

Judicial

¹⁸⁸⁶
(193)) Department.

SERIES.

G.O. No. 2877-2878 (Judicial)

Dated 25th October 1886.

[Despatch Abstract.]

BILLS--LEGISLATIVE--

Directing transmission to the Government of India of certain replies on the provisions of the Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of the courts.

[illegible]

G.O.	No.	Department.	Date.

Further papers.

G.O.	No.	Department.	Date.

With reference to G.O., dated 28th August 1886, No. 2324, Judicial, I have the honor to reply to the call for an opinion on the Bill of the Government of India "to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of courts with respect thereto."

2. This Bill repeals section 14 of the Madras Civil Courts Act, 1873, and it will depend on the rules made by the Government under the new Act, how the value of land-suits, for purposes of jurisdiction, is to be calculated in future.

3. The effect of the Bill on the distribution of work may be very serious. The repeal of section 14 of the Madras Civil Courts Act of 1873 will throw on the superior courts a vast amount of work, unless the rules framed under the Act practically restore the effect of this section 14.

4. It is stated in section 3 of the Statement of Objects and Reasons that "the generally admitted result is that land-suits are undervalued and disposed of by courts not strictly competent to try them." This is no doubt strictly correct, but the matter has to be considered from the fiscal point of view. It would be most desirable that all important criminal cases should be inquired into and committed to sessions by the highest class of the magistracy, but practically this has been found impossible, because such officers have too much other work to do and these cases are consequently, as a rule, dealt with by the inferior magistracy. (Other very important work has for the same reason to be conducted and carried to completion by very inferior agency). Similarly it may be very desirable that land-suits should be dealt with by the courts strictly competent to try them, but practically it was found to be too expensive as involving the employment of too many sub-judges, and therefore the special provision of law was made by which, through the adoption of a special mode of valuation, an extended jurisdiction was practically given to the District Munsifs' Court for these land-suits. The practical result of any serious change in the law will, therefore, be the necessity for a number of extra sub-judges, *i.e.*, the promotion of the best munsifs into sub-judges; and it seems to me that the whole matter might be as conveniently and more speedily disposed of by letting the law stand as it is and conferring on the best munsifs in the Presidency sub-judges' powers for these land-suits. The posting of these munsifs so as to dispose of the extra land-suits in each district can be arranged without difficulty, and the munsifs of inferior qualifications would cease to exercise jurisdiction in such suits except up to values which they are strictly competent to try.

5. If, however, the Bill becomes law, it will be necessary, in framing the rules under the Act, to consider the question of the rules to be framed with reference to the agency to be employed and its cost.

6. Section 2 of the Act provides all that is necessary so far as the framing of these rules is concerned.

7. Section 3 appears to me defective, for it still leaves in the hands of the plaintiff the power to value his suit under section 7, paragraph 4, but only limits his power of valuation to the limit prescribed by the rules. This power given to plaintiffs is of doubtful advantage, and I think it would be well if it were taken from them altogether. For the purposes of the present Act, I would recommend that it should be specifically taken away from them, and that the value of the land or interest to which the suit relates should be determined by the rules to be made.

(Signed) C. W. W. MARTIN,
District Judge.

From the District Judge of Coimbatore, to the Chief Secretary to Government,
dated Coimbatore, 2nd October 1886, No. 16.

With reference to G.O., dated 28th August 1886, No. 2324, Judicial, I have the honor to submit the following remarks on the Bill for valuing suits, &c. :—

1. The general effect of the Bill will be to remove many suits for land from the jurisdiction of district munsifs to that of higher courts. This result is to be deprecated. Suitors already pay too much for what they get; and as district munsifs' courts are more accessible and cheaper to litigants than the higher courts, it is advisable to proceed in the direction of extending, rather than in that of restricting, their jurisdictions. I am not aware that there has been any complaint by litigants that their suits are disposed of by incompetent courts.

