

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 3991

DATED 7th Oct. 98

[Despatch Abstract.]

Recording Co (Ind. Dept.) reviewing
an report on the administration of
civil justice in the Prov. of Madras for
the year 1897

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government {1898} of Madras. JUDICIAL.

Recd. 2 Oct.

Regd. 3 "

1898.

Enclosures

Spare copies

G.O., &c., Nos. 1494, 1495, 23rd September 1898.

SEPTEMBER.

G.O. this No.

Communicated to
the Board of Revenue
~~for their attention~~
to be a copy of the order
read above.

Recorded

11/5
6/10

Civil Justice.

Reviewing the report on the administration of — in the Presidency of Madras for the year 1897.

note

The B.O. has been directly commd
by the Judicial
to the Board. L.R.

W.S.

11/10/98

W.S.

5.8.98

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following paper:—

From the Registrar of the High Court of Judicature, Madras, dated 13th August 1898, No. 1477.

ABSTRACT.—Submitting 55 copies of the report on the administration of Civil Justice in the Presidency of Madras for the year 1897.

ORDER—No. 1494, Judicial, dated 23rd September 1898.

The report on the administration of Civil Justice for 1897 reached Government on the prescribed date.

2. *Litigation generally.*—The total number of regular Civil Courts exercising jurisdiction remained practically stationary, but both original and appellate litigation increased considerably. The increased work was however counterbalanced by an advance in the number of disposals and arrears remained much the same as in the previous year. Tanjore and Madura continued to head the list of districts arranged according to litigiousness. Tinnevely came next, taking the place occupied in 1896 by Malabar.

3. Comparing litigation in 1896 and 1897 with reference to the nature of the suits filed, it appears that in the year under review a large proportion of cases consisted of claims for money and other moveable property, while rent suits were less numerous. The average value of suits and small causes advanced generally, and the total amount involved in litigation rose by about fifty-two lakhs.

4. Over 62 per cent. of the applications for the execution of decrees were wholly infructuous, while the proportion of cases in which full or partial satisfaction of decrees was obtained declined from 42 per cent. in 1896 to 26 per cent. in 1897. There was also a marked fall in the amount realised either before or after the issue of coercive process. Applications for execution remaining undisposed of increased, as did also the number of those pending for more than three months. The want of success which characterised the execution proceedings of Civil Courts is no doubt attributable in a great measure to the prevalence of scarcity during the year. The attention of the Honourable the Judges of the High Court will, however, be invited to the matter.

5. *Village Courts.*—The number of village courts exercising jurisdiction rose slightly, but they received 9,324 cases more than in 1896 and dealt with nearly 27 per cent. of the total litigation of the Presidency. The increase occurred in suits of all values and was most noticeable in Madura, Kistna and Tanjore. Disposals however advanced with institutions, and arrears were kept within reasonable limits.

6. *Revenue Courts.*—The statistics relating to the work of these courts are liable to show constant fluctuations, owing to the institution or disposal of large batches of connected suits. Thus, the decrease in the number of revenue suits already referred to was mainly due to the institution during 1897 of fewer batches of rent suits. The courts however worked with greater promptitude disposing of nearly 3,500 cases more than in 1896, and effecting a considerable reduction in arrears. In individual districts, arrears were most numerous in Nellore where 1,357 cases were pending for more than three months: the average duration also was great in that district. The matter appears to have attracted the attention of the Board of Revenue, which will be requested to report the result of its enquiry to Government. Gódvári improved in the matter of average duration, but disposals there were still wanting in promptitude, 441

cases remaining undisposed of for more than three months. The average duration of uncontested suits was longest in Ganjam, and that of contested suits in North Arcot.

7. *District Munsifs' Courts.*—As observed by the Honourable the Judges of the High Court, there was an unprecedented increase in institutions of ordinary and small cause suits in the Courts of District Munsifs, accompanied by a corresponding advance in the outturn of work on both sides of the courts. Although the number of District Munsifs has remained unchanged, and the work coming before them has increased by nearly 15 per cent. during the last quinquennium, a comparison of the present figures with those for the year 1893 shows a decrease in the proportion of pending cases, a shorter average duration in both contested and uncontested suits, and fewer successful appeals against the decisions of District Munsifs. In the year under review the number of suits for disposal rose by 4,600 as compared with 1896, while the disposals increased by only 1,600 in spite of the efforts of the Munsifs, so that there was a considerable addition to the number of arrears. This was most notable in South Arcot, Madura, Gódvári and Kistna. The Judicial staff of each of these districts will shortly be strengthened by the appointment of an additional District Munsif, and an improvement may then be expected.

