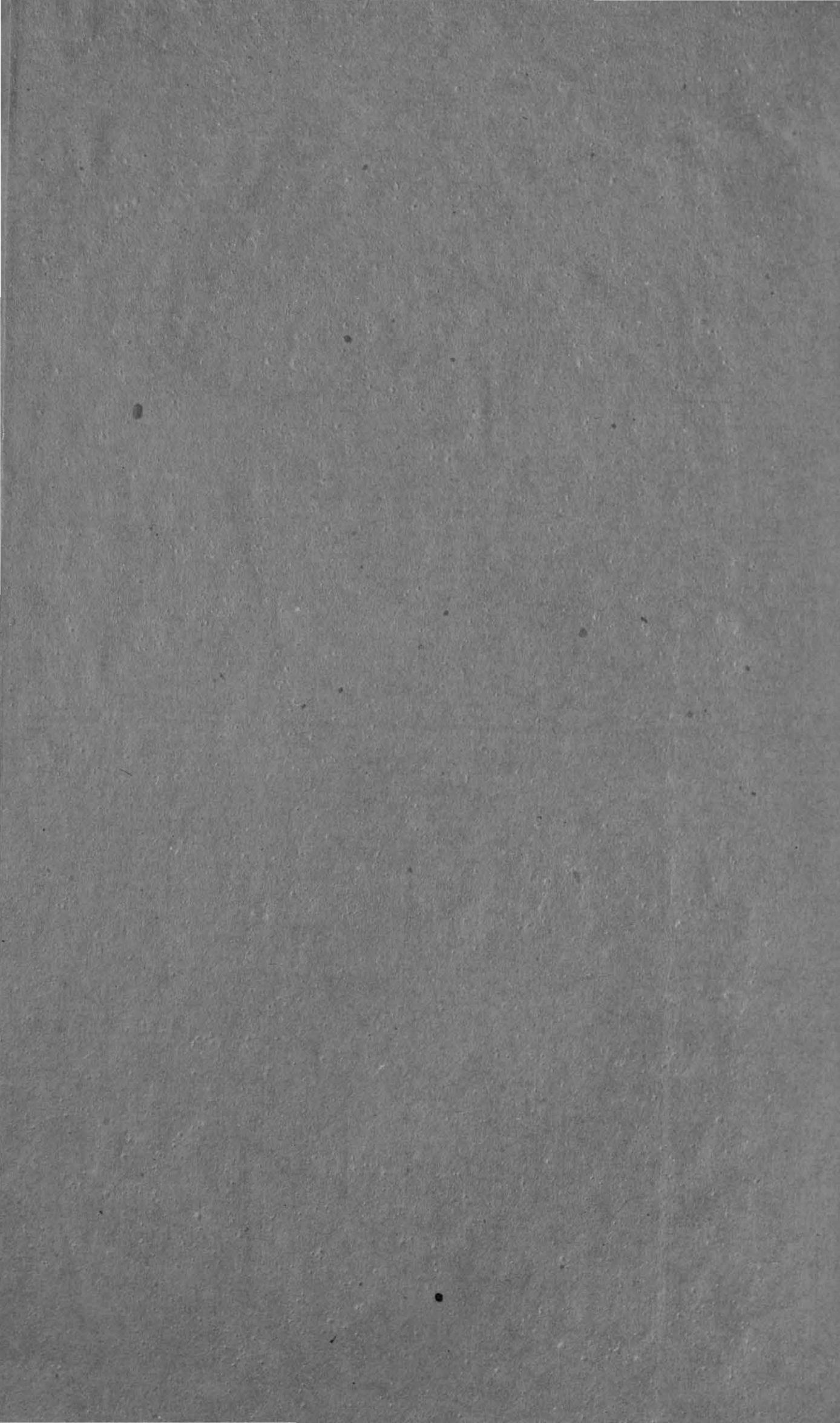


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**Report on the
Administration of Civil Justice
in the Province of Assam**

**During the year
1940**

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Issued by the Authority of the
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Report on the Administration of Civil Justice in the Province of Assam during the year 1940.

1. **Judicial Officers.**—During the year under report, the permanent Civil Judicial staff of the Province consisted of two District Judges, one Additional District Judge, nine Subordinate Judges and twenty-four Munsifs. The two Subordinate Judges and ten Munsifs employed in the district of Sylhet were members of the Bengal Civil Service (Judicial), the remainder were executive officers vested with Judicial powers under section 36 of the Bengal, Agra and Assam Civil Courts Act, 1887. In addition to the permanent staff, two temporary additional Munsifs worked in the Assam Valley Districts and the following temporary appointments were sanctioned during the year :—

A temporary Additional District and Sessions Judge for the Assam Valley Districts throughout the year.

A temporary Additional Subordinate Judge, vested with the powers of an Assistant Sessions Judge, for the Assam Valley Districts throughout the year.

A temporary Additional Subordinate Judge for Sylhet and Cachar from the 2nd January till the 31st May.

A temporary Additional Munsif for Sylhet from the 1st June till the 30th September.

Original Jurisdiction.

2. **Suits instituted.**—The number of original suits instituted in the Province was 38,045 showing an increase of 2,213 on the figure of the previous year. There was an increase of 1,248 in the Assam Valley, 741 in Sylhet and 224 in Cachar. Of the 38,045 suits instituted, 17,390 were suits for money or movables, 14,837 were rent suits and 5,818 title and other suits. In respect of suits for money or movables, there was an increase of 153, the Assam Valley and Cachar showing an increase of 324 and 92, respectively, and Sylhet a decrease of 263. In rent suits there was an increase of 1,141, the Assam Valley, Sylhet and Cachar showing an increase of 648, 449 and 44, respectively. There was also an increase of 919 in title suits, with an increase of 276 in the Assam Valley, 555 in Sylhet and 88 in Cachar. Of the total number of suits instituted, 29,445 were valued at sums

not exceeding Rs. 100, and 63 were valued at over Rs. 5,000.

3. **Suits disposed of.**—In addition to 38,045 suits instituted during the year, there were 9,802 suits pending trial from the previous year, 1,127 were revived and 2,182 were received otherwise, making a total of 51,156 suits for disposal before the subordinate courts in Assam in 1940, against 48,544 in the preceding year. Excluding transfers, 38,147 were disposed of or 1,101 more than in the previous year. The number of suits disposed of in Sylhet, the Assam Valley and Cachar increased by 549, 430 and 122, respectively. The pending file rose from 9,802 to 10,869.

