

AMINS AND MUNSIFS, BENGAL ACT 1843

ACT No. VI. Of 1843

(Rep., Act 12 of 1873)

[21<sup>st</sup> April, 1843].

*Passed by the Right Hon'ble the President of the Council of India in Council, On the 21<sup>st</sup> of April, 1843, with the assent of the Right Hon,ble the Governor General of India.*

An Act to for amending the Law concerning the jurisdiction and procedure of the Courts of Ameens and Moonsiffs.

I. It modification of Clause 4, Section 18, Regulation V. of 1831, Bengal Code, it is hereby enacted, that in the trial and decision of all original Suits referred to them by the Judge, the Principal Sudder Ameens shall be guided by the rules established for the Conduct of business in the Courts of the Zillah and City Judges.

II. And it is hereby enacted, that the provisions of Section 4, Act No XXV. of 1837, in respect to appeals from decisions passed by Principal Sudder Ameens, in Suits of the nature specified therein, be extended to all interlocutory orders passed by those Officers in such Suits.

III. And it is hereby enacted that such parts of Regulation XXIII. 1814, as prohibit the Sudder ameens and Moonsiffs from requiring security from defendants; or from attaching their property in cases pending before them; or from realizing fines imposed by them without first obtaining the sanction of the Zillah Judge, be repealed.

IV. And it is hereby enacted, that it shall be competent to the Sudder Ameens and Moonsiffs to demand security from the defendant, under the provisions of Sections 4 and 5, Regulation II. 1806, in cases pending before them; and also to proceed, without reference to the Zillah Judge, to the realization of fines imposed by them, provided that all orders passed by the Sudder Ameens and Moonsiffs under this Section, be subject to an appeal to the Zillah Judge.

V. And it is hereby enacted, in modification of Section 22, Regulation V. of 1831, that decrees passed in the Courts of the Judges or Principal Sudder Ameens, in cases of appeal from the decisions of the Sudder Ameens or Moonsiffs, shall be executed by the Courts in which the original decisions passed by those Courts—applications for the execution of such decrees shall be presented, together with a certified copy of the decree of the orders of the Moonsiff or sudder Ameen in such cases the decision of the Zillah or City Judge shall be final.

VI. And it is hereby enacted, that Clause 2, Section13, Regulation XXIII. 1814, and Clause 4, Section 5, Regulation V. 1831, be repealed.

VII. And it is hereby enacted, that no person whatever shall, by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever, exempted from the jurisdiction of the Courts of the Moonsiffs, in the Territories subject to the Presidency of Fort William in Bengal.

VIII. And it is hereby enacted, that persons invested with the powers of Moonsiff shall be competent to receive, try, and determine suits of every description under the restrictions as to local jurisdiction and value of property mentioned in Clauses 1, 2 and 3, Section 5, Regulation V. 1831. Provided, however, that no Moonsiff shall try any suit, in which he himself, or any of his relatives, or dependants, or any of the Vakeels or Officers of his Court shall be a party.

IX. And it is hereby enacted, that in cases, where by reason of the above Section, a Moonsiff cannot try a suit because he himself, or any of his relatives, or dependants, or any of the Vakeels or Officers of his Court is a party to the suit, it shall nevertheless be competent to the Moonsiff to receive the suit, and forward it to the Judge of the Zillah to which he is subordinate, who may thereupon refer the same for trial and decision to any other Moonsiff of the District.

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