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**NOTE**  
ON THE  
**ADMINISTRATION OF  
CIVIL JUSTICE**

IN THE PROVINCE OF OUDH

*During the calendar year ending 31st December 1938*

WITH STATEMENTS

14978

**NOTE ON THE ADMINISTRATION OF CIVIL JUSTICE  
ENDING 31st DECEMBER, 1938**

**CORRIGENDUM**

Page 3A, Table B, column 10, against entry "Hardoi with powers of an Assistant Sessions Judge" for figures "85" read "35".

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939  
1978

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NOTE  
ON THE  
ADMINISTRATION OF  
CIVIL JUSTICE

IN THE PROVINCE OF OUDH  
*During the calendar year ending 31st December 1938*

WITH STATEMENTS



15978

ALLAHABAD:  
SUPERINTENDENT, PRINTING AND STATIONERY, UNITED PROVINCES, INDIA  
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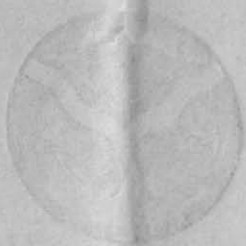
1938

CIVIL JUSTICE  
ADMINISTRATION OF

IN THE PROVISION OF COURTS

During the calendar year 1938

WITH EXHIBITS



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
WASHINGTON, D. C.



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**NOTE ON THE ADMINISTRATION OF CIVIL JUSTICE IN THE  
PROVINCE OF OUDH, DURING THE CALENDAR YEAR  
ENDING 31st DECEMBER, 1938**

**CHIEF COURT**

1. The changes in the personnel of this Court were not so frequent as before but the most unfortunate feature of this year's working has been that the Court remained short of one Judge throughout the whole year and it had to work with only four Hon'ble Judges in spite of the sanctioned strength of five.

2. The following were the permanent and officiating Judges in this Court during the year under review:

**CHIEF JUDGE**

The Hon'ble Sir Bisheshwar Nath Srivastava, permanent Chief Judge of this Court, remained on leave both in and out of India from 15th November, 1937 to 17th July, 1938. He died on 18th July, 1938. Except during the period of this Court's annual vacation (16th May to 15th July, 1938), the Hon'ble Mr. Justice George Hector Thomas, Barrister-at-Law, continued to officiate as Chief Judge up to 15th May, 1938, and the Hon'ble Mr. Justice Ziaul Hasan, Khan Bahadur, officiated as Chief Judge for only three days, from 20th July, 1938. With effect from 23rd July, 1938, the Hon'ble Mr. Justice George Hector Thomas was appointed as permanent Chief Judge of this Court.

**PUISNE JUDGES**

The Hon'ble Mr. Justice George Hector Thomas, Barrister-at-Law, was on leave in India from 16th to 21st July, 1938. He remained as a Puisne Judge of this Court from 16th May to 22nd July, 1938 only. During the rest of the period he acted as the Chief Judge of this Court. No substitute was appointed in his place in any of the above periods.

The Hon'ble Mr. Justice Ziaul Hasan, Khan Bahadur, remained as Judge of this Court throughout the whole year except for three days already mentioned when he officiated as Chief Judge. He was also on leave in India from 19th April to 14th May, 1938. No substitute was appointed in his place in any of the above periods.

The Hon'ble Mr. Justice Archibald Henry de Burgh Hamilton, I.C.S., throughout the year.

The Hon'ble Mr. Justice Robert Langdon Yorke, I.C.S., took his seat on the Bench of this Court on 27th January, 1938, as a permanent Judge of this Court, the post having remained vacant up to 26th January, 1938. He worked throughout the year except for a short period of 19 days from 17th October to 4th November, 1938, when he was appointed to hold a judicial inquiry into the Tanda riot.

It is thus evident that the work of this Court was seriously handicapped by the shortage of Judges during the year under report.

3. The following table gives in detail the civil work done by the Chief Court in 1938:

Class of cases	Pending 1937	in 1938	Total	Decided	Pending at the end of the year 1938	
<i>Original</i>						
Regular suits .. .. .	8	2(a)	10	3	7	
Divorce cases .. .. .	10	3	13	8	5	
Miscellaneous	Testamentary cases (un- contested).	1	1(b)	2	..	
	Commercial cases ..	4	5	9	6	
	Cases under the Indian Trusts Act (II of 1882).	1	..	1	..	
Applications for execution of decrees ..	27	6	33	9	24	
<i>Appellate</i>						
First appeals against the decrees of original jurisdiction of Chief Court (Bench).	2	5	7	1	6	
First regular appeals (including rent appeals) against the decrees of civil subordinate courts (Bench).	235	145(c)	380	60	320	
Second regular appeals including rent appeals.	Bench ..	161	51	212	48	164
	Single ..	843	377	1,220	939	881
Execution of decrees appeals	Bench ..	46	31(d)	77	16	61
	Single ..	27	29	56	6	50
Miscellaneous appeals ..	Bench ..	102	96	198	33	165
	Single ..	29	37	66	11	55
Appeals under section 12(2), Oudh Courts Act (IV of 1925) (Bench).	28	27	55	16	39	
Civil Revisions under section 115, Code of Civil Procedure.	Bench ..	98	79	170	38	132
	Single ..	91	97	188	55	133
Civil Revisions under section 25, Provincial Small Cause Courts Act (IX of 1887).	Bench ..	5	2	7	2	5
	Single ..	143	113	256	70	186
Applications for leave to appeal to His Majesty in Council.	26	13	39	22	17	
Applications under section 75, Provincial Insolvency Act (V of 1920).	4	4	8	1	7	



Class of cases	Pending from 1937	Instituted in 1938	Total	Decided	Pending at the end of the year 1938	
Applications under section 66, Income-tax Act (X.I of 1922).	2	1	3	1	2	
References for ruling under the Code of Civil Procedure and other enactments.	7	9	16	8	8	
Matrimonial reference .. .. .	..	1	1	1	..	
Appeals under section 46, Encumbered Estates Act.	..	15	15	..	15	
Full Bench Refer- ences.	{ Civil Revisions under section 115, Code of Civil Procedure.	1	1	2	1	1
	{ Civil references .. .. .	..	2	2	1	1
	{ First civil appeal .. .. .	..	1	1	1	..
	{ Second civil appeals	2	1	3	3	..
	{ Miscellaneous appeals	1	1	2	2	..
	{ Criminal miscellaneous applications.	..	2	2	1	1
Review applications .. .. .	16	14	30	15	15	
Miscellaneous applications ..	{ Bench .. .. .	101	236	337	232	105
	{ Single .. .. .	225	816	1,041	845	196

NOTES—(a) Include one suit remanded by the Bench of this Hon'ble Court in appeal.

(b) Succession certificate case.

(c) Include one appeal received by transfer from lower court.

(d) Include one execution appeal remanded by Their Lordships of the Privy Council.

4. During the year under review the institutions of first appeals increased, but those of second appeals decreased, while the institutions of civil revisions remained practically the same as in the year 1937. First appeals instituted during the year increased from 124 to 150 (including one received by transfer from a subordinate court). This is the highest figure during the last decade and seems to be due to larger disposal of cases under the United Provinces Encumbered Estates Act by special judges. The number of second appeals instituted decreased from 553 to 428 (—125). This is possibly due to fewer decisions of appeals by lower appellate courts in 1937. Institutions of civil revisions was 289 as against 290 in 1937.

First and second appeals and revisions in the Chief Court.