2. It is not easy to see why there should be two different methods of valuing suits—one for jurisdiction and another for court-fees. One method should suffice; and if land-suits are at present under-valued under the Court-fees Act, it would be easy to alter the number "ten" in section 7, clause V, into a number more nearly representing the supposed value. But I doubt if there is very great under-valuation.

3. It will be extremely difficult to frame rules that will at the same time be simple and afford a means of making a fair valuation of land. In fact, until the rules are published, it will be difficult to express an opinion on the advisability of empowering the local Government to draw them up.

4. As to clauses (2) and (3) of section 5 of the Bill, I think they are open to objection. If a litigant has a legal right to have his suit tried in a certain court, and is deprived of his right in spite of his timely objection, he is entitled to be put on appeal into the position which is legally his. For instance, if A is sued before a district munsif and objects to the jurisdiction, but is over-ruled, and on appeal his objection is found good, he is entitled to have the case tried *de novo* by a competent court, and there can be no reason why he should be deprived of this right in a case where a court grasps jurisdiction which does not properly belong to it. I should therefore omit clauses (2) and (3). Clause (1) is perhaps desirable, as the litigant who does not object to the jurisdiction of the Court of First Instance may fairly be held to have acquiesced in it.

5. Clause (4) of section 7 imposes what may be a very heavy duty on the local Government. What part of the local Government is to consider the objections and suggestions, and who is to compel the Government to obey the law? Publication in the Gazette is conclusive proof that it has been obeyed.

(Signed) H. J. STOKES,
District Judge.

From the Acting Government Solicitor, Madras, dated 15th October 1886, No. 474.

ABSTRACT.—Forwarding the following opinion of the Advocate-General, dated 15th October 1886 :—

OPINION.

With reference to the Bill relating to the mode of valuing certain suits for the purpose of determining the jurisdiction of courts with respect thereto, I have to state that I think the Bill will tend to render the law clearer than it has been. The law now in force has given rise to many complicated questions, many of which will probably be set at rest by this Bill, which seems to prescribe as satisfactory a mode of valuing suits for the purpose of jurisdiction as can be suggested.

(Signed) P. O'SULLIVAN,
Advocate-General.

ORDER—dated 25th October 1886, No. 2877, Judicial.

Ordered that the foregoing replies be forwarded to the Government of India.
(True Extract.)

H. E. STOKES,
Ag. Chief Secretary.

Ed. T. O'Connor.

Gobt. of (1886) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 25th October 1886, No. 2877.

OCTOBER.

Bills—Legislative.

Directing transmission to the Government of India of certain replies on the provisions of the Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of the courts.

25TH OCTOBER 1886, No. 2878, JUDICIAL.

JUDICIAL DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
LEGISLATIVE DEPARTMENT.

SIR,

In reply to your letter, dated 18th August 1886, No. 1549, I am directed to forward copy of the marginally-noted proceedings of Government, recording the opinions of the Honorable the Judges of the High Court and of certain selected officers on the provisions of the Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of the courts, and I am to say that His Excellency the Governor in Council does not disapprove of the provisions of the Bill, power being left to the local Government to lay down by rules the value of land for purposes of jurisdiction.

2. The Bill, with Statement of Objects and Reasons, was published in the *Fort St. George Gazette* in English on the 3rd September 1886. It is not proposed to publish any vernacular translations.

I have the honor to be,
Sir,
Your most obedient servant,

FORT ST. GEORGE,
25th October 1886.

Ag. Chief Secretary.

Exd. T. O'Connor.

1886.
JUDICIAL DEPARTMENT.

From the Government of
Fort St. George.

Issued

Recd.

Encl.

Letter, 25th Oct. 1886, No. 2878.

OCTOBER.

Bills—Legislative.

Forwarding copy of certain proceedings recording the opinions of selected officers on the provisions of the Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of the courts; and approving the provisions of the Bill, power being left to the local Government to lay down by rules the value of land for purposes of jurisdiction.

No. 248

FROM

A. L. Lister
Hm District JUDGE,

GODAVARI.

