

140/53/88.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <i>2097</i>	Press
<i>224-225</i>	~~Mis.~~
Dated <i>23.12.1862</i>	

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Not to be folded or roughly handled

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9-7-30

*Proceedings of the Madras Government, Judicial Department,
23rd December 1862.*

No. 224. Read the following Proceedings of the High Court of Judicature at Madras, dated 9th December 1862, No. 44.

Read Proceedings of Government, dated 11th August 1862, forwarding through the late Sudder Court for the remarks of the Civil Judge of Tellicherry, a petition from certain Native inhabitants of Wynaad, praying for the establishment of a District Moonsiff's Court in that Taluq.

Read also the following letter from the Civil Judge of Tellicherry, dated the 17th November 1862, reporting on the above petition and further recommending that jurisdiction be given to the Court of Small Causes over both the Tellicherry and Calicut Zillahs.

1. "I have the honor to acknowledge the receipt of the Proceedings of Government, dated 11th August.

2. The Judge of the Small Cause Court has recently resided at Manantoddy and disposed of all the cases within his cognizance.

3. Supposing him therefore to make two journies thither in a year, such cases will be at least as speedily settled as by the Moonsiffs.

4. Of 543 suits now on the file, there are only 59 suits not within the jurisdiction of the Small Cause Court. Even this number arises solely from the Deputy Collector having other duties and feeling a great and just diffidence of his judicial powers.

5. He would however be quite able to make any order for the immediate attachment of property so that this evil is purely imaginary.

6. The true reason for this petition is, that no Native likes his case either speedily disposed of or without the possibility of an appeal. The Legislature have decided and it strikes me very wisely that petty demands shall not be subject to appeal. Knowing that the decision is not likely to be immediately reversed, the petitioners have with characteristic cunning put their case on other grounds which appear to me to have no solidity whatever.

7. With respect to the transference of any Moonsiff from the Tellicherry Zillah to Wynaad, I beg most emphatically to protest against such a step. There is ample work for all the Courts located here. The Court of the Mufti Sudr Amin has just been abolished. I beg to reiterate what I then stated to the Court, my very great doubts whether the diminished number of Courts will be adequate to the number of suits, many of them very complex, and rendered more so by the scanty knowledge possessed either by Judges or practitioners of the first principles of Judicial Procedure. My belief is that the present Small Cause Court Judge would be quite adequate to the disposal of all suits within his jurisdiction both in this and in the Calicut Zillah.

8. The large majority of the causes before him are undefended, and numerous as the cases disposed of will appear in comparison with those disposed of by the Moonsiffs, they are wholly insufficient to occupy the time of so efficient a Judge as Mr. Sharpe."

1. The circumstances reported by the Civil Judge confirm the opinion expressed by the High Court in their Proceedings, dated 22nd ultimo, that the establishment of a separate District Moonsiff's Court in Wynaad is unnecessary.

2. The Civil Judge of Calicut will be requested to state whether, in his opinion it, would be expedient to extend the jurisdiction of the Court of Small Causes to that Zillah.

(True Extract.)

(Signed) C. F. CHAMIER,
Registrar.

To the Chief Secretary to Government.

No. 225.

ORDER THEREON, 23rd December 1862, 2,097.

Recorded in reference to Proceedings 8th instant, No. 1,990.

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

Exd. T. McMootry.

Link

N^o 2097 23^d Decr 1862

*Recorded in reference
to Pros: 8th Inst. N^o 1990.*

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Pro: 11th Aug 1802 at 900-91.
- 8th Dec 1802 - Oct 1890.

List of 1802/63

Pro: 11th Aug 1802 at 900-91.
Judicial 1862 Department

2097 No.

Proceedings of the High Court
of Judicature, at Madras.

Dated 9th December 1862.
Received 10th

No. 114

No. 2182

Communicating Copy
of a letter from the Civil Judge
of Tellicherry dated 17th ultimo
and stating that as expressed
by the High Court in their
proceedings dated 22nd ultimo,
the establishment of a sepa-
rate District Munsiff's
Court at Wynad is
unnecessary.

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With an Order.