Decisions, however, could not keep pace with the institutions, being less by 89 in first and 41 in second appeals and 124 in civil revisions. First appeals decided decreased from 108 to 61 (—47), second appeals

from 433 to 387 (-46), and civil revisions from 243 to 165 (-78) as compared with the previous year, but it is satisfactory to note that decisions of second appeals by a single judge of this Court increased from 206 in 1937 to 339 in the year under report—this seems to be the effect of enhancement of pecuniary jurisdiction as mentioned in sub-paragraph 2 of paragraph 4, page 4 of this Court's Report on the Administration of Civil Justice for the year 1936.

Fewer decisions resulted in the accumulation of arrears, and the pending file at the close of the year mounted to 326 first and 1,045 second appeals and 456 civil revisions. These are the highest yet recorded. The corresponding figures for the previous year were 237, 1,004 and 332 respectively.

The reason for the increase in the pending file is obvious. The Court remained short of one Judge throughout the year and no substitute was appointed in place of the Hon'ble Judges who went on leave. One post remained vacant for 26 days, another for 19 days when an Hon'ble Judge was deputed to hold an inquiry in the Tanda riot and about 25 days were spent by the Hon'ble Judges in the inspection of civil subordinate courts. Besides this no less than 9 Full Bench references were heard by a Bench consisting of three Judges. Three Hon'ble Judges sat on the original side for 106 days and disposed of three taluqdari suits and other original cases as mentioned hereafter in paragraph 8.

It may, however, be noted that there was no appeal of 1935 left on the pending file of this Court by the end of the year under review, and a majority of 1936 appeals has also been disposed of at the time of writing this report. The percentage of successful first civil appeals was 10 as against 6.5 and of second civil appeals 9.5 as against 8 in the previous year.

5. Out of 61 first civil appeals decided during the year under review, there was only one appeal from the original jurisdiction of this Court of the value of Rs.55,10,859 which was decided by a Bench of this Court. Six appeals were left pending at the end of the year 1938, 4 of these are taluqdari cases of the total value of Rs.52,24,459, one is a trust case valued at Rs.5,43,000, and the other divorce case.

6. There were 26 applications for permission to appeal to the Privy Council pending at the beginning of the year. During the course of the year, 13 more applications were filed making a total of 39. Seventeen applications were rejected and permission was granted in 5 leaving 17 applications pending at the end of the year. In 1937, 15 applications were rejected, 3 were allowed and 26 were left pending.

7. In all there were 10 cases for preparation and despatch of records to England during the year under review—5 were newly received and the rest were brought forward from the previous year. In 4 cases the records were prepared and despatched to England, leaving 6 cases pending at the close of the year.

Before Their Lordships of the Privy Council there were 16 appeals pending from the decision of this Court when the year opened and 4 appeals were admitted during the course of the year. Out of these 20, one has been allowed, 2 connected appeals were remanded to trial

Appeals from  
the original  
jurisdiction  
of this Court

Applications  
for  
permission  
to appeal to  
the Privy  
Council.

Privy Council  
appeals.

court for final disposal, and 8 were dismissed. Nine appeals are still pending.

8. The year opened with 8 original suits of the total value of Rs.1,12,20,097, which remained undisposed of at the end of 1937. In 1938, one suit of the value of Rs.7,32,654 was instituted and one of the value of Rs.55,10,859 was remanded by a Bench of this Court for trial. Thus there were 10 suits of the total value of Rs.1,74,63,610 for disposal, out of these the Court decided 3 suits of the total value of Rs.19,59,250. There remained 7 suits of the total value of Rs.1,55,04,360 pending at the end of the year.

Original  
suits,  
Valuation  
of—

In addition to these the Court decided 8 divorce cases, 2 uncontested testamentary cases and 6 commercial cases relating to company matters.

9. There were before this Court 33 applications for execution of decrees—27 pending from the previous year and 6 were newly filed during the year. Of these 9 were disposed of by lower courts as this Court has no agency for execution work. The result certified by the subordinate courts was that 5 were wholly infructuous and 4 were fully satisfied. Twenty-four remained pending at the end of the year, of which 18 are more than one year old.

Execution  
applications.

#### COURTS SUBORDINATE TO THE CHIEF COURT OF OUDH JUDICIAL STAFF

10. No change in the location, constitution and jurisdiction of the permanent civil subordinate courts (other than honorary courts) was made during the year under review and the number of permanent civil courts remained the same as in the previous year.

As the Debt Acts threw a heavy strain upon the judiciary, two additional munsifs were appointed to give relief to the special judges under the United Provinces Encumbered Estates Act. They were appointed on 5th and 7th August, 1937, and worked up to 2nd June, 1938. After civil courts vacation these two additional courts were again created from 4th July, 1938, and continued up to 31st March, 1939.

Temporary  
courts.

According to G.O. no. 1677/VI—2103-33, dated the 23rd October, 1935, two munsifs, one after the other, receive judicial criminal training every year for 6 months each. This was done during the year under review also.

In the year under review the Government with the concurrence of this Court started a new scheme of investing munsifs with magisterial powers. Under this scheme 10 munsifs (increased to 17 in 1939) were invested with first class powers from 27th September, 1938. The scheme appears to be working satisfactorily. It is a matter for consideration whether munsifs who are invested with such powers and who have done a sufficient amount of criminal work should undergo further training under district magistrates as required by the G. O. no. 1677/VI—2103-33, mentioned in the preceding paragraph.

The need for appointing additional civil judges by investing senior munsifs with powers of a civil judge continued (as ever) and additional courts of civil judges were created from time to time where the necessity was most keenly felt. There are at present two fixed courts of

additional civil judges, one at Gonda and the other at Lucknow, known as the court of the civil judge, Malihabad. The former, however, was kept in abeyance for about 6 months at different intervals during the year for want of officers. In addition to these, seven additional civil judges were deputed to work at Bara Banki, Unao, Sitapur, Hardoi, Fyzabad, Bahraich and Partabgarh. Some of them worked throughout the year and others for a portion of the year (the work done by these additional civil judges is equivalent in the aggregate to that done by about five whole-time civil judges.

In addition to these, three I. C. S. officers were under judicial training. Of these, Mr. D. Padmanabhan, I.C.S., worked at Lucknow from 4th May, 1936 to 3rd May, 1938, and did civil and criminal work while the other two, Mr. B. N. Nigam, I.C.S., and Mr. W. Broome, I.C.S., worked in the Legal Remembrancer's office—the former from 22nd February to 21st May, 1938 and the latter from 6th October to 31st December, 1938. None of these worked on the judicial side in this judgeship.

Three Hyderabad Civil Service Probationers worked during the year as honorary munsifs and honorary magistrates, two at Lucknow, viz. Mr. Hifzul Kabir Khan as honorary munsif from 15th March, 1937 to 14th January, 1938, and Mir Khudrat Ali from 18th March to 17th September, 1938, and the third, Mr. Sikandar Ali at Sitapur from 15th November to 31st December, 1938.

The number of village panchayats increased from 1,085 to 1,116, exceeding the figures of the previous year by 31.

#### SUITS INSTITUTED

Statement  
no. 27. Suits  
instituted.

11. Civil litigation has been continuously decreasing since 1931 except in the years 1935 and 1936 when there was a slight increase. In the year under review there has been a marked fall from 48,182 in 1937 to 40,993 in the year under review showing a reduction of 15 per cent. In stipendiary courts the total number of suits instituted on the regular side was 8,587 as against 9,089 and on the small cause court side 31,723 as against 38,038 and in honorary courts 688 as against 1,055 in 1937. On the ordinary side institutions dropped in munsifs' courts by 365 (from 8,337 to 7,972), in civil judges' courts by 136 (from 745 to 609), and in district judges' courts by one only. On the small cause court side these dropped in munsifs' courts from 21,149 to 18,033 (by 3,086), in civil judges' courts from 7,968 to 5,352 (by 2,616), and in small cause courts proper from 8,921 to 8,308 (by 613). As was mentioned in the last year's report, the decrease seems to be due to the economic and financial depression, increase in court-fees by the United Provinces Act II of 1936, stoppage of execution proceedings, and to the working of Debt Acts which have absorbed an abnormally large number of money and mortgage suits which might have otherwise been instituted as regular and small cause court suits. Since the enforcement of the Debt Acts down to the close of the year under review 1,252 suits under the United Provinces Agriculturists' Relief Act and 7,005 suits under the United Provinces Encumbered Estates Act were instituted.