The number of cases pending over one year rose from 226 to 227. Fifteen original suits were disposed of by District and Additional Judges, 497 by Subordinate Judges and 37,635 by Munsifs, against 27,383 and 36,636, respectively, in 1939. The average number of suits disposed of by each Munsif rose from 1,396 in 1939 to 1,429 in 1940. In Sylhet, where the Munsifs were employed upon civil work only, the average disposal per Munsif was 2,394 as compared with 2,362 in the previous year.

4. **Methods of disposal.**—Of the number of suits disposed of, 6,503 were decided without trial, 19,030 decided *ex-parte*, 3,363 decided on admission of claim, 4,794 decided on compromise, 4,368 decided after full trial and 89 decided on reference to arbitration. The percentage of cases decided after full trial was 12·2 in Sylhet, 13·8 in Cachar, and 9·3 in the Assam Valley.

Of the total number of disposals, 11,370 or 29·8 per cent. were under the summary procedure of the Small Cause Court and 26,777 or 70·2 per cent. were under the ordinary procedure. Of the 11,103 suits disposed of in the Assam Valley, 2,001 or 18 per cent. were decided under the summary procedure and 9,102 or 82 per cent. under the ordinary procedure. Of the 25,012 suits disposed of in Sylhet, 8,851 or 35·4 per cent. were decided under the summary procedure and 16,161 or 64·6 per cent. under the ordinary procedure, and of 2,032 suits disposed of in Cachar, 518 or 25·5 per cent. were decided under the summary procedure and 1,514 or 74·5

per cent. under the ordinary procedure. Of the cases decided after full trial, 21 per cent. were under the summary and the remainder under the ordinary procedure.

5. **Results of suits decided after full trial.**—Of the 4,368 suits decided after full trial, 3,254 or 74.5 per cent. resulted in favour of the plaintiffs and 1,114 or 25.5 per cent. in favour of the defendants.

6. **Miscellaneous cases.**—There were 5,967 miscellaneous cases of a judicial nature before the courts for disposal against 5,295 in the previous year. Of these, excluding transfers, 4,702 were disposed of and 1,050 remained pending at the close of the year. Of the number disposed of, 1,214 were decided after full trial.

Appellate Jurisdiction.

7. **Appeals in the High Court.**—The number of appeals from the superior civil courts of Assam instituted, revived and received by transfer in, and decided by the High Court in 1940 and the number pending at the close of the year will be found in Statement A (Part II) appended to the report.

8. The statement below shows the results of the appeals decided in the High Court during the year under review :—

Nature of appeals.	Decided on contest after admission.				Otherwise disposed of.				Total.
	Affirmed.	Reversed.	Varied.	Remanded.	Dismissed for default.	Withdrawn.	Compromised.	Appeals summarily rejected under Order XXI, Rule 11, Civil Procedure Code.	
1	2	3	4	5	6	7	8	9	10
Appeals from Original Decrees— District Judge	4	2	..	..	4	..	..	..	10
Subordinate Judge ..	5	3	1	..	3	..	..	..	12
Appeals from Appellate Decrees— District Judge	21	12	6	23	4	1	3	22	92
Subordinate Judge ..	21	19	7	9	1	..	..	12	69
Appeals from Orders— Commissioner under section 30 of Act VIII of 1923	..	1	..	..	..	..	..	..	1
District Judge	11	2	..	..	..	..	1	6	20
Subordinate Judge ..	6	3	..	1	5	..	1	3	19

9. The following statement shows the duration of pending appeals and the average duration of appeals which have been heard and determined in the High Court during the year 1940 :—

—	Average duration of appeals heard and determined in 1940.	Duration of pending appeals.		
		Less than one year.	One to two years.	More than two years.
1	2	3	4	5
—	Days.			
First appeals from—				
Decrees ..	971	11	26	28
Orders ..	344	12	4	1
Orders of the Commissioner under section 30 of Act VIII of 1923 ..	97	..	..	..
Second Appeals from—				
Decrees ..	630	175	197	22
Orders ..	293	12	2	4

Further details of the Civil Appellate business disposed of in the High Court during the year under report will be found in Statement A (Part II) appended to the report.

Appellate Courts subordinate to the High Court.

10. There were 2,519 appeals for disposal before the Civil Appellate Courts of Assam in 1940 against 2,399 in the previous year. Of these, excluding transfers, 1,278 were disposed of, which is 83 more than in 1939. The number pending at the close of the year was 302. Of the latter, 2 were pending over a year against the same number in 1939. Of 1,272 appeals preferred during the year, 215 were from decisions in suits for money or movables, 323 from decisions in suits under the rent law and 734 from those in title and other suits.

The number of appeals preferred from the decisions of Subordinate Judges and Munsifs, respectively, and their ratio to the number of cases in which an appeal lay, were as follows :—

—	Subordinate Judges.	Munsifs.
Number of decrees in contested cases against which an appeal lay to the Subordinate Appellate Courts ..	99	3,135
Number of appeals preferred ..	43	1,225
Ratio of appeals to appealable decrees ..	43.4	39.4

11. **Disposal and result of appeals.**—Of the appeals disposed of, 86 were dismissed or not prosecuted and 1,192

were decided after hearing. Of the latter, the decisions of the lower courts were affirmed in 777 cases, or 65·2 per cent., modified in 149 or 12·5 per cent., reversed in 231 or 19·4 per cent. and the remainder were remanded to the lower courts. The results were on the whole more favourable to the lower courts than in the previous year. Excluding transfers, 310 miscellaneous appeals were disposed of during the year, as against 256 in 1939 and 66 were pending at its close against 59 in 1939.

The number of regular appeals disposed of by the Judge and Additional Judge of the Assam Valley was 80 and that by the District and Additional District Judges of Sylhet-Cachar was 732 against 78 and 696, respectively, in 1939.

12. **Receipts and charges.**—The receipts from the Civil Courts in Assam fell from Rs. 8,01,465 in 1939 to Rs. 6,73,639 in 1940, while the expenditure fell from Rs. 4,63,364 to Rs. 4,62,801. The surplus of receipts over expenditure fell from Rs. 3,38,101 to Rs. 2,10,838. The decrease in receipts was under all the heads except "Process fees" and "Other receipts credited to Government."