TO

The Honorable E. F. Webster,
Chief Secretary to Government,
Madras.

SIR,

In compliance with G. O. No. 2324
Judicial of the 28th Ultimo I have the honor to submit
my opinion that the Bill is sufficient to supply a
great want, and it does not occur to suggest any
addition to its provisions

I have the honor to be,

Sir,

Your most obed^t Serv^t

A. L. Lister
District Judge.

Jul - 28.8.86: 23240/2

3647

JUDICIAL (188) DEPARTMENT.

From The District Judge
Godavari.

Dated.....20th.....
Received.....2nd..... } September 1886.

Enclosures.

No. 248

Forwarding opinion on
the provisions of the Bill re-
lating to the mode of valuing
certain suits for the purpose
of determining the jurisdiction
of Courts with respect thereto.

Forwarded to the
Hon. Secy to Govt. of Madras
20/9.

District Court of South Malabar
Calicut, 28th September 1886.

No. 2369

From
J. H. Wilkinson Esquire
District Judge
South Malabar
Calicut.

The Honble C. J. Webster,
Chief Secretary to
the Govt of Madras
Madras.

Sir,
I have the honor to acknowledge
receipt of Proceedings of Government, Judicial
Department, dated 28th August 1886, No. 2324.
The object of the proposed Bill is
stated to be to prescribe a simple
mode of valuing suits relating to land
for the purpose of determining the
jurisdiction of the Courts. Instead,
however, of doing so, it proceeds to
empower the Local Government to
frame rules for determining the value
of land. So far as this Presidency is
concerned I consider the Bill unnecessary
and superfluous. Paras 5 and 6 and

para

para 10. clause (d). section 7 of the Court
Fees Act 1870 are perfectly plain and
require no further rules to be passed,
to enable the Courts to apply them.

Section 14 Act III of 1873 which it is
proposed to cancel has worked well
and lays down a clear and intelligible
rule for the determination of jurisdiction.
So far as I know land-suits are
neither undervalued nor disposed of by
Courts not strictly competent to try them.

I have the honor to be,

Sir,

your most obedient servant,

District Judge.

CURRENT NO. 369

From

The District Judge of Madras
Cabinet.

To

The Chief Secretary to the Govt.
of Madras

Madras.

Dated 28th September 1886.

Despatched 28th September 86.

Recd 30 -

As known by the receipt of No. 2324
of Govt. dated 26th August 86 and
submitting opinion called for

No. 2691.

High Court of Judicature
Madras 29 September 1886
3697 t.

From

H. J. Ross Esquire,
Registrar of the High Court
of Judicature at Madras.

To

The Honorable E. F. Webster,
Chief Secretary to Government.

Sir,

With reference to G.O., dated
the 28th ultimo, No. 2324, Judicial,
forwarding for the opinion of the
Honorable the Judges, a Bill to
prescribe the mode of valuing
certain suits for the purpose of
determining the jurisdiction of
Courts with respect thereto,
with statement of objects and
reasons, I am directed to state
that the Honorable the Chief Justice
has not recorded any minute
and that Mr. Justice Hernan has
no observations to offer on the
Bill. The Honorable Justices

Brandt

Judicial Department.

3704

From

The District Judge
Calcutta

Dated 30th
Decd 30th
Recd 1-10 } September 1886

No. 518

Encl. .

Subject.

Submitting his opinion
on the provisions of the
bill relating to the
land-suits.

No. 16

Comptroller & District Comm.
2nd October 1886.

From.

C. J. Stokes Esquire.

District Judge of
Comtatore.

To.

The Honorable E. F. Webster.

Chief Secretary to Government
Madras.

Sir,

With reference to the order of
Government dated 28th August 1886
No. 2324 Judicial, I have the honor
to submit the following remarks
on the Bill for valuing suits &c.
1. The general effect of the Bill
will be to remove many suits
for land from the jurisdiction of
District Munsiffs to that of higher
courts. This result is to be
depreciated. Sutors already pay
too much for what they get; and

CURRENT NO. 3697

Judicial { 1886 } Department.