#### VALUE OF SUITS INSTITUTED

Statement  
no. 28. Value  
of suits  
instituted.

12. The decrease in institutions has been accompanied by a decrease in valuation but quite disproportionately. As has already



been mentioned the total number of suits instituted fell by 15 per cent, but the reduction in their valuation has been by about 52 per cent. Including suits under Debt Acts the value of which is Rs.6,58,704, the total value of all sorts of suits instituted in all civil subordinate courts both on the ordinary and small cause court side taken as a whole dropped from Rs.2,49,32,505 to Rs.1,19,87,741—the lowest yet recorded. The highest figures, Rs.9,10,87,114, were in 1926 and the next highest, Rs.8,85,53,160 in 1936. The average value per suit was reduced from Rs.517 to Rs.293.

The valuation on the ordinary side decreased on the whole by 52 per cent. (from Rs.1,93,07,585 to Rs.92,62,726). In munsifs' courts it decreased from Rs.63,23,542 to Rs.26,00,634 (by 59 per cent.), in civil judges' courts from Rs.1,29,00,871 to Rs.66,11,541 (by 49 per cent.), in district judges' courts from Rs.14,395 to Rs.2,742 (by 81 per cent.), and in honorary courts from Rs.68,777 to Rs.47,809 or by about 30 per cent. The average value per suit in all these courts taken together was reduced by nearly one-half of what it was in the previous year, that is to say, it was reduced from Rs.1,903 to Rs.999.

On the small cause court side the valuation came down in munsifs' courts by 14 per cent. (from Rs.13,15,337 to Rs.11,28,520), in civil judges' courts by 75 per cent. (from Rs.35,18,110 to Rs.8,65,773) and in small cause courts proper by 7.6 per cent. (from Rs.8,91,473 to Rs.7,30,722). On the whole the valuation on the small cause court side fell by 51.5 per cent. (from Rs.56,24,920 to Rs.27,25,015).

#### ORIGINAL SUITS FOR DISPOSAL BEFORE THE CIVIL SUBORDINATE COURTS

13. Excluding 12,297 suits which were transferred by various courts and shown in their statements as having been disposed of by transfer, the total number of civil suits for disposal before the subordinate civil courts during the year under review was 55,800 as against 63,462 in the previous year showing a decrease of 7,662. This figure is made up of 13,110 pending from the previous year, 40,998 instituted during the year, 2 cases received by transfer from miscellaneous side, one case received by transfer from the court of a village munsif and 1,689 received otherwise than by transfer. Out of 55,800 suits for disposal 45,513 were decided, showing a decrease of 4,839 from the figures of the previous year. These, however, include 2,472 suits decided under the Debt Acts. Out of the 45,513 suits decided, 12,652 suits as against 11,946 in the previous year were decided after full trial—the rest having been decided either without trial or *ex parte* or on admission of claim or on reference to arbitration or by compromise. As decisions exceeded institutions by 4,515 it is satisfactory to note that the volume of pending file was reduced from 13,110 to 10,237. These include 2,279 suits under the Encumbered Estates Act which take much longer time in their disposal on account of the complicated and lengthy procedure provided by the Encumbered and Agriculturists' Relief Acts.

District judges decided only two regular civil suits and 408 miscellaneous civil judicial cases (including 54 insolvency cases) as against 529 in the previous year. In addition to these, they disposed of 807 regular civil and miscellaneous appeals and 415 rent appeals as against

Statement  
no. 29 Total  
numbers  
before the  
courts.

District  
Judges.



609 and 490 respectively in the previous year, the average number of decisions of a district judge being about 101 and 52 respectively.

Small Cause  
Court  
(proper.)

There were only two permanent judges during the course of the year. The senior judge is vested with powers to try suits up to the value of Rs.1,000 and the junior judge suits up to Rs.500 in value. The senior judge also exercises insolvency powers, and is President of the Improvement Trust Tribunal, Lucknow.

The volume of work before these courts amounted to 9,719 suits which included 21 suits received by transfer as against 10,118 in the previous year. They disposed of 244 suits by transfer. Eight thousand, one hundred and seventy-three suits as against 8,259 were actually decided by them. Of these 759, which exceed the figures of the previous year by 20, were decided after full trial. The total number of suits left undecided at the close of the year in spite of a fall in institutions increased by 122 from 1,180 to 1,302 (decisions falling short of institutions by 135). This is not very satisfactory, but it may be due to the proceedings being held up pending disposal of cases under the Debt Acts. Taking each court separately the senior judge decided 3,858 suits and the additional judge 4,315 suits as against 3,375 and 4,884 suits in the previous year.

Besides the above, these courts decided 1,354 miscellaneous civil judicial cases, including 91 insolvency cases and 330 cases under the Agriculturists' Relief Act.

Civil Judges.

There were 3,274 suits for disposal before the civil judges exercising ordinary powers as against 3,308 in the previous year. Suits for disposal of a small cause court nature decreased by about one-third, from 12,213 in the previous year to 8,340. Excluding 722 suits of ordinary jurisdiction and 2,376 suits of small cause court nature which were disposed of by transfer, these courts actually decided 1,254 on the ordinary and 5,181 on the small cause court side. The former exceed by 77 and the latter fall short by 2,271 of the figures of the previous year. These 1,254 suits decided by the civil judges include 507 suits decided by 16 courts appointed under the United Provinces Encumbered Estates Act. The average number of decisions per civil judge of suits decided in exercise of ordinary powers comes to 52. The number of suits decided after full trial was 837 as against 647 in the previous year. Thus the average number per civil judge comes to 35, which compared with the previous year's figures (26) is satisfactory. Suits decided after full trial on the small cause court side numbered 1,636 as against 1,959 in the previous year.

With decisions on the ordinary side more than double the institutions (609 were instituted and 1,254 were decided) the volume of the pending file was reduced from 1,489 to 1,298 (-191), which include 669 suits under the United Provinces Encumbered Estates Act. The number of suits on the small cause court side which remained pending at the close of the year also decreased by 294 from 1,127 to 833 but this is due to fewer institutions and not to more decisions. This is not very satisfactory.

Besides the above these courts decided 2,612 miscellaneous judicial cases which include 33 insolvency cases and 569 cases under the United Provinces Agriculturists' Relief Act.

In munsifs' courts also institutions and suits for disposal decreased, while disposals increased on the ordinary side but decreased on the small cause court side.

Suits for disposal under ordinary jurisdiction decreased from 22,041 to 19,105 (-2,936) and of small cause court nature decreased from 27,477 to 24,296 (-3,181). These include 4,833 suits of ordinary and 3,825 of small cause court jurisdiction disposed of by transfer. Excluding them the total number for disposal comes to 14,272 and 20,471 respectively. On the ordinary side munsifs decided 9,816 suits and on the small cause court side 18,509. The corresponding figures for the previous year were 9,458 and 19,622. This represents an increase of 4 per cent. in ordinary and a decrease of 6 per cent. on the small cause court side. Suits decided on the ordinary side include 1,906 suits decided under the United Provinces Encumbered Estates Act and 58 under the United Provinces Agriculturists' Relief Act.