13. **Inspection.**—During the year under report the courts of two Subordinate Judges and nine Munsifs in the district of Sylhet were inspected by the District Judge. In Cachar, the civil offices and courts both at Silchar and Hailakandi were inspected by the Commissioner of Divisions and the District Judge, respectively. In the Assam Valley, the Subordinate Judge's court at Gauhati and the civil offices at Goalpara, Barpeta and Gauhati were inspected by the Judge. The civil offices at Jorhat and Golaghat were inspected by the Commissioner of Divisions and the Deputy Commissioner, respectively, and those at Mangaldai and Tezpur by both the Judge and the Commissioner. The civil office at North Lakhimpur was inspected by the Judge and the Deputy Commissioner and that at Sibsagar by the Commissioner and the Deputy Commissioner.

14. **General.**—(a) *High Court.*—The number of first appeals instituted in the High Court during the year was 13 against 31 in 1939 and the number of

second appeals instituted was 192 against 269. The number of first appeals disposed of was 22 against 10 and that of second appeals was 161 against 127. The pending file of first appeals fell from 74 to 65 and that of second appeals rose from 363 to 394. The average duration of first appeals was nearly $2\frac{2}{3}$ years and that of second appeals $1\frac{2}{3}$ years. Compared with 1939 the duration of both the first and second appeals showed an increase.

(b) *Lower Courts.*—(i) There was an increase of 2,213 suits in the number instituted during the year as compared with the figure for 1939, while the figure for 1939 showed a decrease of 85 suits over that for 1938. There was therefore a total increase of 2,128 suits instituted during the last two years.

(ii) One thousand one hundred and one more suits were disposed of in 1940 than in 1939. The increase in disposals may be attributed to the fact that comparatively more additional help was given in the court of the Munsifs and that less contested suits were disposed of by them than in the preceding year. Moreover, the court of the permanent special Subordinate Judge and Assistant Sessions Judge of the Assam Valley Districts functioned throughout the year whereas in 1939 this court was left without any officer for a considerable part of the year. Despite a better disposal than in 1939, the increase in the pending file from 9,802 to 10,869 is apparently due to an increase of 2,213 suits in the number instituted during the year under report. The number of year-old pending suits remained almost the same, it being 227 in 1940 against 226 in 1939. There was a rise in the average disposal per Munsif. Contested disposals fell. The percentage of such disposals under the ordinary procedure rose as much as that under the Small Cause Court Procedure fell, as compared with the figures of the previous year.

(iii) The number of regular appeals disposed of in 1940 was 83 more than in 1939, while the figure for 1939 showed a decrease of 394 over that for 1938. There was thus a total of 311 less appeals disposed of during the two years. The pending file rose from 271 in 1939 to 302 in 1940, but the number of year-old appeals remained the same as in the previous year, viz., 2.

(iv) The receipts decreased by Rs. 1,27,826 and the expenditure by Rs. 563.

(v) The number of applications for interlocutory injunctions filed during the year in Sylhet was 261 and there were 21 cases pending from the preceding year making a total of 282 for disposal. In 16 of these cases, the prayer for injunction was summarily refused; in 142, injunctions were issued *ex parte* and in 121, after giving notice to opposite party. Of the number in

which injunctions were issued *ex parte*, 66 were made absolute after hearing, 35 were dissolved and 30 continued for absence of opposite party. As in the previous year, compared with Sylhet the number of injunctions applied for in the Assam Valley Districts and Cachar was negligible.

By order of the High Court,

T. H. ELLIS,

Registrar, Appellate Side.

Imperial Statements (Civil), Assam, 1940.

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ANNUAL STATEMENT 1—(CIVIL) (Revised to conform with the Government of India revised tables Nos. 25 and 26.)

Number of Judicial Divisions, and number of Officers exercising Original or Appellate Jurisdiction, in the Province of Assam on 31st December, 1940, and the number of cases decided in, and receipts and charges of, the Civil Courts during that year.

Districts.	of Judges of Province.	Civil.				Number of cases decided.				Total receipts of Courts.	Total charges of Courts.
		Number of Districts.	District Judges.	Other Judges.		Civil.					
				Stipendiary.	Honorary.	Original.		Appellate.			
						Regular.	Miscellaneous.	Regular.	Miscellaneous.		
1	2	3	4	5	6	7	8	9	10	11	12
										Rs.	Rs.
Assam Valley	1	2*	(a) 21	..	11,103	1,666	353	143	2,39,344	1,64,114
Surma Valley— Sylhet	1	2*	(b) 12	..	25,012	2,724	817	139	3,84,252	2,74,211
Cachar										
Total	2	4	36	..	38,147	4,702	1,278	310	6,73,639	4,62,801

*Do both civil and criminal work.

(a) Do both civil and criminal work.

(b) Of these, two did both civil and criminal work.

ANNUAL STATEMENT 2—(CIVIL).

Number and description of Civil Suits instituted in the Province of Assam in the year 1940.

Class of Courts.	Suits for money or movable property.	Suits under the Rent Law.					Title and other suits.					Grand Total.
		Arrears of rent with or without ejectment.	Enhancement or abatement of rent.	For ejectment or recovery of possession alone.	All other suits under the Rent Law.	Total.	Suits for immovable property.	Suits for specific relief.	Mortgage suits.	Other suits not falling under any of the preceding heads.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12	13
SUBORDINATE COURTS.												
Munals—												
Under ordinary procedure	5,844	12,946	..	9	1,873	14,828	2,709	328	1,491	1,053	5,581	26,253
Under Small Cause Court powers	11,273	..	..	..	..	..	..	..	..	..	..	11,273
Small Cause Courts—												
As Small Cause Court Judges .. ..	..	..	..	..	..	..	..	..	..	..	..	..
Under powers of Subordinate Judges .. ..	..	..	..	..	..	..	..	..	..	..	..	..
Subordinate Judges—												
Under ordinary procedure	127	9	..	..	..	9	87	4	63	52	206	342
Under Small Cause Court powers	145	..	..	..	..	..	..	..	..	..	..	145
District and Additional Judges	1	..	..	..	..	..	..	..	..	31	31	32
Total	17,390	12,955	..	9	1,873	14,837	2,796	332	1,554	1,136	5,818	38,045

ANNUAL STATEMENT 3—(CIVIL).

Number and Value of Civil Suits instituted in the Province of Assam in the year 1940.

