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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	2	Press
		Mis.
Dated	14-1-	1938.

Not to be folded or roughly handled

1928.
High Court of Judicature
Madras 29th November, 1928.

From

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

To

The Honorable H. E. Stokes,
Chief Secretary
to Government,
Fort Saint George

Sir,

I am directed to point out that under Section 30, Clause 1, of Regulation IV, and Section 16, Clause 2, of Regulation V of 1816, all decrees of village munsifs and certain decrees of village Panchayats are to be executed by District Munsifs, and that there is no provision of law for the execution of such decrees in places where there is no District Munsif. The result of this has been that in the tract of the Nilgiri District subject to the jurisdiction of the subordinate judge, all such decrees

have been hitherto executed by the subordinate judge. Mr. Clarke has now taken exception to this practice and urges that it is illegal.

It appears to the High Court that the best way out of the difficulty will be to invest the subordinate judge of the Nilgiris with the powers of a District Munsif under Regulation IV of 1816 for the purpose of enforcing the decrees in question, but before issuing any notification, I am directed to enquire whether the Government see any objection to the proposal.

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

Miss...
Registrar,
Appellate Side.

EXHIBIT 10.

Judicial {1837} Department.

No.

FROM

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

Dec 11 9 November } 1837
received

No. 2928
Enc: nil
CHIEF SECRETARY
1 DEC 37
GOVERNMENT OF MADRAS

Inquiring whether the Government has any objection to High Court investing the Sub-judge of Nilgiris with the powers of a District Munsif under Regulation IV of 1816 for the purpose of enforcing decrees of Village Munsifs and Village Panchayats.

For orders.
Under Reg. IV of 1816 all that the D. Munsif does is to send a person to conduct the sale, but under Reg. I of 1816, clause 2 of sec. 16, the entire execution is left to the D. Munsif. The first matter will be altered if the Bill referred to in G.O. 10 Oct 1837 No. 290, becomes law.
The High Ct. does not say under what provision it proposes to invest the Sub-judge of Ootacamund with the powers of a D. Munsif for the purposes of Reg. IV of 1816. (It only says "under Reg. IV of 1816", but I also must be meant). The only Act applicable seems to be the Madras Civil Courts Act 1873 & that seems to contain no provision for investing Sub-judges with D. Munsif's powers. Under sec. 4 - the proposal would, it is submitted, amount to an addition to the number of D. Munsifs & require Judicial sanction. The proposal does not appear feasible, & the High Court mt. be asked to wish practice continue. ~~There can be very few suits under Regs. of 1816 in the Nilgiri Dist. In the Wynad, the Head is a D. Munsif, so the Flakke only is concerned.~~
All
9/12

all that is to be done is to send a person to conduct the sale, but under Reg. I of 1816, clause 2 of sec. 16, the entire execution is left to the D. Munsif. The first matter will be altered if the Bill referred to in G.O. 10 Oct 1837 No. 290, becomes law.

The object of the motion to sec 4 of the Civil Ct. Act is merely financial. It is to be decided by the High Court.
C. 12/12
R. 25/12

... was obtained in ...
 at Kodrikamal, Gudalur & the
 Nilgiri Head Quarters. We must simply
 say of 4th January 1880 No 2
 of the fort have no objⁿ to the
 Subordⁿ Judge of the Nilgiris has
 invested with any of the powers of
 a District Judge not already
 present.

This Act's letter will be commu-
 nicated to the Deptⁿ of the ^{for London} in course
 with the Village Courts Bill

For orders.

2/12

W.S.

W.S.

Despatch

2/12

to the ...
 the judges of the ...
 into C & ...
 Judge Dept

READ AGAIN ORDER OF GOVERNMENT, dated

188 , No.

MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

STATEMENT WITH DITTO.

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17/8/03
5-9-03
12-5-04
16.6.10
25-9-07
11/11/36

73

ORDINARY, M.S.

Journal DEPARTMENT.
G.O. DATED 27 Jan 88
No. 2

When given for copying

[Despatch Abstract.]

Subordinate Judge
investigation
with the powers of a
District Munsiff.