The total number of suits decided after full trial on the regular side was 5,561, showing an excess of 1,103 over the figures of 1937 and 3,406 on the small cause court side showing a decrease of 89 over the figures of the previous year. The average decision of ordinary suits after full trial per munsif comes to 179 as against 135 in the previous year. This indicates a marked improvement in the average but it is capable of further improvement, the average of the Agra Province being 215 per munsif in 1937.

The pending file has declined both on the ordinary and on the small cause court side: on the former side from 6,056 to 4,456 and on the latter from 2,793 to 1,962. The former includes 1,510 suits under the United Provinces Encumbered Estates Act.

Besides these the courts decided 5,411 miscellaneous judicial cases, including 1,165 miscellaneous cases under the Agriculturists' Relief Act.

#### DURATION

14. The comparative table given below gives the average duration (in days) of suits decided by various classes of stipendiary courts during the years 1937 and 1938:

Class of courts	Years	Duration (in days)						
		Without trial	Decreed <i>ex parte</i>	On admission of claim	Compromised	After full trial	On reference to arbitration	Transferred
<i>Ordinary powers</i>								
District Judges ..	1938 ..	..	..	..	54	306	..	6
	1937 ..	145	134	..	..	306	..	4
Judges ..	1938 ..	303	205	160	198	354	163	140
	1937 ..	174	110	113	144	213	101	97
Munsifs ..	1938 ..	202	99	147	97	235	143	135
	1937 ..	126	83	73	84	140	129	126

Class of courts	Years	Without trial						
		Decreed <i>en parie</i>	On admission of claim.	Compromised	After full trial	On reference to arbitration.	Transferred	
<i>Small Cause Court powers</i>								
Small Cause Courts (proper)	1938	61	56	42	45	65	154	59
	1937	67	65	50	52	84	288	67
Civil Judges	1938	64	64	53	51	65	92	32
	1937	50	54	47	45	58	71	17
Munsifs	1938	53	56	56	52	57	98	30
	1937	44	51	45	42	55	74	33

It is very unsatisfactory to find that there has been an all-round increase in average duration of all kinds of suits decided in various ways in all the courts except in the courts of small causes (proper) where there has been an appreciable fall. In the last year's report the attention of the judges, small cause court proper and of the munsifs was drawn to the increase in duration of suits referred to arbitration and it was hoped that better results would follow this year. The remarks had the desired effect on the small cause court proper but the Court regrets to find that they had no effect on munsifs' courts where the duration under this head increased from 129 to 143 on the ordinary side and from 74 to 98 on the small cause court side.

As was noticed in last year's report longer durations are particularly due to old cases under the Encumbered Estates Act which involve very lengthy procedure over which courts have no control. When these cases are finished there should be a distinct improvement in the duration of all kinds of suits. Pressure of criminal work may also be responsible to a certain extent for the longer average duration.

#### APPELLATE JURISDICTION

15. With an increase in decisions of regular suits there was an increase in the number of appeals instituted before the lower appellate courts; this increase seems to be mainly caused by appeals under the Debt Acts. Regular civil appeals instituted went up to 1,565, exceeding the figures of the previous year by 146. These included 218 appeals instituted under the Debt Acts. Adding to these 553 appeals with which the year opened and 20 appeals revived and remanded, there were 2,168 for disposal before the courts of district judges and civil judges exercising appellate powers. These do not include 1,029 appeals which were transferred or were received by transfer from one court to another. The number of regular civil appeals decided also went up to 1,482, an increase of 154 over the figures of the previous year and includes 189 appeals decided under the Debt Acts. Of these civil judges decided 1,047 as against 971 in 1937. The district

judges decided the rest, viz. 435, i.e. 152 civil judges' appeals, 274 munsifs' appeals, and 9 collectors' appeals. These include 162 appeals under the United Provinces Encumbered Estates Act. It is satisfactory to note that there is a distinct improvement in the decision of munsifs' appeals by the district judges and it beats the record of the last 13 years. The district judge, Hardoi, decided the largest number of munsifs' appeals, 72, followed by Bara Banki 51, Lucknow 50 and Gonda 41. The worst figures came from Rae Bareli 5 as against 10 in the previous year and 7 in the year preceding it. Other district judges decided between 22 to 15 appeals. In spite of the increase in decisions the disposals could not keep pace with the institutions, with the result that the volume of the pending file increased from 583 to 686.

In addition to the above the district judges decided 372 miscellaneous civil and 415 rent appeals, whereas the civil judges decided 93 miscellaneous appeals.

During the year under review 31 appeals as against 20 in 1937 and 28 in 1936 were summarily rejected under Order XLI, rule 11(1), Act V of 1908—4 by the civil judges and 27 by the district judges. Hardoi tops the list in this respect with a figure of 21 whereas in 3 judgships, viz. Unao, Fyzabad and Rae Bareli the provisions of this rule were not applied at all.

#### APPLICATIONS FOR THE EXECUTION OF DECREES

16. There was an enormous decrease in the amount of execution work to which several factors have contributed. In the first place the general and almost continuous decrease in civil litigation during the last three years appears to be the main cause. This was supplemented by the stay of execution proceedings under the Debt Acts and also under Act X of 1937 and Act XV of 1938. The amendment of section 60, Code of Civil Procedure, affording relief to the salaried class of debtors, may also be responsible to some extent. The number of execution applications dropped from 54,611 to 37,028, showing a decline of 17,583 over the figures of the previous year. These are the lowest figures yet recorded. There were before the courts 48,645 applications for disposal as against 67,321 in the previous year—a decrease of 18,676 applications. Of these 35,107 as against 55,704 in the previous year were disposed of. On the regular side disposals fell from 14,854 to 9,636 and on the small cause court side from 40,850 to 25,471. The pending file on the whole increased from 11,617 to 13,538—on the regular side from 5,152 to 5,598 and on the small cause court side from 6,465 to 7,940. Barring the years 1934 and 1935 these are the highest figures yet noticed and appear to be the direct result of the working of the enactments for the relief of debtors and of the stoppage of execution proceedings for 24 months.

Provincial  
Statement  
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Out of these in 3,356 cases decrees were fully satisfied and in 3,215 cases partly satisfied, that is to say the percentage in each case was only 10 as against 10.6 and 14 in the previous year. The percentage of wholly infructuous applications rose from 75 to 80. Total realizations amounted to only Rs.6,14,077 which is about two-thirds of the amount realized in the previous year. Obviously this is an indication of the extreme poverty of the debtor class, whose paying



capacity has not yet improved in spite of the efforts made on its behalf by various enactments.

#### HONORARY MUNSIFS

17. Including 3 Hyderabad probationers there were 24 honorary munsifs during the year. Of these one resigned at the beginning of the year without doing any work and 7 did no work, another, the honorary munsif, Tala (district Partabgarh) died on the 29th October, 1938, after deciding 282 cases which is the highest disposal among the honorary munsifs. He was closely followed in disposals by Lal Anant Prasad Singh of Malbupur (district Partabgarh) with 274. Mr. Mathura Prasad of Nawabganj, Bara Banki, comes third with a disposal of 218. The total number of suits decided by all the honorary munsifs was 2,284.

#### BENCHES OF HONORARY MUNSIFS

18. There were five benches, of which only 2 were effective during the year, namely that of Tanda and Nanpara. Two benches at Sitapur have been in abeyance for a very long time and that of Hardoi has not been doing any work since 1937. The Tanda bench decided 268 and Nanpara 136 suits, Hardoi, Sitapur and Sidhauili benches no longer justify their existence. The Court acknowledges with thanks the valuable help rendered by honorary munsifs.