Class of Courts.	Number of suits instituted in the different courts.									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 the value of which cannot be estimated in money.	Total number of suits instituted.	
1	2	3	4	5	6	7	8	9	10	11
SUBORDINATE COURTS.										
Munsifs—										
Under ordinary procedure ..	3,696	11,219	4,925	5,574	702	137	..	..	26,253	26,82,188
Under Small Cause Court powers ..	460	5,982	3,148	1,683	..	..	..	..	11,273	6,98,565
Small Cause Courts—										
As Small Cause Court Judges ..	..	..	..	..	..	..	..	..	..	..
Under powers of Subordinate Judges ..	..	..	..	..	..	..	..	..	..	..
Subordinate Judges—										
Under ordinary procedure ..	..	..	3	1	1	277	60	..	342	19,61,947
Under Small Cause Court powers ..	..	..	12	133	..	..	..	..	145	43,105
District and Additional Judges ..	..	..	..	2	5	10	3	12	32	97,003
Total ..	4,156	17,201	8,088	7,393	708	424	63	12	38,045	54,77,778

General results of trial of Civil Cases in Courts of Original Jurisdiction in the Province of Assam in the year 1940.

CIVIL SUITS.

Class of Courts.	Number of suits before the courts.					Number of suits disposed of—																			
	Pending at the beginning of the year.	Instituted during the year.	Revived during the year.	Otherwise received.	Total (of columns 2 to 5). Under Order IX, rules 3 and 8, Civil Procedure Code, where the defendant does not admit the claim.	Without trial.			<i>Ex-parte</i> .		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.	
						Otherwise.	Number (total of columns 7 and 8).	Average duration.	Number.	Average duration.	Number.	Average duration.	Number.	Average duration.	Judgment for plaintiff.	Judgment for defendant.	Number (total of columns 17 and 18).	Average duration.	Number.	Average duration.	Number.	Average duration.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
SUBORDINATE COURTS.																									
Munsifs—																									
Under ordinary procedure	7,312	26,253	976	1,663	36,204	2,678	1,505	4,183	116.7	13,808	88.1	1,419	82.7	3,581	169.5	2,444	881	3,325	225.9	83	218.6	1,588	155.4	8,217	170
Under Small Cause Court powers	2,235	11,273	128	212	13,848	1,783	483	2,266	72.8	5,068	60.5	1,891	56.9	1,098	91.5	702	207	909	105.4	4	159	278	76.1	2,334	6
Small Cause Courts—																									
As Small Cause Court Judges .. ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Under powers of Subordinate Judges .. ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Subordinate Judges—																									
Under ordinary procedure	219	342	21	290	872	24	14	38	164.7	84	150.3	20	104.5	104	164.4	92	23	115	258.7	2	54	229	107.8	280	50
Under Small Cause Court powers	15	145	..	1	161	10	1	11	75	69	41	32	41	10	79	9	3	12	70	..	..	..	..	27	..
District and Additional Judges	21	32	2	16	71	3	2	5	111.2	1	98	1	1	1	51	7	..	7	87.9	..	..	45	77	11	1
Total of each Class for Civil Courts—																									
Suits for money or movables	4,048	17,390	291	643	22,372	2,945	830	3,775	77.6	7,244	67.5	2,632	60	2,225	106.1	1,158	423	1,581	141.2	50	194	679	115	4,186	48
Suits under the Rent Law	2,813	14,837	105	921	18,676	954	822	1,776	124.4	10,096	89.5	532	107.6	1,137	194.5	982	180	1,162	239.7	11	187.3	889	118.1	3,073	22
Title and other suits	2,941	5,818	731	618	10,108	599	353	952	154.4	1,690	87	199	66	1,432	187.3	1,114	511	1,625	231.7	28	254.7	572	197.6	3,610	157
Total	9,802	38,045	1,127	2,182	51,156	4,498	2,005	6,503	101.6	19,030	80.9	3,363	67.9	4,794	151.3	3,254	1,114	4,368	201	89	212.2	2,140	138.4	10,869	227

ANNUAL STATEMENT 5—(CIVIL).

General results of trial of Civil Cases in Courts of Original Jurisdiction in the Province of Assam in the year 1940.

MISCELLANEOUS CASES.

Class of Courts. 1	Number of suits before the courts.					Number of cases disposed of—														Pending at the close of the year. 25	Pending for more than a year. 26				
	Pending at the beginning of the year. 2	Instituted during the year. 3	Revived during the year. 4	Otherwise received. 5	Total (of columns 2 to 5). 6	Without Trial.				<i>Ex-parte</i> .		On admis- sion of claim.		Compro- mised.		After full trial.						On refer- ence to arbitration.		By transfer.	
						Dismissed for default or want of prosecution. 7	Otherwise. 8	Number (total of columns 7 and 8). 9	Average duration. 10	Number. 11	Average duration. 12	Number. 13	Average duration. 14	Number. 15	Average duration. 16	Judgment for petitioner. 17	Judgment for opposite party. 18	Number (total of columns 17 and 18). 19	Average duration. 20			Number. 21	Average duration. 22	Number. 23	Average duration. 24
SUBORDINATE COURTS.																									
Munsifs	712	4,020	13	27	4,772	1,102	340	1,442	56.6	916	47.5	162	64.1	385	87.5	509	502	1,011	88	1	157	2	84.5	853	3
Small Cause Courts—																									
As Small Cause Court Judges																									
Under powers of Subordinate Judges																									
Subordinate Judges	156	528	9	182	875	122	26	148	53.5	241	55.4	4	90.2	40	69.3	86	76	162	107.3			129	52.7	151	3
District and Additional Judges	61	236	2	21	320	31	13	44	71.6	87	52	4	65.2	14	92.1	23	18	41	105.6			84	35.5	46	2
Total	929	4,784	24	230	5,967	1,255	379	1,634	56.8	1,244	49.4	170	64.8	439	86	618	596	1,214	91.3	1	157	215	46.3	1,050	8

ANNUAL STATEMENT 6—(CIVIL).

Civil Appellate Courts of the Province of Assam in the year 1940.

APPEALS FROM DECREES.