No.

FROM

THE REGISTRAR OF THE HIGH COURT
OF JUDICATURE AT MADRAS,
APPELLATE SIDE.

Dated

Received

29 September 1886

No. 2691

Stating the opinion
of the Hon^{ble} Certain
Judges on the Bill to
prescribe the mode of
valuing ^{certain} suits for the
purpose of determining
the jurisdiction of Courts
with respect thereto

No. 518

4 P
District Court Salem
30th September 1886

From

J. W. W. Martin, Esquire,
District Judge,
Salem.

To

The Hon^{ble} E. F. Wabeker,
Chief Secretary
to Government,
Madras.

Sir,

With reference to G. O. dated
28th August 1886, No. 2324, Judicial,
I have the honour to reply to the
call for an opinion on the bill
of the Government of India
to prescribe the mode of valuing
certain suits for the purpose of
determining the jurisdiction of
courts with respect thereto.

This bill repeals section 14
of the Madras civil courts Act
1873

1873 and it will depend on the rules made by the Government under the new Act, how the value of land-suits, for purposes of jurisdiction is to be calculated in future.

3. The effect of the bill on the distribution of work may be very serious: The repeal of Section 14 of the Madras Civil Courts Act of 1873, will throw on the superior courts a vast amount of work unless the rules framed under the Act, practically restore the effect of this section 14.

4. It is stated in section 3 of the statement of objects and reasons that "the generally admitted result is that land-suits are undervalued and disposed of by courts not strictly competent to try them". This is no doubt strictly

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strictly correct, but the matter has to be considered from the fiscal point of view: It would be most desirable that all important criminal cases should be inquired into and committed to Sessions by the highest class of the Magistracy, but practically this has been found impossible, because such officers have too much other work to do and these cases are consequently as a rule dealt with by the inferior magistracy (Other very important work has for the same reason to be conducted and carried to completion by very inferior agency). Similarly it may be very desirable that land-suits should be dealt with by the courts strictly competent to try them, but practically it was found to be too expensive as involving the employment of too many Sub. Judges }
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Sub. Judges and therefore the special provision of law was made by which through the adoption of a special mode of valuation an extended jurisdiction was practically given to the District Munsiffs for these land suits. The practical result of any serious change in the law will, therefore, be the necessity for a number of extra Sub. Judges, i.e., the promotion of the best Munsiffs into Sub. Judges: and it seems to me that the whole matter might be as conveniently and more speedily disposed of by letting the law stand as it is and conferring on the best Munsiffs in the Presidency Sub. Judges' powers for these land suits. The posting of these Munsiffs so as to dispose of the extra land-suits in each District can

Concomitantly

can be arranged without difficulty and the Munsiffs of inferior qualifications would cease to exercise jurisdiction in such suits except up to values which they are strictly competent to try. 5. If however the bill becomes law it will be necessary in framing the rules under the Act to consider the question of the rules to be framed with reference to the Agency to be employed and its cost.

6. Section 2 of the Act provides all that is necessary so far as the framing of these rules is concerned.

7. Section 3 appears to me defective, for it still leaves in the hands of the Plaintiff the power to value his suit under Section 7, para 4, but only limits his power of valuation to

as District Munsiff Courts are more accessible and cheaper to litigants than the higher courts, it is advisable to proceed in the direction of extending rather than in that of restricting their jurisdiction. I am not aware that there has been any complaint by litigants that their suits are disposed of by incompetent Courts.

2. It is not easy to see why there should be two different methods of valuing suits, one for jurisdiction and another for Court fees. One method should suffice; and if land suits are at present undervalued under the Court Fees Act it would be easy to alter the number "ten" in Section 7 Clause V into a number more nearly representing the supposed value. But I doubt

86

doubt if there is very great undervaluation.