#### VILLAGE COURTS

19. The number of village courts under the United Provinces Act VI of 1920 remained the same (2) as in the previous year. These courts decided 82 cases.

No application for revision under section 73 of the Village Courts Act, III of 1892 was filed during the year under review.

#### INSOLVENCY

20. It is satisfactory to note that there has been a further considerable decrease in the number of insolvency applications during the year as compared with the year preceding it. The total number of applications before the courts, dropped from 435 to 264. There were 170 applications filed by debtors and 10 by creditors as against 296 and 20 respectively in 1937. The insolvency work was done by 13 officers including 7 district judges. The number of insolvents discharged absolutely fell from 244 to 207 and those who were discharged conditionally increased from 2 to 8. Three hundred and forty-nine insolvents as against 524 remained undischarged. The total amount of insolvents' assets realized increased from Rs.16,344 to Rs.22,980 and those disbursed decreased from Rs.37,941 to Rs.23,053.

#### DEBT ACTS

21. These Acts came into force by the middle of the year 1935 and their classification and registration has already been noticed in paragraph 21 of that year's report. The provisions of Chapter III of the United Provinces Encumbered Estates Act remained in force for 1½ years from 30th April, 1935 to 29th October, 1936.



## REGULAR SUITS AND APPEALS

During the course of the year 63 suits of the total value of Rs.23,008 were instituted before the munsifs and one of the value of Rs.24,150 before the civil judge under the United Provinces Agriculturists' Relief Act. Eighteen applications of the total value of Rs.611,546 filed in collectors' courts under the United Provinces Encumbered Estates Act were received by transfer by the special judges of the first and second class. Out of them 15 suits of the value of Rs.1,64,996 related to the courts of special judges, second class and 3 suits of the value of Rs.4,46,550 to those of special judges, first class. Suit

Including 36 suits received by transfer there were 159 suits under the Agriculturists' Relief Act for disposal. These include 53 suits pending from the previous year, and 6 revived, restored or received on remand during the course of the year. Of these 59 were decided (58 by munsifs and one by civil judge) and 36 were transferred leaving a balance of 64 suits which remained undisposed of at the close of the year. From 30th April, 1935 to 31st December, 1938, 1,252 suits were instituted (excluding those revived, restored or received on remand) and 1,221 were decided.

Excluding 1,247 suits under the United Provinces Encumbered Estates Act which were received and disposed of by transfer there were 4,592 suits for disposal before special judges which included 4,332 suits pending from 1937 and 242 suits revived, restored or received on remand. Of these the special judges of the second class decided 2,031 suits and the special judges of the first class decided 382 suits, leaving 2,179 suits pending at the end of the year. Since the United Provinces Encumbered Estates Act came into force the total number of applications received from collectors' courts was 7,005 (excluding those received on remand, revived and restored). Out of which 5,519 were decided by the end of the year under review.

In addition to the above 1,440 cases were instituted under the United Provinces Agriculturists' Relief Act which were treated as miscellaneous judicial cases, viz. 539 in stipendiary courts on the ordinary side, 853 on the small cause court side and 48 in honorary courts. Excluding 144 cases transferred from one court to another there were 2,374 suits for disposal. In the exercise of ordinary powers the stipendiary courts decided 709 and in exercise of small cause court powers they decided 1,356 cases. Honorary courts decided 88. A balance of 221 cases was left pending at the end of the year. Since the Act came into force and up to the end of the year under review 28,166 cases were decided. Miscellaneous judicial cases.

Under the United Provinces Agriculturists' Relief Act, 19 appeals were pending from before, one was revived, 14 regular appeals were filed, 27 were decided, leaving a balance of 7 appeals undecided at the end of the year. Appeals.

Under the United Provinces Encumbered Estates Act the district judges decided 162 regular appeals out of 250 appeals before them for disposal during the year, leaving 88 appeals undecided at the end of the year. They also decided 124 miscellaneous appeals under this Act.

The district judges further decided 140 miscellaneous appeals under the United Provinces Agriculturists' Relief Act.

It should be noted that all the figures dealt with under this heading are included in the report on regular suits and appeals mentioned in the preceding paragraphs.

#### USURIOUS LOANS ACT

22. The provisions of the Usurious Loans Act (X of 1918) were applied in 603 cases by all classes of tribunals, including honorary courts but excluding the district judges. In 60 cases the provisions of the Act might have been applied but were not applied. In 19,502 cases the provisions of the Act could not be applied either because the cases were dismissed for default or want of prosecution or were compromised or because the plaintiffs themselves charged interest at reduced rates. In 12,317 cases interest at reduced rates was charged. The effect of this Act has been that creditors themselves do not charge excessive rate of interest. Since the enforcement of the Debt Acts the utility of the provisions of the Usurious Loans Act has been considerably diminished.

#### GENERAL

Inspection.

23. All the civil subordinate courts were inspected by the Hon'ble Chief Judge with the exception of those of Gonda judgship which were inspected by the Hon'ble Mr. Justice R. L. Yorke.

All the civil subordinate courts of Lucknow, Unao, Fyzabad and Gonda judgships were inspected by the respective district judges except the courts of civil judge and additional civil judge, Gonda, which could not be inspected. The district judge, Bara Banki, inspected his own court and that of civil and additional civil judges while all the other civil courts there were inspected by civil and additional civil judges. The District Judge of Rae Bareilly inspected the Court of Civil Judge, Rae Bareilly only and similarly the district judge, Hardoi inspected the Court of Munsif West only, while the District Judge of Sitapur could not find time to inspect any court in his judgship.

Inspection work is as important as other work and the Court expects that in future the district judges will try to find time for this work also.

Examination of parties.

24. Under Order V, rule 3 of the Code of Civil Procedure, the number of parties ordered by the subordinate civil courts to attend in person increased from 39 to 115 and those examined by the courts increased from 80 to 107.

Examination of witnesses.

In spite of the increase in the number of witnesses summoned from 69,112 to 71,377 the number actually examined decreased from 34,335 to 32,932, with the result that the percentage of witnesses examined was reduced from 50 to 46. This is disappointing. In view of the amendment made by the Chief Court in Order XVIII, rule 2 of the Code of Civil Procedure, it is expected that the courts will try to exercise effective control over the parties and prevent unnecessary summoning of witnesses. This Court expects better results next year.

25. The number of processes served by the parties themselves or their agents under rule 8, Order XVI of the Code of Civil Procedure, after a continuous rise from 1934 to 1936 decreased from 59,549 to 53,587 in 1937 and to 52,827(-760) in the year under review and is no doubt due to decrease in litigation and stoppage of execution work. Those served by the process-servers also decreased from 4,13,410 to 3,58,249. When execution work is re-opened it is expected that the number will increase.

Service of  
processes.

26. The number of pleaders and advocates has been steadily increasing every year. There was an increase of 26 in the total number of legal practitioners practising in Oudh. It rose from 1,834 to 1,910 in the year under review. Of these 571 were advocates as against 563 in 1937 and 1,339 as against 1,321 were pleaders. Sixteen advocates, including one of the High Court of Judicature at Nagpur, and one barrister-at-law and 91 pleaders were newly admitted.

The Indian  
Bar Councils  
Act and the  
Legal Prac-  
titioners Act

There were 3 cases under the Indian Bar Councils Act before the Court for disposal during the year under review. One against a pleader was filed in 1937 and two applications against advocates were filed in 1938. Both the applications against the advocates were rejected, but the application against the pleader was allowed and the pleader was suspended from practice for two years from 20th December, 1938.