Class of Courts.	Number of Appeals before the Courts.				Number of Appeals disposed of—									Pending at the close of the year.	Pending for more than a year.
	Pending at the beginning of the year.	Instituted and re-instituted during the year.	Otherwise received.	Total (of columns 2, 3 and 4).	Dismissed or not prosecuted.		Confirmed.	Modified.	Reversed.	Remanded for retrial.	Average duration of appeals in columns 8, 9, 10 and 11.	By transfer.			
					Number.	Average duration.						Number.	Average duration.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
SUBORDINATE COURTS.															
APPEALS FROM ORIGINAL DECREES—															
Subordinate Judges ..	83	296	532	911	27	20.5	289	39	89	22	19.4	352	47.4	93	..
District and Additional Judges	188	976	444	1,608	59	25.1	488	110	142	13	47.9	587	69.4	209	2
Total of each class of Civil Courts—															
Appeals from decisions in suits for money and movables ..	64	215	208	487	6	18.8	131	32	43	10	35.5	206	61.4	59	1
In suits under the Rent Law	46	323	194	563	48	12.6	180	42	61	1	35.8	189	63	42	..
In Title and other suits ..	161	734	574	1,469	32	41.2	466	75	127	24	38.7	544	60.4	201	1
Total ..	271	1,272	976	2,519	86	23.7	777	149	231	35	37.4	939	61.2	302	2
COURTS AT THE PRESIDENCY.															
APPEALS FROM ORIGINAL DECREES—															
Chief Court of Province—															
From decisions by the Subordinate Courts ..	74	13	..	87	7	474 (a)	9	1	5	..	1,203 (b)	..	..	65	54
From decisions on the Original Side ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
APPEALS FROM APPELLATE DECREES—															
Chief Court of Province—															
From decisions by the Subordinate Appellate Courts ..	363	192	..	555	43	224 (c)	42	13	31	32	778 (d)	..	..	394	219
From decisions by a single Judge or Bench on Appeal in the Chief Court ..	1	..	..	1	1	567 (e)	..	..	..	..	..	..	..	..	..
Total ..	438	205	..	643	51	265	51	14	36	32	826	..	..	459	273
Grand Total ..	709	1,477	976	3,162	137	113.5	828	163	267	67	116.6	939	61.2	761	275

(a) Less 115 days of average duration due to one or more long vacations which intervened in 5 cases out of a total of 7 cases.

(b) Less 220 days of average duration due to one or more long vacations which intervened in all the appeals.

(c) Less 87 days of average duration due to one or more long vacations which intervened in 19 appeals out of a total of 43 appeals.

(d) Less 145 days of average duration due to one or more long vacations which intervened in all the appeals.

(e) Less 144 days of average duration due to two long vacations which intervened in the appeal.

ANNUAL STATEMENT 7—(CIVIL).

Civil Appellate Courts of the Province of Assam in the year 1940.

MISCELLANEOUS APPEALS.

Class of Courts.	Number of Appeals before the Courts.				Number of Appeals disposed of—										
	Pending at the beginning of the year.	Instituted and re-instituted during the year.	Otherwise received.	Total (of columns 2, 3 and 4).	Dismissed or not prosecuted.		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.	
					Number.	Average duration.						Number.	Average duration.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
SUBORDINATE COURTS.															
APPEALS FROM ORIGINAL ORDERS—															
Subordinate Judges ..	26	84	100	210	11	30.3	44	3	27	9	24.3	89	63	27	..
District and Additional Judges ..	33	232	68	333	75	9.4	88	8	40	5	59	78	51.4	39	..
Total ..	59	316	168	543	86	12.1	132	11	67	14	46.1	167	57.6	66	..
COURTS AT THE PRESIDENCY.															
APPEALS FROM ORIGINAL ORDERS—															
Chief Court of Province—															
From decisions by the Subordinate Courts ..	22	15	..	37	10	160 (a)	5	..	4	1	527 (b)	..	..	17	5
From decisions by the Commissioners under section 30 of Act VIII of 1923 ..	..	1	..	1	..	..	..	..	1	..	97 (c)	..	..	..	..
From decisions on the Original Side ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	22	16	..	38	10	160	5	..	5	1	487.7	..	..	17	5
APPEALS FROM APPELLATE ORDERS—															
Chief Court of Province—															
From decisions by the Subordinate Appellate Courts ..	20	17	..	37	6	143 (d)	12	..	1	..	428 (e)	..	..	18	6
From decisions of a single Judge or Bench on Appeal in the Chief Court ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	20	17	..	37	6	143	12	..	1	..	428	..	..	18	6
Grand Total ..	101	349	168	618	102	34.4	149	11	73	15	82.3	167	57.6	101	11

(a) Less 72 days of average duration due to one long vacation which intervened in 5 appeals out of a total of 10 appeals.

(b) Less 108 days of average duration due to one or more long vacations which intervened in 8 appeals out of a total of 10 appeals.

(c) No vacation intervened.

(d) Less 72 days of average duration due to one long vacation which intervened in 2 appeals out of a total of 6 appeals.

(e) Less 72 days of average duration due to one long vacation which intervened in 11 appeals out of a total of 13 appeals.

A. (PART I).

Civil business disposed of in the High Court during the year 1940.

ASSAM.

Nature of business.	Number pending at the beginning of the year.	Number instituted during the year.	Number revived and received by transfer during the year.	Number disposed of during the year.		Pending at the close of the year.	Duration in days.
				Without contest.	With contest.		
1	2	3	4	5	6	7	8
Original Jurisdiction

A. (PART II).

Nature of business.	Number pending at the beginning of the year.	Number instituted during the year.	Number revived and received by transfer during the year.	Number disposed of during the year.	Pending at the close of the year.	Duration in days.
1	2	3	4	5	6	7
APPELLATE JURISDICTION.						
<i>First Appeals—</i>						
From the Original Decrees of the Subordinate Courts ..	74	13	..	22	65	971
From the Original Orders of the Subordinate Courts ..	22	15	..	20	17	344
From the Original Orders of the Commissioners under section 30 of Act VIII of 1923 ..	..	1	..	1	..	97
<i>Second Appeals—</i>						
From the Appellate Decrees of the Subordinate Courts ..	363	192	..	161	394	630
From the Appellate Orders of the Subordinate Courts ..	20	17	..	19	18	293
<i>Third Appeals—</i>						
<i>From Original Decrees in the High Court—</i>						
Of two Judges hearing First Appeals ..	..	..	..	..	..	..
<i>From Appellate Decrees in the High Court—</i>						
Of two Judges hearing Second Appeals ..	..	..	..	..	..	..
Of one Judge hearing Second Appeals ..	1	..	..	1	..	567
Miscellaneous Orders in Court ..	..	742	..	742	..	..

A. (PART III).

REVISION CASES.

—	Number of applications made for the issue of "Rules."	Number of rules issued.	Number of rules—		Average duration.	Remarks.
			Disposed of.	Discharged.		
1	2	3	4	5	6	7
I. Revisions under section 25 of the Provincial Small Cause Courts Act
II. Other Revisions
III. Rules connected with appeals

Provincial Statements (Civil), Assam, 1940.

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B.

Results of Proceedings in Execution of Decrees in 1940.

