian Penal Code, and sentenced to pay a fine of Rs. 100 or in default to undergo simple imprisonment for one week.

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

	Rs.	a.	p.		Rs.	a.	p.		
1937	..	5,82,098	9	0	1939	..	4,33,403	7	0
1938	..	4,98,670	2	0	1940	..	4,87,872	11	0

The figures for 1940 include receipts from process-fees of Debt Relief Courts for which no separate statistics were maintained.

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

	Rs.	a.	p.		Rs.	a.	p.		
1937	..	15,31,272	14	0	1939	..	16,85,476	8	0
1938	..	13,47,014	6	0	1940	..	18,66,354	3	0

The figures for 1940 include receipts in Debt Relief Courts for which no separate statistics were maintained. The system of inspection by Inspectors of Registration referred to in last year's report was discontinued in October 1940 as the expense of the system was incommensurate with the leakages detected. On the whole the Civil Courts emerged creditably from the ordeal but the leakages detected were sufficient to justify the continued vigilance of the Courts.

36. Buildings.—The new High Court building was occupied after the High Court vacation of 1940. The new Bar Room at Saugor was completed and it has been occupied by the members of the Bar. The provisions of adequate accommodation for the Bar continued to be a source of great difficulty at a large number of places.

37. Inspections.—The Honourable the Chief Justice visited Khandwa, Burhanpur and Amraoti during the year and the Honourable Mr. Justice Grille inspected the Courts at Sausar, Chhindwara, Sohagpur, Hoshangabad, Betul-Multai and Saoner. Owing to

technical difficulty about the provision of travelling allowance the inspection of certain Courts trying rent suits was under the order of the High Court deferred for one year. All the Civil Courts and offices due for inspection were inspected by the District and Sessions Judges.

38. **Casualties.**—During the year Mr. G. S. Kher, District Judge, Mr. R. D. Bhagwat and Mr. V. D. Khandekar, Subordinate Judges, first class, retired from service.

39. The title of Rao Bahadur was conferred on Mr. D. V. Paranjpe, retired District and Sessions Judge, during the year.

G. BURGESS,

Registrar,

High Court of Judicature at Nagpur.

NAGPUR :

The 4th April 1941.

PRESCRIBED STATEMENTS (CIVIL)
1940

STATEMENT No. 25.—Showing the number of Judicial Division and Jurisdiction in the Central Provinces and

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

- (a) Do both civil and criminal work.
 (b) 199 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).	94,698	14,191	4,309

the number of Officers exercising Appellate or Original Civil Jurisdiction on the 31st December 1940—(Paragraphs 1-6).

Other Judges		Remarks	Grades of Judicial Officers	
Stipendiary	Honorary		Europeans	Indians
(5)	(6)	(7)		
217 (b)	1,035 (c)	Chief Justice	1	..
		Puisne Judges	3	2
		District Judges	4	5
		Additional District Judges	..	31
		Subordinate Judges, first class	..	..
		Additional Judges to Courts of Subordinate Judges, first class.	..	17
		Judges, Small Cause Courts	..	..
		Subordinate Judges, second class	..	65
		Extra-Subordinate Judges, second class	..	57
		Additional Judges to Courts of extra-Subordinate Judges, second class.	..	45
		Additional Judges to Courts of Subordinate Judges, second class.	..	2
Total			8	224

in the Central Provinces and Berar for the year 1940.

Miscellaneous		Remarks
(5)	(6)	
1,077		

*STATEMENT No. 27.—Showing the number and description of
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	.. 7,305	34,383	2	5
Small Cause Courts	.. 29,152	..	..	..
District Courts other than Chief Courts of districts.	.. 920	93	..	..
Chief Courts of districts	.. 39	..	..	..
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT				
Chief Court of the Province	.. ..	..	..	..
Total	.. 37,416	34,476	2	5

*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	.. 8,894	23,488	9,058	7,934
Small Cause Courts	.. 2,142	12,954	6,629	6,931
District Courts other than Chief Courts of districts.	.. 114	583	459	636
Chief Courts of districts	.. 1	..	..	8
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT				
Chief Court of the Province	.. ..	..	..	..
Total	.. 11,151	37,025	16,146	15,509

Civil suits instituted in the Civil Courts in the Central Provinces
1940—(Paragraphs 7-8).