#### SUMMARY

27. The most noticeable feature of the year is a marked decline in civil litigation. The number of institutions has further decreased by 15 per cent. when compared with the figures of the previous year and by 31 per cent. as against the figures of the year preceding it. These figures are the lowest yet recorded. The valuation has been reduced by more than one-half, this disproportionate reduction in valuation indicates that few suits of high valuation were instituted. As mentioned in the body of the report this seems to be due to economic depression, increase in court-fees, stay of execution proceedings and the working of the United Provinces Encumbered Estates Act. Disposals of regular suits also decreased, but by 9 per cent. only, in spite of a larger number of decisions by civil judges and munsifs. It is very satisfactory to note that disposals after full trial increased in stipendiary courts by 25 per cent. over the figures of the previous year. In civil judges' courts it was about 29 per cent. It is unfortunate that although there was an increase in disposals and a fall in institutions the duration increased by about 100 days per suit in stipendiary courts (by 95 days in munsifs' courts and 141 days in civil judges' courts). As already mentioned this was mainly due to the large number of suits still pending under the United Provinces Encumbered Estates Act. Notwithstanding this the pending file was reduced by 21.5 per cent.

Statistics of civil litigation all round have been affected by the operation of the debt enactments, and are not likely to become normal again until suits under the Encumbered Estates Act have been completely disposed of. In the Chief Court the pending file increased further in spite of best efforts to reduce it for the simple reason that

the Court remained short of one judge and sometimes more than one judge throughout the year.

The Court wishes to point out one great disadvantage of having only four judges instead of five. When a Bench refers a case to a Full Bench one or both of the members of the Divisional Bench must be on the Full Bench and this is not satisfactory when the reference is due to disagreement between the members of the Divisional Bench.

LUCKNOW :

MUHAMMAD BAQAR,

The 24th July, 1939.

Registrar, Chief Court of Oudh.

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*Accompaniments*

Imperial Statements nos. 25, 26, 27, 28, 29, 30, 31 and 32.  
Provincial Statements nos. I and II, and  
Provincial Tables A, B, C and D.



IMPERIAL STATEMENTS NO. 30 (1931)

Showing the number of Federal districts and the number of officers assigned to each of the various divisions in the program of the year 1931.

Name of province	Federal Districts	Officers	Other jobs	
			Special Agents	Other
British Columbia	1	10	10	10
Alberta	1	10	10	10
Saskatchewan	1	10	10	10
Manitoba	1	10	10	10
Ontario	1	10	10	10
Quebec	1	10	10	10
Atlantic	1	10	10	10
Yukon	1	10	10	10
N.W.T.	1	10	10	10

IMPERIAL STATEMENTS

IMPERIAL STATEMENTS NO. 30 (1931)

Showing the number of cases handled in the various divisions of the program of the year 1931.

Name of province	Total number of cases handled	
	Original	Appeals
British Columbia	10	10
Alberta	10	10
Saskatchewan	10	10
Manitoba	10	10
Ontario	10	10
Quebec	10	10
Atlantic	10	10
Yukon	10	10
N.W.T.	10	10

1. The application must be filed in the Federal Court of Canada, or in the Federal Court of Appeal, or in the Federal Court of the Province of Ontario, or in the Federal Court of the Province of Quebec, or in the Federal Court of the Province of the Atlantic, or in the Federal Court of the Province of the Yukon, or in the Federal Court of the Province of the Northwest Territories.

2. The application must be filed in the Federal Court of Canada, or in the Federal Court of Appeal, or in the Federal Court of the Province of Ontario, or in the Federal Court of the Province of Quebec, or in the Federal Court of the Province of the Atlantic, or in the Federal Court of the Province of the Yukon, or in the Federal Court of the Province of the Northwest Territories.

3. The application must be filed in the Federal Court of Canada, or in the Federal Court of Appeal, or in the Federal Court of the Province of Ontario, or in the Federal Court of the Province of Quebec, or in the Federal Court of the Province of the Atlantic, or in the Federal Court of the Province of the Yukon, or in the Federal Court of the Province of the Northwest Territories.

4. The application must be filed in the Federal Court of Canada, or in the Federal Court of Appeal, or in the Federal Court of the Province of Ontario, or in the Federal Court of the Province of Quebec, or in the Federal Court of the Province of the Atlantic, or in the Federal Court of the Province of the Yukon, or in the Federal Court of the Province of the Northwest Territories.

5. The application must be filed in the Federal Court of Canada, or in the Federal Court of Appeal, or in the Federal Court of the Province of Ontario, or in the Federal Court of the Province of Quebec, or in the Federal Court of the Province of the Atlantic, or in the Federal Court of the Province of the Yukon, or in the Federal Court of the Province of the Northwest Territories.

6. The application must be filed in the Federal Court of Canada, or in the Federal Court of Appeal, or in the Federal Court of the Province of Ontario, or in the Federal Court of the Province of Quebec, or in the Federal Court of the Province of the Atlantic, or in the Federal Court of the Province of the Yukon, or in the Federal Court of the Province of the Northwest Territories.

7. The application must be filed in the Federal Court of Canada, or in the Federal Court of Appeal, or in the Federal Court of the Province of Ontario, or in the Federal Court of the Province of Quebec, or in the Federal Court of the Province of the Atlantic, or in the Federal Court of the Province of the Yukon, or in the Federal Court of the Province of the Northwest Territories.

8. The application must be filed in the Federal Court of Canada, or in the Federal Court of Appeal, or in the Federal Court of the Province of Ontario, or in the Federal Court of the Province of Quebec, or in the Federal Court of the Province of the Atlantic, or in the Federal Court of the Province of the Yukon, or in the Federal Court of the Province of the Northwest Territories.

9. The application must be filed in the Federal Court of Canada, or in the Federal Court of Appeal, or in the Federal Court of the Province of Ontario, or in the Federal Court of the Province of Quebec, or in the Federal Court of the Province of the Atlantic, or in the Federal Court of the Province of the Yukon, or in the Federal Court of the Province of the Northwest Territories.

10. The application must be filed in the Federal Court of Canada, or in the Federal Court of Appeal, or in the Federal Court of the Province of Ontario, or in the Federal Court of the Province of Quebec, or in the Federal Court of the Province of the Atlantic, or in the Federal Court of the Province of the Yukon, or in the Federal Court of the Province of the Northwest Territories.



## IMPERIAL STATEMENT NO. 25 (CIVIL)

Showing the number of Judicial divisions and the number of officers exercising original or appellate jurisdiction in the province of Oudh during the year 1938

Name of province	Judges of Chief Court of province	Number of districts	District Judges	Other Judges		Remarks
				Stipendiary	Honorary	
1	2	3	4	5	6	7
Territory subject to the Chief Court of Oudh.	1938	5(a)	12	8(b)	56(c)	29(d)
	1937	5	12	8	59	29

N.B.—The above figures include all permanent and temporary officers who worked throughout the year.

Besides the above there were 1,116 village panchayats in 1938. Of these 118 did purely civil work, 59 did purely criminal work, 810 did both civil and criminal work and 129 did no work at all.

(a) Includes one whose post remained in abeyance throughout the year.

(b) Did both civil and criminal work.

(c) Twenty-three did civil and criminal work and 1 did criminal work only and the rest did civil work only.

(d) Includes 5 benches.