Division.	Districts.	Number of applications made.	Number of applications disposed of.				Number of applications pending.	Pending over one year.	Amount realised.
			Decrees wholly satisfied.	Decrees partly satisfied.	Wholly infructuous.	Total.			
1	2	3	4	5	6	7	8	9	10
									Rs.
Assam Valley	Darrang ..	868	141	214	600	955	219	2	25,342
	Goalpara ..	3,225	1,301	579	1,391	3,271	1,797	103	2,12,429
	Kamrup ..	3,589	286	402	3,151	3,839	2,515	12	66,993
	Lakhimpur ..	994	130	156	609	895	209	..	71,776
	Nowgong ..	538	85	75	397	557	191	7	22,806
	Sibsagar ..	2,232	333	384	1,515	2,232	642	10	2,44,683
	Total ..	11,446	2,276	1,810	7,663	11,749	5,573	134	6,44,029
Surma Valley	Cachar ..	2,454	221	729	1,424	2,374	526	5	80,642
	Sylhet ..	17,058	3,102	2,308	11,165	16,665	4,462	202	4,66,279
	Total ..	19,512	3,323	3,127	12,589	19,039	4,988	207	5,46,921
	Grand Total ..	30,958	5,599	4,937	20,252	30,788	10,561	341	11,90,950
	Grand Total for 1939 ..	31,708	5,006	5,537	20,272	30,815	10,805	171	10,34,931

C.

[Proceedings in Insolvency under the Provincial Insolvency Act, 1920 (V of 1920), in the Province of Assam during the year 1940.]

Showing the number and results of insolvency petitions presented under section 7 of the Act, and the number of insolvents before the Courts.

1	2	Insolvency petition.															Debtors adjudged to be insolvent.										
		3	Number dealt with				Number disposed of										Number before the Court.			Disposed of				27	28		
			Presented during the year.		6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	Discharged or died.		Annulled.				
			4	5																	22	23	24			25	26
By debtors.	Under arrest or imprisonment.	Not under arrest or imprisonment.	By creditors.	Received by transfer.	Total.	Transferred.	Withdrawn under section 14.	By composition or scheme of arrangement under section 38.	A receiver being appointed.	A receiver not being appointed.	Dismissed under sections 25 and 26.	Total.	Debtors sentenced under section 69.	Undischarged insolvents sent for trial under section 72(2).	Remaining undischarged at close of previous year.	Undischarged received by transfer.	Adjudged to be insolvent during the year.	Total.	Transferred.	Under the Act of 1920.	Other cases.	Under the Act of 1920.	Other cases.				
Assam Valley ..	Courts subordinate to District Courts and specially empowered under section 3 ..	9	1	12	..	15	37	12	1	..	5	10	4	32	..	..	56	10	7	73	13	..	3	..	4	20	53
	District Courts ..	3	..	..	..	..	3	3	..	..	..	..	..	3	..	..	4	..	..	4	4	..	..	..	..	4	..
	Total ..	12	1	12	..	15	40	15	1	..	5	10	4	35	..	..	60	10	7	77	17	..	3	..	4	24	53
Surma Valley— Sylhet ..	District Judge ..	3	..	11	..	..	14	..	..	..	12	12	6	10	..	..	12	..	4	6	..	3	..	1	..	4	12
	Additional Judge ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	3	..	..	3	..	..	..	..	..	..	3
	Sub-Judge, First Court ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	3	..	11	..	..	14	..	..	..	12	12	6	10	..	..	5	..	4	9	..	3	..	1	..	4	5	
Cachar ..	Courts subordinate to District Courts and specially empowered under section 3 ..	..	..	3	..	..	3	..	..	..	1	12	3	..	..	..	..	..	1	1	..	..	..	..	..	..	1
	District Courts ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	Total ..	..	..	3	..	..	3	..	..	..	1	12	3	..	..	..	..	..	1	1	..	..	..	..	..	..	1
Grand Total ..	15	1	26	..	15	57	15	1	..	7	13	12	48	..	..	65	10	12	87	17	3	3	1	4	28	59	
Grand Total for 1939 ..	14	10	27	1	31	83	29	2	..	10	9	16	66	..	..	253	35	21	309	31	21	..	14	..	66	243	

Remaining undischarged at close of year (including insolvents who have been refused discharge or whose discharge remains suspended under section 41(2) (b)).

Statement showing the number of interlocutory injunctions (interlocutory only) instituted, disposed of and pending in each of the Civil Courts of the district during the year 1940.

Details of Courts.	Number for disposal.			Number in which—				Number of column 6 cases in which—			Number of column 7 cases in which—		Average duration between the date of <i>ex parte</i> order in column 6 or date of order of notice in column 7 and the date of the final order in the presence of the opposite party in cases included in columns 8, 9, 10, 11 and 12.	Number pending at the close of the year.	
	1	2	3	4	5	6	7	8	9	10	11	12			13	14
Assam Valley Districts—															
Judge ..	1	..	..	1	..	..	..	..	..	..	..	1	10	..
Additional Judge	
Special Sub-Judge, A. V. D.	
Additional Sub-Judge, A. V. D.	
Sub-Judge: Goalpara	
Sub-Judge: Darrang	2	2	..	..	..	..	..	2	..	..	5	..	
Sub-Judge: Xowong	
Sub-Judge: Sibsagar	
Sub-Judge: Lakhimpur	1	1	..	1	..	..	..	1	..	..	..	..
Munsif, Dibrui	
Munsif (Additional), Dibrui	
Munsif, Goalpara	4	4	..	4	..	..	..	..	..	..	56	1	
Munsif, Barpeta	1	1	..	1	..	..	..	..	..	..	101	..	
Munsif, Ganhali	7	7	..	7	..	..	4	..	1	..	77	2	
Munsif (Additional), Gauhati	
Munsif, Mangaldai	1	..	1	..	..	..	..	..	..	..	..	..	..
Munsif, Tejpur	5	5	..	3	..	..	..	3	..	1	22	..	
Munsif, Xowong	2	23	..	
Munsif, Golaghat	
Munsif, Jorhat	8	8	..	7	..	..	..	2	..	1	..	..
Munsif, Sibsagar	14	14	..	14	..	..	1	13	..	..	34	3	
Munsif, North Lakhimpur	
Munsif, Dibrugarh	19	19	..	5	..	..	8	2	..	4	18	3	
Total ..	2	61	63	..	44	17	4	15	23	3	9	..	9	9	

D.

Statement showing the number of interlocutory injunctions (interlocutory only) instituted, disposed of and pending in each of the Civil Courts of the district during the year 1940.

