

## BENGAL JUDICIARY SYSTEM

ACT NO. XXV. OF 1837

[Rep., Act 12 of 1873]

[2d October, 1837.]

*Passed by the Right Hon'ble the Governor General of India in Council, on the 2d October, 1837.*

I. It is hereby enacted, in modification of Section XVIII. Regulation V. 1831 of the Bengal Code, that from the First day of November 1837, no Zillah or City Judge within the Territories subject to the Presidency of Fort William in Bengal, shall be precluded by reason of the amount or value of the property for the recovery of which a Suit is instituted, from referring that Suit to any Principal Sudder Ameen.

II. And it hereby enacted, that so much of Clause Second, Section XXXI. Regulation VII. 1822, and Section XIX. Regulation VIII. 1831 of the Bengal Code, as provided that Suits of the description therein referred to, shall not be cognizable by, or referrible to any Sudder Ameen or Moonsiff, be repealed.

III. And It is hereby enacted, that it shall be competent to every Zillah or City Judge within the said Territories to refer for trial and decision, any Original Suit preferred under the Provisions of Clauses First, Section XXX. Regulation II. 1819 of the Bengal Code, to any Principal Sudder Ameen, any thing in the existing Regulations to the contrary notwithstanding.

IV. And it is hereby enacted, that in all Suits exceeding the amount or value specified in Clauses First, Section XVII. Regulation V. 1831, which shall, under the authority of Section I. of this Act, be referred to a Principal Sudder Ameen the Appeal from the decision of such Principal Sudder Ameen shall be direct to the Court of Sudder Dewanny Adawlut, and shall be conducted in all respects according to the same rules as if it were an Appeal from the decision of a Zillah Judge to the said Court of Sudder Dewanny Adawlut, and any application for a review of judgment on such decision shall be made by the said Principal Sudder Ameen directly to the said court of Sudder Dewanny Adawlut, and shall be conducted in all respects as if it were an application for a review of a decision of a Zillah Judge.

V. And it is hereby enacted, that whenever a Zillah or City Judge within the said Territories in the exercise of the discretion vested in him by Section VII. Regulation V. 1831 of the Bengal Code, shall refer for trial to a Sudder Ameen or Principal Sudder Ameen, a Suit within the competency of Moonsiff to decide, such Suit shall be subject to the same rules in regard to Stamp Duties, and to the same rules in regard to Appeal as the said Suit would have been subjected to had it been received and tried by the Moonsiff in the first instance.

VI. Provided always, that when any such Suit shall have been decided by a Principal Sudder Ameen, the Appeal from such decision shall lie to the Zillah or City Judge, and shall be tried by him only, and that the decision of the Zillah or City Judge on such Appeal, shall be final, any thing in the existing Regulations to the Contrary notwithstanding.

VII. And it is hereby enacted, that whenever a Zillah or City Judge within the said Territories shall refer for trial to a Principal Sudder Ameen a Suit within the competency of a Sudder Ameen to decide, such Suit shall be subject to the same rules in regard to Stamp Duties, and to the same rules in regard to Appeal, as the said Suit would have been subjected to, had it been referred to and tried by the Sudder Ameen in the first instance.

VIII. And it is hereby enacted by, that it shall be competent to either of the Courts of Sudder Dewanny Adawlut within the Territories, subject to the Presidency of Fort William in Bengal, by an Order under the signature of the Register of such Court, to authorize the Judge of any Zillah or City Court, subordinate to such Court of Sudder Dewanny Adawlut, to transfer to a Principal Sudder Ameen any Civil proceedings, whether miscellaneous or summary, which may be depending at the time when such Order is issued or be thereafter instituted in the Court of the said Zillah or City Judge, and all

proceedings so transferred shall be disposed of by said Principal Sudder Ameen according to the Rules prescribed in the Regulations for the guidance of the Zillah and City Judges in the like cases,--provided however that an Appeal from the order of the Principal Sudder Ameen in such cases shall lie in the first instance to the Principal Sudder Ameen in such cases shall lie in the first instance to the Zillah or City Judge, and specially to the Sudder Dewanny Adawlut.

IX. And it is hereby enacted, that Clause Second, Section II. Regulation VII. 1832, be repealed, and that in all cases in which an Appeal from the orders or decision of a Principal Sudder Ameen to a Zillah or City Judge is authorized by Law such Appeal shall be received, unless the same be preferred within the period of thirty days from the date of the order or decisions of the said Principal Sudder Ameen to be calculated according to the rules prescribed in Clause Ten, Section VIII. Regulation XXVI. 1814, or unless it shall be proved, that the appellant was prevented by circumstances beyond his control from presenting his Appeal within the above mentioned period.

X. And it is hereby enacted, that Clauses First Section XXV. Regulation V. 1831 of the Bengal Code, be repealed.

XI. And it is hereby enacted, that the rule contained in the Second Clauses of section XXV. Regulation V. 1831, be extended to the Ministerial Officers of the Moonsiffs' Courts.

XII. And it is hereby enacted, that all Ministerial Officers of the Courts of Moonsiffs', Sudder Ameens, and Principal Sudder Ameens shall be nominated and appointed by those Courts respectively, subject to the general control of the Zillah and City Judges and Court of Sudder Dewanny Adawlut, within whose jurisdiction the said Courts may be situated.

---