## IMPERIAL STATEMENT NO. 26 (CIVIL)

Showing the number of cases decided in the Courts of the province of Oudh during the year 1938

Name of province	Total number of cases decided				
	Original		Appellate		
	Regular	Miscellaneous	Regular	Miscellaneous	
1	2	3	4	5	
Territory subject to the Chief Court of Oudh.	1938	*45,524	*45,209	*1,874	*696
	1937	50,362	71,753	1,798	727

\*These include original regular suits and miscellaneous cases as well as appeals and revisions decided by the Chief Court as shown in statements nos. 29 to 32 as well as in the Provincial Statement no. 1. In addition to these other cases decided by the Chief Court in the year are shown below:

- (1) Twenty-two applications for leave to appeal to His Majesty in Privy Council
- (2) Sixteen appeals against appellate decrees made by a single Judge of the Chief Court to a Bench under section 12(2) Oudh Courts Act, 1925 (Act IV of 1925), U. P.
- (3) One application under section 75 of the Provincial Insolvency Act.
- (4) Fifteen review applications.
- (5) Nine Full Bench references.
- (6) Eight references for rulings.
- (7) One thousand and seventy-seven Miscellaneous applications.
- (8) One Matrimonial reference.
- (9) One application under section 66, Income-tax Act, XI of 1922.

## IMPERIAL STATEMENT NO. 27 (CIVIL)

Showing the Number and Description of Civil Suits instituted in the Civil Courts of the province of Oudh, during the year 1938

Class of courts	Suits for money or movable property	Title and other suits				Total
		Suits for immovable property	Suits for specific Relief	Mortgage suits	Other suits not falling under any of the preceding heads	
1	2	3	4	5	6	7
COURTS IN THE INTERIOR						
Civil Courts						
Unpaid tribunals .. ..	688	..	..	..	..	688
Paid sub-divisional tribunals..	1,685	2,719	420	1,812	1,885	7,972
Small cause courts .. ..	31,723	..	..	..	..	31,723
District courts other than chief courts of districts.	150	97	20	127	215	609
Chief courts of districts .. ..	..	..	..	..	6	6
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT						
Superior Court .. ..	..	1	..	..	3	4
Total .. { 1938 ..	34,197	2,817	440	1,489	2,103	41,003
.. { 1937 ..	41,328	2,869	361	1,618	2,523	48,199

## IMPERIAL STATEMENT NO. 28 (CIVIL)

Showing the Number and Value of Suits instituted in Civil Courts of the province of Oudh during the year 1938

Class of courts	Number of suits instituted								Total value of suits	
	Value not exceeding Rs.10	Value Rs.10 to Rs. 50	Value Rs.50 to Rs.100	Value Rs.100 to Rs.500	Value Rs 500 to Rs.1,000	Value Rs.1,000 to Rs.5,000	Value above Rs.5,000	Number of suits of the value of which cannot be estimated in money		Total number of suits in-
1	2	3	4	5	6	7	8	9	10	11
COURTS IN THE INTERIOR										
Civil Courts										
Unpaid tribunals .. ..	21	302	213	152	..	..	..	..	688	47,800
Paid sub-divisional tribunals.	419	1,697	1,240	2,667	1,094	619	5	1	7,972	26,00,634
Small cause courts .. ..	1,874	13,597	7,712	3,855	155	..	..	..	31,723	27,25,015
District Courts other than Chief courts of districts	..	1	..	..	..	392	216	..	609	66,11,541
Chief courts of districts .. ..	..	..	..	2	2	1	..	1	6	2,742
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT										
Superior Court .. ..	..	..	..	..	..	..	1	3	4	7,32,654
Total.. { 1938 ..	2,344	15,597	9,165	11,406	1,251	1,012	222	5	41,003	1,27,20,395
.. { 1937 ..	2,162	17,893	12,176	12,823	1,455	1,251	476	13	48,199	3,41,03,953

IMPERIAL STATEMENT

*Showing the General Results of Trial of Civil Cases in Courts of Original Civil*

Class of courts	Number of suits before the courts					Number of					
	Pending at the beginning of the year	Instituted during the year	Revived during the year	Otherwise received	Total	Without trial			<i>Ex parte</i>		
						Dismissed under order IX, rule 3 and under order IX, rule 8 of the Code of Civil Procedure where the defendant does not admit claim	Otherwise	Average duration	Number	Average duration	
1	2	3	4	5	6	7(a)	7(b)	8	9	10	
<b>COURTS IN THE INTERIOR</b>											
<i>Civil Courts</i>											
Unpaid tribunals ..	463	688	153	2,048	3,352	445	64	85	472	69	
Paid sub-divisional tribunals.	6,056	7,972	498	4,579	19,103	933	498	202	686	99	
Small cause courts ..	5,100	31,723	909	4,623	42,355	3,711	1,150	56	6,856	57	
District courts other than chief courts of districts.	1,489	609	42	1,134	3,274	80	84	303	65	205	
Chief courts of districts ..	2	6	..	3	11	..	..	..	..	..	
<b>COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.</b>											
Superior Court ..	18	4	..	1	23	..	..	..	..	..	
Total ..	1938 ..	18,128	41,002	1,602	12,388	68,120	5,169	1,796	94	8,079	63
	1937 ..	18,453	13,481	1,704	13,845	50,231	6,740	2,069	75	9,460	62

No. 29 (CIVIL)

Jurisdiction in the province of Oudh during the year 1938

suits

suits disposed of—														
On admission of claim		Compromised		After full trial			On reference to arbitration		By transfer					
Number	Average duration	Number	Average duration	Judgment for plaintiff	Judgment for defendant	Average duration	Number	Average duration	Number	Average duration	Pending at the close of the year	Pending for more than a year	Remarks	
11	12	13	14	15	16	17	18	19	20	21	22	23	24	
847	44	886	55	367	85	81	12	199	298	76	431	8		
504	147	1,504	97	4,124	1,487	285	180	143	4,833	136	4,456	1,543		
7,725	52	6,498	50	1,939	862	60	72	108	6,445	82	4,097	204		
84	160	138	193	599	238	354	16	168	722	140	1,258	713		
..	..	1	54	..	..	396	..	..	4	6	5	1		
..	..	1	559	6	4	491	..	..	..	..	12	8		
8,610	57	8,978	61	10,086	2,627	157	280	137	12,297	80	10,299	2,472		
9,817	49	10,086	54	9,581	2,370	99	289	111	16,741	71	13,128	2,871		



## IMPERIAL STATEMENT

Showing the General Results of Trial of Civil Cases in Courts of Original

Miscellaneous

Class of courts	Number of suits before the courts					Number of					
	Pending at the beginning of the year	Instituted during the year	Revived during the year	Otherwise received	Total	Without trial			<i>Ex parte</i>		
						Dismissed under order 1X rule 8 and under order 1X rule 8 of the Code of Civil Procedure where the defendant does not admit the claim	Otherwise	Average duration	Number	Average duration	
1	2	3	4	5	6	7(a)	7(b)	8	9	10	
COURTS IN THE INTERIOR											
<i>Civil Courts</i>											
Unpaid tribunals ..	83	268	3	4	358	60	6	110	118	51	
Paid sub-divisional tribunals.	841	3,002	74	187	4,104	550	469	56	695	83	
Small cause courts ..	1,194	3,557	25	246	5,022	715	648	61	976	25	
District courts other than chief courts of districts.	535	1,234	33	405	2,207	194	142	88	353	60	
Chief courts of districts.	109	660	2	35	806	84	114	49	84	51	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.											
Superior Court ..	6	6	..	..	12	..	1	326	2	60	
Total ..	1938	2,768	3,727	187	877	12,509	1,553	1,330	62	2,233	85
	1937	2,985	15,746	108	1,641	20,430	2,607	1,913	53	2,750	84

No. 30 (CIVIL)