3. It will be extremely difficult to frame rules that will at the same time be simple and afford a means of making a fair valuation of land. In fact until the rules are published it will be difficult to express an opinion on the advisability of empowering the Local Government to draw them up.

4. As to Clauses (2) and (3) of section 5 of the Bill I think they are open to objection. If a litigant has a legal right to have his suit tried in a certain Court and is deprived of his right in spite of his timely objections he is entitled to be put on appeal into the position which is legally his. For instance

A is sued before a District Magistrate
and objects to the jurisdiction but
is over-ruled, and on appeal
his objection is found good he is
entitled to have the case tried
de novo by a competent Court,
and there can be no reason
why he should be deprived
of this right in a case where
a Court grasps jurisdiction
which does not properly belong
to it. I should therefore omit
clauses (2) and (3). Clause (1) is
perhaps desirable, as the litigant
who does not object to the
jurisdiction of the Court of first
instance may fairly be held
to have acquiesced in it.

5. Clause (4) of section 7
imposes what may be a
very heavy duty on the Local
Government. What part of the

Local Government is to consider
the objections and suggestions,
and who is to compel the Govt
to obey the law? Publication
in the Gazette is conclusive proof
that it has been obeyed.

Have the honor to be
Sir,

Your most obedient servant.

per name

District Judge.

1886 CURRENT NO 3749
Fiscal Department

From
The District Judges
To
The Chief Secretary to
the Government at
Madras.

Dated 20
Sept. 20 } October
1887.

No 16.
Enclosure - Nil.

Submitting remarks on
The Bill for valuing suits
to

File No 2871/8925

384
CURRENT NO. 393

Opinion

With reference to the Bill relating to the mode of valuing certain suits for the purpose of determining the Jurisdiction of Courts with respect thereto, I have to state that I think the Bill will tend to render the law clearer than it has been. The law now in force has given rise to many complicated questions, many of which will probably be^{set} at rest by this Bill which seems to prescribe as satisfactory a mode of valuing suits for the purpose of Jurisdiction as can be suggested.

Signed P. O'Sullivan
Advocate General

Madras
15 October 1887

/ A True Copy /

William Morgan

Acting Government Secretary

2 Abstract
Judicial Department

From

William Morgan
Acting Government Secy
Madras

To
The Chief Secretary to
Government
Madras

N^o 474

Dated 15th October 1886
And 16

Abstract, containing
of the order of the
15th Oct 86 -

Forwarded with reference
to the Order of Government
dated 28 August 1886
N^o 2324. Judicial.

William Morgan
Act. Government Secy

4 P

Judicial Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

Again by O. 28th August 1886

N^o 2324 -

File of replies thereto

36-1355, 36-1356, 36-1357 and

36-1358

Order of 25/10/86, N^o 2877

Ordered that the

foregoing replies be forwarded
to the Government of India

22/10/86

Letter N^o 2878.

To, The Secretary to the
Government of India
Legislative Dept

W
23/10
Dispo in 1886
of letter 800
11/11/86 Sir

In reply to your letter
dated 18th August 1886

N^o 1549, I am directed

to forward copy of the marginally noted Proceedings of Government, recording the opinions of the Honorable the Judges of the High Court, and of certain selected officers on the provisions of the Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of the Courts, and I am to say that His Excellency the Governor in Council does not disapprove of the provisions of the Bill, power being left to the local Government to lay down by rules the value of land for purposes of jurisdiction. -

86, 85 25 0. 2 86, 1. 2 277, 9. 15

with Statement of Objects and Reasons was published in the Fort St. George Gazette in English on the 3rd September 1886. It is not proposed to publish any vernacular translations

18/10. M.S.

25th OCTOBER 1886, No. 2577, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Reaka gain G.O. 2324 8/28/4/86.

READ the following papers:—

From the District Judge, Godáviri, to the Chief Secretary to Government, dated Rajahmundry, 20th September 1886, No. 248.

In compliance with G.O., No. 2324, Judicial, of the 28th ultimo, I have the honor to submit my opinion that the Bill is sufficient to supply a great want, and it does not occur to suggest any addition to its provisions.