Rent Law		Title and other suits					Total	Grand Total
All other suits under the Rent Law	Total	Suits for immovable property	Suits for specific relief	Mortgage suits	Other suits not falling under any of the preceding heads			
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	
..	
61	34,451	5,022	2,860	1,654	382	9,918	51,674	
..	..	..	..	..	..	..	29,152
..	93	592	43	217	46	1,287	2,300	
..	..	49	20	22	39	130	169	
..	..	..	1	1	..	2	2
61	34,544	5,663	3,313	1,894	467	11,337	83,297	

instituted in the Civil Courts in the Central Provinces and
1940—(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)
..
1,178	1,122	..	..	51,674	64,98,481
49	..	..	..	29,152	26,60,564
156	191	161	..	2,300	19,06,774
1	1	156	2	169	88,12,784
..	..	2	..	2	2,87,565
1,831	1,314	319	2	83,297	2,01,66,168

**STATEMENT No. 29.—Showing the General Results of the Trial of
Provinces and Berar
Civil Suits—**

Number of suits before the Courts

Class of Tribunal	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 Tribuna's	
Paid Sub-Divisional Tribunals	..	14,539	51,674	1,229	5,296	72,738
Small Cause Courts	..	8,549	29,152	574	3,784	42,059
District Courts other than Chief Courts of districts.	..	1,104	2,300	54	625	4,083
Chief Courts of districts	..	292	169	3	25	489
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT						
Chief Court of the Province	2	2	
Total	..	24,484	83,295	1,860	9,732	119,371

**STATEMENT No. 29.—Showing the General Results of the Trial of
Provinces and Berar
Civil Suits—**

Number of suits

Class of Tribunal	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	..	3,702	130	6,842	1,521	204
Small Cause Courts	..	1,791	112	5,523	801	123
District Courts other than Chief Courts of districts.	..	301	211	592	182	362
Chief Courts of districts	..	34	790	103	31	627
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT						
Chief Court of the Province	1	..	1,676
Total	..	5,828	132	13,061	2,535	181

*Civil Cases in the Courts of Original Jurisdiction in the Central
for the year 1940
(Paragraphs 11-15)*

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)
3,706	2,848	135	20,160	107	13,747	88
2,982	2,104	139	9,480	94	7,472	84
189	235	234	359	145	315	131
10	24	451	5	375	7	102
..
6,887	5,211	141	30,004	103	21,541	87

*Civil Cases in the Courts of Original Jurisdiction in the Central
for the year 1940
(Paragraphs 11-15)—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	396	4,805	119	15,389	881	
5	238	3,758	119	8,143	758	
14	1,329	1,007	99	889	161	
4	1,750	20	465	251	113	
..	..	..	..	1	..	
41	828	9,590	118	24,673	1,913	

*STATEMENT No. 30.—Showing the General Results of the Trial of
Provinces and Berar
Miscellaneous*

Class of Tribunal	Number of cases before the Courts					
	Pending at the beginning of the year	Instituted during the year	Revived during the year	Otherwise received	Total	
(1)	(2)	(3)	(4)	(5)	(6)	
COURTS IN THE INTERIOR						
Unpaid Tribunals	
Paid Sub-Divisional Tribunals	..	1,650	6,312	13	493	8,468
Small Cause Courts	..	955	3,600	3	138	4,696
District Courts other than Chief Courts of districts.	..	534	1,536	10	126	2,206
Chief Courts of districts	..	467	1,441	4	149	2,061
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT						
Chief Courts of the Province	..	105	155	1	..	261
Total	..	3,711	13,044	31	906	17,692

