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17/12

MADRAS RECORD OFFICE

Government of Madras

Judicial DEPARTMENT

G.O. No.	1476	Press
B.P. No.		Mis.
Back no. 42-43		

Dated	12-11	1957
		18/12

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
12th November 1872.

Read the following:—

No. 42.

OPINION.

The definition of "Court" in Section 3 would seem, at first sight, sufficiently wide to include the High Court in the exercise of its original civil jurisdiction. Looking, however, to the wording of Sections 35 and 39, I doubt whether this can have been the intention, as these Sections provide an appeal from orders of the District Judge to the High Court.

2. It may be observed that, in Act I. of 1868, "District Judge" is defined to mean the Judge of a principal Civil Court of original jurisdiction, but does not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction.

3. As the case is at any rate a doubtful one, the best course will be for the Government to appoint a Judicial Officer to perform generally, within the limits of the High Court's ordinary civil jurisdiction, the functions of a Judge under Act X. of 1870.

(Signed) H. S. CUNNINGHAM,
Advocate-General.

11th November 1872.

No. 43. ORDER THEREON, 12th November 1872, No. 1476.

Ordered that the following Notification be published in the *Fort St. George Gazette*:—

NOTIFICATION.

"Under the provisions of Clause 4, Section 3, of 'The Land Acquisition Act, 1870,' His Excellency the Governor in Council resolves to appoint the First Judge of the Court of Small Causes at Madras to perform the functions of a Judge, under the said Act, generally within the local limits of the ordinary original civil jurisdiction of the High Court of Madras."

(By Order of the Right Honourable the Governor in Council.)

Officiating Chief Secretary.

To the First Judge of the Madras Small Cause Court.
.. Collector of Madras.
.. Government Solicitor.

Exd. J. Wright.

Opinion

The definition of 'Court' in Section three would seem at first sight sufficiently wide to include the High Court in the exercise of its original civil jurisdiction. Looking however to the wording of Sections 35 and 39 I doubt whether this can have been the intention; as these sections provide an appeal from orders of the District Judge to the High Court..

It may be observed that in Act 1 of 1868 'District Judge' is defined to mean the Judge of a principal Civil Court of original jurisdiction, but does not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction.

As the case is at any rate a doubtful one, the best course will be for the Government to appoint a judicial officer to perform generally within the limits of the High Court's ordinary civil jurisdiction, the functions of a judge under Act X of 1870.

Signed J. S. Cunningham
J. S.

11-11-72

True copy
H. G. Richard
Govt. Secy

Court of 1872 Madras.

JUDICIAL.

20
THE FIRST JUDGE OF THE
MADRAS SMALL CAUSE COURT,
&c.,
&c.

Dated November, 12th.

Recd.

G. O., 12th November 1872, No. 1476.

NOVEMBER.
Nos. 42-43.

Appointing the First Judge of the Court of Small Causes at Madras, under the provisions of Clause 4, Section 3, of "The Land Acquisition Act, 1870," to perform the functions of a Judge, under the said Act, generally within the local limits of ordinary original civil jurisdiction of the High Court of Madras.

12th November 1872 No: 1476.

Ordered that the following
Notification be published in the
Fort Saint George Gazette:-

Notification.

Under the provisions of Clause 4, Section
3 of "The Land Acquisition Act, 1870",
His Excellency the Governor in Council
resolves to appoint the First Judge of
the Court of Small Causes at Madras
to perform the functions of a Judge, under
the said Act, generally within the local
limits of the ordinary original civil
jurisdiction of the High Court of Madras.

(By Order of the Governor)
Gazette of the First Judge, Madras S.C. Court
To the Collr of Madras
Govt. Solicitor.
L.B.

7
Jud. 1872 Depart-

From

The Govt. Solicitor.

Enacted 12th Nov. 72

By J. H. Dwyer.

No. 2089.

Concurring opinion
of the Advocate General
that a Jud. officer should
be appointed to perform
generally within the limits
of the High Court's ordinary
Civil jurisdiction the
functions of a Judge under
Act. X of 1870—
With Order

6-8-94

7/6/98

19-2-16

22-11-23

Court of 1872 Madras.

Judicial

The First Judge, M. S. C. Court.

per No. 12.

Encl.

G O. 12 No. 12, 1872, No. 1476.

Nos. 42. 43

Appointing the First Judge of the
Court of Small Causes at Madras
under the provisions of Clause 4
Sec. 3 of the Land Acquisition
Act, 1870 to perform the func-
tions of a Judge, under the
said Act, generally, within the
local limits of ordinary origi-
nal Civil Jurisdiction of
the High Court of Madras.