(Signed) A. L. LISTER,
District Judge.

From the District Judge, South Malabar, Calicut, to the Chief Secretary to Government, dated Calicut, 28th September 1886, No. 969.

I have the honor to acknowledge receipt of Proceedings of Government, Judicial Department, dated 28th August 1886, No. 2324.

2. The object of the proposed Bill is stated to be to prescribe a simple mode of valuing suits relating to land for the purpose of determining the jurisdiction of the courts. Instead, however, of doing so, it proceeds to empower the local Government to frame rules for determining the value of land. So far as this presidency is concerned, I consider the Bill unnecessary and superfluous. Paragraphs 5 and 6 and paragraph 10, clause (d), section 7, of the Court Fees Act, 1870, are perfectly plain and require no further rules to be passed to enable the courts to apply them. Section 14, Act III of 1873, which it is proposed to cancel, has worked well and lays down a clear and intelligible rule for the determination of jurisdiction. So far as I know land-suits are neither undervalued nor disposed of by courts not strictly competent to try them.

(Signed) F. H. WILKINSON,
District Judge.

From the Registrar of the High Court of Judicature at Madras, to the Chief Secretary to Government, dated Madras, 29th September 1886, No. 2691.

With reference to G.O., dated the 28th ultimo, No. 2324, Judicial, forwarding, for the opinion of the Honorable the Judges, a Bill to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of courts with respect thereto, with Statement of Objects and Reasons, I am directed to state that the Honorable the Chief Justice has not recorded any minute, and that Mr. Justice Kernan has no observations to offer on the Bill. The Honorable Justices Brandt and Parker approve the proposals contained in the draft Bill.

2. Any minute that may be recorded by the Hon. Mr. Justice Muttusami Aiyar will be forwarded hereafter.

(Signed) H. T. ROSS,
Registrar, Appellate Side.

From the District Judge, Salem, to the Chief Secretary to Government, dated Salem, 30th September 1886, No. 518.

With reference to G.O., dated 28th August 1886, No. 2324, Judicial, I have the honor to reply to the call for an opinion on the Bill of the Government of India "to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of courts with respect thereto."

25/10

2. This Bill repeals section 14 of the Madras Civil Courts Act, 1873, and it will depend on the rules made by the Government under the new Act, how the value of land-suits, for purposes of jurisdiction, is to be calculated in future.

3. The effect of the Bill on the distribution of work may be very serious. The repeal of section 14 of the Madras Civil Courts Act of 1873 will throw on the superior courts a vast amount of work, unless the rules framed under the Act practically restore the effect of this section 14.

4. It is stated in section 3 of the Statement of Objects and Reasons that "the generally admitted result is that land-suits are undervalued and disposed of by courts not strictly competent to try them." This is no doubt strictly correct, but the matter has to be considered from the fiscal point of view. It would be most desirable that all important criminal cases should be inquired into and committed to sessions by the highest class of the magistracy, but practically this has been found impossible, because such officers have too much other work to do and these cases are consequently, as a rule, dealt with by the inferior magistracy. (Other very important work has for the same reason to be conducted and carried to completion by very inferior agency). Similarly it may be very desirable that land-suits should be dealt with by the courts strictly competent to try them, but practically it was found to be too expensive as involving the employment of too many sub-judges, and therefore the special provision of law was made by which, through the adoption of a special mode of valuation, an extended jurisdiction was practically given to the District Munsif's Court for these land-suits. The practical result of any serious change in the law will, therefore, be the necessity for a number of extra sub-judges, i.e., the promotion of the best munsifs into sub-judges; and it seems to me that the whole matter might be as conveniently and more speedily disposed of by letting the law stand as it is and conferring on the best munsifs in the Presidency sub-judges' powers for these land-suits. The posting of these munsifs so as to dispose of the extra land-suits in each district can be arranged without difficulty, and the munsifs of inferior qualifications would cease to exercise jurisdiction in such suits except up to values which they are strictly competent to try.