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

*STATEMENT No. 30.—Showing the General Results of the Trial of
Provinces and Berar
Miscellaneous*

Class of Tribunal	Number of					
	Compromised	After full trial			Average duration	
		Number	Average duration	Judgment for plaintiff		Judgment for defendant
(1)	(14)	(15)	(16)	(17)	(18)	
COURTS IN THE INTERIOR						
Unpaid Tribunals	
Paid Sub-Divisional Tribunals	..	121	112	1,113	709	134
Small Cause Courts	..	78	107	516	315	123
District Courts other than Chief Courts of districts.	..	32	128	311	130	177
Chief Courts of districts	..	23	140	218	143	229
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT						
Chief Courts of the Province	43	23	307
Total	..	254	115	2,201	1,320	149

NOTES—(1) Two cases of contempt of Court under Chapter XXXV of the Code of
(2) Insolvency petitions are not taken into account for purposes of

Civil cases in the Courts of Original Jurisdiction in the Central for the year 1940.

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)
534	2,354	80	725	98	801	604
493	1,548	81	258	87	565	76
78	692	114	78	127	237	87
48	807	116	38	131	155	91
51	11	92	35	137	3	329
1,204	5,412	89	1,134	99	1,761	74

Code of Criminal Procedure were instituted and remained pending at the end of the year for purposes of this statement.

Civil cases in the Courts of Original Jurisdiction in the Central for the year 1940.

Cases—concl.

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)
10	158	492	108	1,609	48	
1	58	137	82	785	7	
..	..	114	71	534	53	
..	..	151	70	478	59	
..	..	..	..	95	32	
11	149	894	97	3,501	199	

Criminal Procedure were instituted and remained pending at the end of 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	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	1,229	2,750	832	4,811
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT				
Chief Court of Provinces				
Appeals from original decrees	491	136	..	627
Appeals from appellate decrees	1,204	649	..	1,853
Appeals under the Letters Patent	63	15	..	78
Total	1,758	800	..	2,558
Grand total	2,987	3,550	832	7,369

NOTE—There were no references under section 27 of the

Courts in the Central Provinces and Berar for the year 1940

Decrees --(Paragraphs--24-29)

Number of appeals disposed of

Number of appeals disposed of											
Dismissed or not prosecuted							By transfer				Remarks
Num-ber	Aver- age dura- tion	Con- firmed	Modi- fied	Re- versed	Re- manded for retrial	Average duration of appeals in columns (8) (9) (10) and (11)	Num- ber	Aver- age dura- tion	Pend- ing at the close of the year	Pend- ing for more than a year	
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
238	101	1,449	469	505	146	141	823	118	1,181	38	
7	653	79	26	24	..	1,298	..	..	491	361	
186	159	251	23	49	22	788	..	..	1,322	804	
3	619	7	..	2	..	788	..	..	66	52	
196	184	337	49	75	22	924	..	..	1,879	1,217	
434	138	1,786	518	580	168	270	823	118	3,060	1,255	

Workmen's Compensation Act, 1923.

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

Miscellaneous

Class of Tribunal	Number of appeals before the Courts				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 . . .	217	558	61	836	133	99
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT						
Chief Court of Province						
Appeals from original decrees . . .	259	197 (a)	..	456 (a)	56	183
Appeals from appellate decrees . . .	181	103	..	284	55	156
Total . . .	440	300	..	740	111	170
Grand Total . . .	657	858	61	1,576	244	90

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

Appellate Courts in the Central Provinces and Berar for the year 1940.

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)
306	26	105	45	129	61	138	160	5	
95	11	31	..	757	..	..	263	116	
63	4	27	9	469	..	..	126	53	
158	15	58	9	633	..	..	389	169	
464	41	163	54	297	61	138	549	174	

Both the appeals were pending at the close of the year.