Jurisdiction in the province of Oudh during the year 1938

Cases

suits disposed of—

On admission of claim		Compromised		After full trial			On reference to arbitration		By transfer		Pending at the close of the year	Pending for more than a year	Remarks
Number	Average duration	Number	Average duration	Judgment for plaintiff	Judgment for defendant	Average duration	Number	Average duration	Number	Average duration			
11	12	13	14	15	16	17	18	19	20	21	22	23	24
70	58	27	110	13	8	52	..	..	26	49	30	..	
387	49	173	71	721	502	77	13	164	166	50	478	25	
649	59	262	68	710	382	73	1	85	243	75	436	6	
250	80	63	102	365	200	120	2	153	137	72	496	75	
19	48	4	169	104	49	106	..	..	283	8	115	15	
..	..	1	354	2	..	1	..	..	2	91	4	1	
1,325	60	530	76	1,915	1,141	65	16	168	667	47	1,559	122	
2,532	60	1,144	71	3,869	1,717	64	12	100	1,619	35	2,768	64	

## IMPERIAL STATEMENT

Showing the Business of Civil Appellate Courts in the  
Appeals from

Class of courts	Number of appeals before the courts				Number of		
	Pending at the beginning of the year	Instituted and reinstated during the year	Otherwise received	Total	Dismissed or not prosecuted		
					Number	Average duration	
1	2	3	4	5	6	7	
<b>COURTS IN THE INTERIOR</b>							
Appeals from original decrees							
<i>Civil Courts</i>							
District appellate courts other than chief courts of districts.	399	384	1,004	1,787	32	87	
Chief appellate courts of districts	184	1,197	29	1,410	54	80	
Total ..	583	1,581	1,033	3,197	86	82	
<b>COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.</b>							
Chief Court of Province.	{ Appeals from original decrees (Civil).	236	148	1	985	23	432
	{ Appeals from appellate decrees (Civil).	854	381	..	1,235	37	432
	Total ..	1,090	529	1	1,620	60	463
GRAND TOTAL ..	1938 ..	1,673	2,110	1,034	4,817	146	239
	1937 ..	1,430	2,025	997	4,452	134	301

No. 31 (CIVIL)

province of Oudh during the year 1938

decrees

appeals disposed of—									
Confirmed	Modified	Reversed	Remanded for retrial	Average duration of appeals in columns 8, 9, 10 and 11	By transfer		Pending at the close of the year	Pending for more than a year	Remarks
					Number	Average duration			
8	9	10	11	12	13	14	15	16	17
606	175	181	53	106	265	82	475	7	
226	48	79	28	171	764	10	211	6	
832	223	260	81	124	1,029	29	686	13	
20	6	6	5	773	..	..	825	180	
251	6	32	6	588	..	..	903	669	
271	12	38	11	609	..	..	1,228	849	
1,103	235	298	92	217	1,029	29	1,914	862	
1,021	229	295	79	229	981	26	1,673	530	





No. 32 (CIVIL)

Provinces of Oudh during the year 1938

## Appeals

appeals disposed of—									
Confirmed	Modified	Reversed	Remanded for retrial	Average duration of appeals in columns 8, 9, 10 and 11	By transfer		Pending at the close of the year	Pending for more than a year	Remarks
					Number	Average duration			
8	9	10	11	12	13	14	15	16	17
58	6	23	5	80	15	77	26	..	
214	32	62	27	151	44	15	139	16	
267	38	85	32	137	59	31	165	16	
17	1	6	3	553	..	..	263	121	
10	1	1	..	532	..	..	63	32	
103	9	8	2	305	..	..	456	228	
135	11	15	5	361	..	..	787	331	
402	49	100	37	200	59	31	952	397	
403	64	123	52	238	63	26	757	151	







## PROVINCIAL STATEMENT

[Same as Imperial Judicial Statement no. XI (Civil) prescribed by Government of India

*Showing the Result of Proceedings on Applications for Execution of*

Class of Courts	Total number of applications for execution before the Courts	Applications disposed of—				Pending at the end of the year	Number of applications pending more than three months at the close of the year	Amount realized	
		By transfer	Satisfaction obtained in full	Satisfaction obtained in part	Wholly infructuous			With the issue of process	Without the issue of process
1	2	3	4	5	6	7	8	9	10
								Rs.	Rs.
<b>COURTS IN THE INTERIOR</b>									
<i>Civil Courts</i>									
Unpaid tribunals ..	200	2	3	3	59	183	74	78	232
Paid sub-divisional tribunal.	12,528	420	1,958	828	5,215	4,107	2,582	1,82,222	2,529
Small cause courts	33,411	1,948	1,168	2,280	20,725	7,940	3,753	1,33,785	4,399
District courts other than chief courts of districts.	2,485	171	222	152	587	1,353	1,041	2,78,616	16,168
Chief courts of districts.	21	..	5	2	9	5	4	1,158	..
<b>COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT</b>									
Superior Court ..	33	..	4	..	5	24	21	..	..
1938 ..	48,678	1,941	3,960	3,215	26,600	13,562	7,478	5,90,859	23,218
Total ..									
1937 ..	67,354	3,799	5,501	7,296	39,114	11,044	4,361	8,36,347	57,621

## No. I (CIVIL)

Home Department resolution no. 9-Judicial/675-687, dated the 20th May, 1892]

*decrees of Civil Courts in the Province of Oudh during the year 1938*

## Number of applications

On which judgment-debtor was imprisoned	On which he was arrested but released without imprisonment	On which movable property		On which immovable property			On which possession was given		On which specific performance was enforced	On which partition was effected	On which execution was effected otherwise than in the preceding columns
		Was sold	Was attached but subsequently released	Was sold	Was dealt with under order XXI, rule 88, paragraph 2, schedule 3 or section 72, Act V of 1908	Was attached but subsequently released under order XXI, rule 55, Act V of 1908	Of movables	Of immovables			
11	12	13	14	15	16	17	18	19	20	21	22
1	..	..	9	..	..	..	..	..	..	..	2
..	..	96	919	141	28	176	1	1,848	4	2	1,289
4	15	196	3,404	..	..	..	..	..	..	..	3,882
..	..	11	62	84	8	47	6	113	4	1	350
..	..	..	3	..	..	1	..	1	..	..	2
..	..	..	..	..	..	..	..	..	..	..	..
5	15	303	4,397	175	36	224	7	1,462	8	3	5,525
19	78	1,054	10,522	300	206	499	11	1,526	6	2	10,562

## PROVINCIAL STATEMENT No. II (CIVIL)

[Same as Imperial Judicial Statement no. XII (Civil) prescribed by the Government of India, Home Department resolution no. 18/1074-85, dated the 9th August 1884]

*Proceedings in Insolvency under Act V of 1920 in the districts of the province of Oudh during the year 1938 for Declaration of Insolvency and the Number of Insolvents before the courts*

Class of Courts	Applications for a declaration of insolvency									Number of insolvents discharged during the year under section 41	Number of insolvents' estate in the hands of receivers in which proceedings were finally closed during the year	Amount of creditors' claim dealt with during the year		Gross amount of insolvents' assets realized and disbursed	
	Total number of applications	Transferred to another province, withdrawn, etc.	Granted		Rejected				Pending at the close of the year			Admitted	Satisfied	Realized during the year	Disbursed during the year
			A receiver being appointed	A receiver not being appointed	Penal proceedings under section 69 not being taken	Sentence of imprisonment being passed under section 69	Applicant being sent to the Magistrate to be dealt with	Amount							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
Courts other than chief courts of district.	168	20	26	74	4	..	..	44	99	61	Rs. 2,31,754	Rs. 17,041	Rs. 21,292	Rs. 22,261	
Chief courts of districts.	96	7	10	29	8	..	..	42	116	25	88,577	461	1,687	792	
1938	264	27	36	103	12	..	..	86	215	86	3,70,831	17,502	22,979	23,053	
Total..	1937	435	84	84	158	25	..	..	84	246	113	2,06,044	29,641	16,844	37,941