Details of Courts.	Number for disposal.			Number in which—			Number of column 6 cases in which—			Number of column 7 cases in which—		Average duration between the date of <i>ex parte</i> order in column 6 or date of order of notice in column 7 and the date of disposal in cases included in columns 8, 9, 10, 11 and 12.	Number pending at the close of the year.
	Pending from last year.	Number of applications for issue of interlocutory injunction filed during the year.	Total.	Injunction was refused summarily.	Injunction was issued <i>ex parte</i> accompanied by notice to show cause.	Only notice was first given to the opposite party.	Injunction was made absolute after hearing the opposite party.	Injunction was dissolved after hearing the opposite party or for other reason (without appearance or objection).	Injunction was continued on consent or for non-appearance or want of objection.	Injunction was granted after hearing opposite party or on consent or for other reason (non-appearance).	Injunction was refused after hearing opposite party or for other reason.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Surma Valley—													
<i>Sylhet.</i>													
District Judge ..	..	..	..	..	..	..	..	..	..	..	..	..	..
Additional Judge ..	..	..	..	..	..	..	..	..	..	..	..	..	..
Sub-Judge, First Court ..	..	7	7	..	6	1	3	1	1	..	..	47	2
Sub-Judge, Second Court ..	..	11	11	1	7	3	2	2	3	3	..	23	..
Sadar Munsif, First Court ..	3	52	55	2	16	37	5	6	4	9	19	30	10
Sadar Munsif, Second Court ..	3	47	50	1	34	15	26	5	..	10	6	29	2
Munsif, Karimganj ..	7	31	38	6	19	13	4	4	11	3	10	40	..
Munsif, Sunamganj ..	2	24	26	..	5	21	3	2	..	11	3	48	7
Munsif, Habiganj—													
First Court ..	2	26	28	..	23	3	11	3	6	3	1	48	4
Second Court ..	2	11	13	1	9	4	4	2	1	2	3	29	..
Third Court ..	2	16	18	2	9	5	2	5	4	3	..	32	2
Fourth Court ..	..	15	15	3	10	2	5	4	..	2	..	20	1
Munsif, Maulvi Bazar—													
First Court ..	..	15	15	..	4	11	1	1	..	10	1	22	2
Second Court ..	..	6	6	..	..	6	..	..	..	3	3	53	..
Total ..	21	261	282	16	142	121	66	35	30	59	46	..	30
Cachar.													
District Judge ..	..	..	..	..	..	..	..	..	..	..	..	..	..
Sub-Judge ..	..	..	..	..	..	..	..	..	..	..	..	..	..
Munsif, Sadar ..	..	6	6	1	3	2	1	..	2	2	..	31	..
Munsif, Hallakandi ..	..	3	3	..	3	..	1	2	..	..	..	17	..
Total ..	..	9	9	1	6	2	2	2	2	2	..	..	..

Statement showing the work done by District Judges in the Province of Assam during the year 1940.

District,	Courts.	Original suits.	Miscellaneous cases.		Appeals.		Sessions trials.	Criminal appeals.	Criminal applications for revision.
			Applications for the execution of decrees.	Judicial.	Regular.	Miscellaneous.			
Assam Valley	Judge	2	..	41	69	59	118	424	128
	Additional Judge	1	..	12	11	1	110	389	..
	Total	3	..	53	80	60	228	813	128
Surma Valley									
Sylhet	Judge	4	6	109	381	96	22	236	210
	Additional Judge .. ..	..	1	3	262	35	50	180	19
	Total	4	7	112	643	131	72	416	229
Cacheer									
Cacheer	Judge	8	..	25	89	24	10	91	36
	Additional Judge .. ..	..	..	..	..	1	5	13	1
	Total	8	..	25	89	25	15	104	37
Grand Total		15	7	190	812	216	315	1,333	394
Grand Total for 1939		27	19	170	774	191	241	1,068	423

Acc. No.....

Statement showing the work done by the Subordinate Judges in the Province of Assam during the year 1940.

District.	Courts.	Powers.	Suits.				Miscellaneous cases.		Appeals.		Small trials.
			With- drawn, compro- mised, etc.	Decreed <i>ex parte</i> .	After full trial.	Total.	Applica- tions for the execu- tion of decrees.	Judicial.	Regular.	Miscel- laneous.	
Assam Valley—	Special Sub-Judge and Assistant Sessions Judge.	O.	21	14	19	54	51	108	107	35	
	Additional Sub-Judge and Assistant Sessions Judge.	O.	47	17	33	97	26	79	100	40	
Goalpara ..	Sub-Judge ..	O.	7	4	..	11	57	31	5	2	
Darrang ..	Sub-Judge ..	O.	2	1	..	3	14	13	..	2	
Nowgong ..	Sub-Judge ..	O.	3	1	..	4	37	51	..	2	
Sibsagar ..	Sub-Judge ..	O.	8	1	..	9	78	29	1	1	
Lakhimpur ..	Sub-Judge ..	O.	4	5	..	9	89	15	..	1	
	Total ..	O.	92	43	52	187	352	326	273	83	
Surma Valley—	Sub-Judge, First Court	{ O. S.	17 13	8 24	14 5	39 42	217 83	98 ..	74 ..	3 ..	
Sylhet ..	Sub-Judge, Second Court	{ O. S.	35 40	18 45	33 7	86 92	168 203	100 ..	75 ..	4 ..	
	Sub-Judge, Additional Court.	O.	3	..	6	9	..	..	25	1
	Total ..	{ O. S.	55 53	26 69	53 12	134 134	385 286	198 ..	174 ..	8 ..	
Cachar ..	Deputy Commissioner as Sub-Judge.	O.	7	10	..	17	90	62	2	1	
	Sub-Judge, Sylhet-Cachar	O.	10	5	10	25	3	9	17	2	
	Total ..	O.	17	15	10	42	93	71	19	3	
	Total for all courts	{ O. S.	164 53	84 69	115 12	363 134	830 286	595 ..	466 ..	94 ..	
	Grand Total ..		217	153	127	497	1,116	595	466	94	
	Grand Total for 1939		158	120	105	383	1,024	510	421	65	

G.

Statement showing the work done by Munsifs in the Province of Assam during the year 1940.