8. The operations of individual courts are discussed in paragraphs 16—32 of the report. There were more than four hundred ordinary suits pending in six courts, and more than two hundred small causes in nine courts. The average duration of cases was in many instances high.

9. *Subordinate Judges' Courts.*—Owing to the transfer of the Mangalore Sub-Judge's Court to Nellore, the number of suits instituted in Sub-Judges' Courts slightly declined. Small causes, however, continued to increase, especially in Kumbakonam and Calicut. The outturn of work was, on the whole, good. Disposals exceeded institutions. Arrears were reduced by 92 in ordinary suits, but rose by 73 in respect of small causes. Suits pending for more than a year slightly increased, while small causes pending for more than three months were less numerous. There was generally greater celerity in the disposal of cases.

10. The Madura (West) Sub-Court appears to have been most prompt in disposing of cases. Arrears were particularly numerous in respect of ordinary suits in Tinnevely, and of small causes in Kumbakonam, where, however, the number of cases contested was high. The average duration of contested suits was longest in Tinnevely, and that of contested small causes in Ootacamund.

11. Appeals against the decisions of Subordinate Judges were more frequent than in the previous year, but a larger proportion of them were unsuccessful.

12. There was an improvement generally in the appellate work of the courts. Arrears were reduced, and the average duration was shorter. The Masulipatam Sub-Court disposed of the largest number of appeals.

13. *District Courts.*—Perhaps the most noticeable feature of the year's statistics is the advance in the original and appellate litigation coming before District Courts, and the success attained by them in keeping abreast of their work. The statistics are given below:—

	Ordinary and Summary Suits.				Appeals.				Small Causes.			
	Instituted.	Disposed of.	Pending.		Instituted.	Disposed of.	Total.	For over six months.	Instituted.	Disposed of.	Total.	For over three months.
			Total.	For over a year.								
1893 ..	422	404	490	217	9,470	7,570	5,118	..	282	217	220	..
1894 ..	507	502	465	131	8,810	6,643	4,676	..	465	554	128	..
1895 ..	402	382	468	122	10,428	7,210	5,839	..	600	498	166	76
1896 ..	448	386	558	183	8,762	6,911	6,002	2,560	598	554	190	27
1897 ..	489	511	478	123	9,290	8,061	4,849	1,430	735	738	146	29

A decided improvement is observable in every direction. The outturn was larger, although a larger proportion of cases and appeals decided were contested, and arrears fell to an appreciable extent. Fewer suits and appeals remained long pending, and the average duration was very much shorter.

14. The work of individual courts is examined in paragraphs 34—41 of the report. Bellary and Nellore greatly improved in the matter of arrears, and the average duration of suits, owing no doubt to the presence of a Subordinate Judge in these districts for some portion of the year. The average duration of suits and appeals was again excessive in Trichinopoly.

15. *Presidency Small Cause Court*.—There was a further advance in the number of cases instituted in this court. Disposals were nearly equal to the institutions, and arrears increased but slightly. The average duration of cases, however, was longer than in the preceding year.

16. *City Civil Court*.—This court disposed of four hundred and thirty-four suits, or twenty-three more than in the previous year, and reduced the arrears on its file by about 20 per cent. Contested suits were decided more promptly but the reverse was the case in regard to uncontested claims.

17. *High Court*.—Institutions increased on both the sides of the court. The advance in work, however, appears to have been well met and arrears greatly diminished. The cases disposed of in exercise of the court's revisional jurisdiction were also more numerous than in the preceding year.

(True Extract.)

[Signature]
for Chief Secretary.

To the Honourable the Chief Justice (with C.L.).
„ the Revenue Department.
„ the Board of Revenue (Land Revenue).
„ the Public Department.
„ all Collectors.
„ the Chief Judge, Court of Small Causes.
Editors' Table.

ENDORSEMENT—No. 1495, Judicial, dated 23rd September 1898.

Copy to the Government of India, Home Department.

G. STOKES,
Chief Secretary.

Ed. A. F. Ecolston.

When given for copying _____
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