5. If, however, the Bill becomes law, it will be necessary, in framing the rules under the Act, to consider the question of the rules to be framed with reference to the agency to be employed and its cost.

6. Section 2 of the Act provides all that is necessary so far as the framing of these rules is concerned.

7. Section 3 appears to me defective, for it still leaves in the hands of the plaintiff the power to value his suit under section 7, paragraph 4, but only limits his power of valuation to the limit prescribed by the rules. This power given to plaintiffs is of doubtful advantage, and I think it would be well if it were taken from them altogether. For the purposes of the present Act, I would recommend that it should be specifically taken away from them, and that the value of the land or interest to which the suit relates should be determined by the rules to be made.

(Signed) C. W. W. MARTIN,
District Judge.

From the District Judge of Coimbatore, to the Chief Secretary to Government,
dated Coimbatore, 2nd October 1886, No. 16.

With reference to G.O., dated 28th August 1886, No. 2324, Judicial, I have the honor to submit the following remarks on the Bill for valuing suits, &c. :—

1. The general effect of the Bill will be to remove many suits for land from the jurisdiction of district munsifs to that of higher courts. This result is to be deprecated. Suitors already pay too much for what they get; and as district munsifs' courts are more accessible and cheaper to litigants than the higher courts, it is advisable to proceed in the direction of extending, rather than in that of restricting, their jurisdictions. I am not aware that there has been any complaint by litigants that their suits are disposed of by incompetent courts.

2. It is not easy to see why there should be two different methods of valuing suits—one for jurisdiction and another for court-fees. One method should suffice; and if land-suits are at present under-valued under the Court-fees Act, it would be easy to alter the number "ten" in section 7, clause V, into a number more nearly representing the supposed value. But I doubt if there is very great under-valuation.

3. It will be extremely difficult to frame rules that will at the same time be simple and afford a means of making a fair valuation of land. In fact, until the rules are published, it will be difficult to express an opinion on the advisability of empowering the local Government to draw them up.

4. As to clauses (2) and (3) of section 5 of the Bill, I think they are open to objection. If a litigant has a legal right to have his suit tried in a certain court, and is deprived of his right in spite of his timely objection, he is entitled to be put on appeal into the position which is legally his. For instance, if A is sued before a district munsif and objects to the jurisdiction, but is over-ruled, and on appeal his objection is found good, he is entitled to have the case tried *de novo* by a competent court, and there can be no reason why he should be deprived of this right in a case where a court grasps jurisdiction which does not properly belong to it. I should therefore omit clauses (2) and (3). Clause (1) is perhaps desirable, as the litigant who does not object to the jurisdiction of the Court of First Instance may fairly be held to have acquiesced in it.

5. Clause (4) of section 7 imposes what may be a very heavy duty on the local Government. What part of the local Government is to consider the objections and suggestions, and who is to compel the Government to obey the law? Publication in the Gazette is conclusive proof that it has been obeyed.

(Signed) H. J. STOKES,
District Judge.

(A.E. C.N. 3937.)

3747

PRESS.

Indra
 DEPARTMENT.
 G.O. DATED 25th October/86.
 No. 2877/8.

First copy sent to Press.

Returned for signature. // //

Despatched in print. // //

[Despatch Abstract.]

Bills—Legislative.

to hear suits for the purpose
 of determining the jurisdiction
 of the Courts; and approving the
 provisions of the Bill, power
 being left to the local authorities
 to lay down by rules the
 value of land for purposes
 of jurisdiction—

Directing transmission
 of the Bill to the Government of India of certain
 replies on the provisions
 of the Bill to prescribe
 the mode of valuing certain
 suits for the purpose of
 determining the jurisdiction
 of the Courts—

Forwarding copy of
 the Bill to the Government of India for their
 consideration and recording
 the opinions of selected officers
 on the provisions of the Bill
 and the mode of valuing