

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

1201

Press

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286-287

Dated 29.7.1862

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
29th July 1862.*

No. 286. Read the following :—

OFFICIAL MEMORANDUM.

1. In reply to the Official Memorandum of the Acting Chief Secretary to Government, dated the 19th ultimo, the Acting Deputy Registrar of the Sudder Court is directed to state that the Judges do not feel in a position at present to prescribe any express rules to regulate the practice of the Courts of Small Causes; but they have furnished the Judges with a few general directions for their guidance, a copy of which is enclosed for the information of Government.

2. The course of procedure to be taken in these Courts is regulated by Section XXI of the Act which has constituted them; and, as it appears to the Court, use of the permissive power conferred on them by Section XX of that enactment, will be necessary only when matters requiring the issue of a rule come under their special consideration.

3. Adverting to Section V of the amending Act XII of 1861, the Court observe that processes of a stereotyped form are now in use in the Courts in the Provinces, and they consider that for the present at least there will be no objection to the Clerks of the Small Cause Courts bringing them into practice.

SUDDER COURT,
REGISTRAR'S OFFICE,
19th July 1862.

(Signed) THOMAS WILKINS,
Acting Deputy Registrar.

To the Acting Chief Secretary to Government.

No. 287. ORDER THEREON, 29th July 1862, No. 1,201.

The Governor in Council requests that the Judges of the Sudder Court will lose no time in preparing detailed rules of practice for the guidance of the new Courts of Small Causes.

2. It is a matter of great and pressing importance which should have been attended to by the Sudder Court when the sanction of the Government of India for the establishment of the new Courts was communicated to them.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. F. C. ledge.

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Madras 17th July 1862.

To,
The Judge of the Court
of Small Causes.

1. Pending the issue of precise Rules, the preparation of which will require more time than the Judges can now command, I am directed by them to convey to you a few general directions for the discharge of your functions as Judge of the Court of Small Causes at——.

2. (You will observe that under section XXI. Act XLII of 1860, the Code of Civil Procedure is to be observed by Courts of Small Causes, in as far as its provisions may be applicable and necessary, and by the preceding section authority is vested in the Sudder Court to regulate the practice and proceedings of such Courts.)

3. The Judges are of opinion that the terms of section XXI. are sufficiently wide to allow of the procedure being simplified to any extent that may appear desirable, and therefore if any provision

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of the Code should send to you after some
reference of their meeting to be presented
to the Commune, subject to the sanction
of the justice referred to in Article 172 of the Code.
(You will be at liberty to vary the manner
then under the consideration, as you see fit,
with a view to the convenience of the parties.)
4. In receiving petitions, you will
be guided by the stamp and circulation
date and the rule contained in Article 172 of the
Code of Civil Procedure.

5. The Judge presiding shall in
most cases the suit will be decided at the
first hearing, and with this view they think
that Plaintiffs should be required to put
in with their petitions a list on unstamped
paper of their witnesses, together with the
required *batla* for services of the Commune
and the travelling expenses of the witnesses.
(You will notice with reference to the closing
portion of Section 172 of the Code of Civil
Procedure that it will not be necessary
for you to take down the depositions of
the witnesses at length, but merely to
make a Memorandum of the substance
of each witness's examination.

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6. The execution of processes should
be conducted according to the rules prescribed in
the Rules of Practice (Civil) under the head
of "Batta establishment" and "Process". The
charge for service will be the same as that
laid down for the Courts of Civil Judges.

7. As the Jurisdiction of your
Court will embrace the whole Zillah, plaints
may be received from parties residing in any
part of the same, but it is to be presumed
that as a general rule, parties will appear
at the station which may be nearest their
place of residence.

8. Forms of Process for present use
can be obtained from the Civil Judge and
blank forms can be printed at the Collecto-
rate Press, the charge for which can here-
after be adjusted when the contingent ex-
penses of Courts of Small Causes shall
have been settled.

9. Unless a clerk of the Court be
appointed all processes will have to be
signed by the Judge.

10. It will be sufficient, the Judges
think, if your decisions are recorded in
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the form of decree, as described in section 189 of the Code of Civil Procedure omitting the particulars of the claims. No detailed judgment, such as is required by section 184 to 187, need be written.

11. The Head Clerk will have to perform the same duties in regard to the custody of the cash as are discharged by the Head Commissioners in the District Commissioners' Courts.

12. It will be in your discretion to allow the pleaders of the local Courts to practice in your Court in suits which will be tried at the stations where they are located, or to admit a certain number of practitioners exclusively for your own Court, as you may deem most expedient, but in the latter case they must be persons who have passed the required test.

13. The Rules relating to the keeping of judicial accounts contained in the Miscellaneous Circulars will be applicable to Courts of Small Causes.

14. Application will be made to Government for these Courts being supplied with the Fort St George Gazette and such
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acts of the Legislature as are likely to be required for reference.

15. If you should need any furniture it will be necessary to submit an estimate of the cost for making or purchasing the same.

(True Copy)

Thos L. Minn

acting Deputy Registrar

E. P. Handlman.

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letter from the Acting
Deputy Registrar
Sudder Court

(Received 19th July 1862)

Order thereon 29th July 1862 S. 1201

The Governor in
Council requests that the
Judges of the Sudder Court
will lose no time in
preparing detailed rules
of practice for the guid-
ance of the new Courts
of Small Causes.

It is a matter of
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the Government of
India for the establish-
ment of the new courts
was communicated
to them.

W. H.

To the Sudder Court.

29th

W. H.

W. H.

1862. Department

No. 1221.

PROCEEDINGS OF GOVERNMENT.

Dated 29.12.1957

Respecting the charges of
the whole Court to prepare
referred rules of practice for
the guidance of the non-
County of small Courts.

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