District.	Courts.	Powers.	Suits.				Miscellaneous.	
			Withdrawn, compromised, etc.	Decreed <i>ex parte</i> .	After full trial.	Total.	Applications for the execution of decrees.	Judicial.
Assam Valley	Dhubri ..	O.	724	1,049	48	1,821	2,084	165
		S.	329	201	15	545	..	..
	Additional Court	O.	225	323	16	564	195	10
		S.	..	..	..	..	..	..
	Goalpara ..	O.	261	623	78	962	935	76
		S.	5	6	2	13	..	..
	Barpeta ..	O.	489	602	56	1,147	1,580	132
		S.	..	..	..	..	..	..
	Gauhati ..	O.	473	456	63	992	2,026	328
		S.	319	266	56	641	..	..
	Additional Court	O.	84	131	78	293	156	34
		S.	..	..	..	..	..	..
	Mangaldai ..	O.	209	42	69	320	272	31
		S.	..	..	..	..	..	..
Tezpur ..	O.	309	200	50	559	669	74	
	S.	..	..	..	..	..	..
Surma Valley	Nowgong ..	O.	475	158	58	691	520	130
		S.	21	3	2	26	..	..
	Golaghat ..	O.	164	74	53	291	459	89
		S.	32	14	11	57	..	..
	Jorhat ..	O.	242	117	61	420	1,180	94
		S.	90	61	19	170	..	..
	Sibsagar ..	O.	159	81	87	327	515	51
		S.	60	39	20	119	..	..
	North Lakhimpur	O.	107	44	26	177	181	11
		S.	16	4	5	25	..	..
	Dibrugarh ..	O.	193	90	65	348	625	62
		S.	227	132	46	405	..	..
	Total	O.	4,114	3,990	808	8,912	11,397	1,287
		S.	1,099	726	176	2,001	..	..
Sylhet	Sadar First Court	O.	524	629	233	1,386	1,121	280
		S.	321	324	51	696	1,212	..
	Sadar Second Court	O.	408	590	250	1,248	851	196
		S.	314	411	61	786	485	..
	Additional Court	O.	55	31	70	156	3	..
		S.	..	..	..	..	..	..
	Karimganj Court ..	O.	667	838	179	1,684	1,308	249
		S.	533	509	66	1,108	794	..
	Additional Court	O.	117	45	24	186	2	..
		S.	..	..	..	..	..	..
	Sunamganj Court	O.	567	1,736	237	2,540	1,563	320
		S.	719	1,057	86	1,862	1,230	..
	Habiganj First Court	O.	262	519	148	929	602	311
		S.	226	176	67	469	754	..
Habiganj Second Court	O.	357	1,250	166	1,773	1,063	203	
	S.	154	219	31	404	168	..	
Habiganj Third Court	O.	346	1,037	199	1,582	797	182	
	S.	305	312	52	669	520	..	
Habiganj Fourth Court	O.	319	1,076	215	1,610	741	302	
	S.	540	526	98	1,164	447	..	
Maulvi Bazar First Court	O.	616	804	327	1,747	1,064	174	
	S.	520	351	87	958	141	..	
Maulvi Bazar Second Court	O.	295	642	245	1,182	679	197	
	S.	299	209	93	601	442	..	
Total	O.	4,533	9,197	2,293	16,023	9,794	2,414	
	S.	3,931	4,094	692	8,717	6,193	..	

District.	Courts.	Powers.	Suits.				Miscellaneous.	
			Withdrawn, compromised, etc.	Decreed <i>ex parte</i> .	After full trial.	Total.	Applications for the execution of decrees.	Judicial.
Surma Valley	Sadar ..	O.	319	341	123	783	1,312	109
		S.	229	248	41	518	271	..
Cachar ..	Hailakandi ..	O.	300	280	101	681	698	107
		S.	..	..	..	..	..	..
	Total	O.	619	621	224	1,464	2,010	216
		S.	229	248	41	518	271	..
	Total for all courts	O.	9,266	13,808	3,325	26,399	23,201	3,917
		S.	5,259	5,068	909	11,236	6,464	..
	Grand Total for 1940 ..	..	14,525	18,876	4,234	37,635	29,665	3,917
	Grand Total for 1939 ..	..	13,368	18,831	4,442	36,641	29,772	3,487

H.

Statement showing by districts the number of Original Suits under the ordinary procedure undecided at the close of 1940, classified according to the years of institution.

District.	Courts.	Original suits under the ordinary procedure.							
		Prior to 1935.	1935.	1936.	1937.	1938.	1939.	1940.	Total.
Assam Valley	Judge .. .. .	..	..	..	..	..	..	6	6
	Additional Judge .. .. .	..	..	..	..	..	..	3	3
	Sub-Judges .. .. .	..	..	1	..	..	9	102	112
	Munsifs	1	..	1	..	3	51	2,276	2,332
	Total	1	..	2	..	3	60	2,387	2,453
Surma Valley									
Sylhet ..	Judge .. .. .	..	..	..	..	..	1	1	2
	Additional Judge .. .. .	..	..	..	..	..	..	..	..
	Subordinate Judges	7	1	3	..	10	18	101	140
	Munsifs	1	1	1	4	2	107	5,373	5,489
	Total	8	2	4	4	12	126	5,475	5,631
Cachar ..	Judge .. .. .	..	..	..	..	..	..	..	..
	Additional Judge .. .. .	..	..	..	..	..	..	..	..
	Subordinate Judges .. .. .	..	..	..	1	..	..	27	28
	Munsifs .. .. .	..	..	..	..	..	2	394	396
	Total .. .. .	..	..	..	1	..	2	421	424
	Grand Total for 1940	9	2	6	5	15	188	8,283	8,508
	Grand Total for 1939	11	4	8	58	142	7,328	..	7,551

Statement showing by districts the number of Regular Appeals undecided at the close of 1940, classified according to the years of institution.

District.	Courts.	Regular Appeals.								Total.
		Prior to 1935.	1935.	1936.	1937.	1938.	1939.	1940.		
Assam Valley	Judge .. ..	..	..	..	1	1	..	38	40
	Additional Judge .. ..	..	..	..	..	..	..	6	6
	Subordinate Judges .. ..	..	..	..	..	..	..	82	82
	Total .. ..	..	..	..	1	1	..	126	128
Surma Valley										
Sylhet ..	Judge .. ..	..	..	..	..	..	..	147	147
	Additional Judge .. ..	..	..	..	..	..	..	2	2
	Subordinate Judges .. ..	..	..	..	..	..	..	1	1
	Total .. ..	..	..	..	..	..	..	150	150
Cachar ..	Judge .. ..	..	..	..	..	..	..	14	14
	Additional Judge .. ..	..	..	..	..	..	..	..	..
	Subordinate Judges .. ..	..	..	..	..	..	..	10	10
	Total .. ..	..	..	..	..	..	..	24	24
Grand Total for 1940 .. ..		..	..	..	1	1	..	300	302
Grand Total for 1939 .. ..		..	..	1	1	..	269	..	271

