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ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

NORTH WEST FRONTIER PROVINCE

FOR THE YEAR

1927

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CALCUTTA: GOVERNMENT OF INDIA
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REPORT

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REPORT

OF THE

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IN THE

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1907

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G. 9 (5)

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FOR THE YEAR
1927



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1928

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**Report on the Administration of Civil Justice in
the North West Frontier Province for the
year 1927.**

REVIEW BY THE CHIEF COMMISSIONER.

The report on the Administration of Civil Justice for the year 1927 discloses certain well marked tendencies that have been at work during the last five years. Of these, none is more striking than the fall in the number of suits instituted. The total number of institutions fell from 20,680 in 1926 to 18,998 in 1927. This is the lowest figure since 1902. This decrease of 1,682 suits in the year under report, preceded by a still larger decrease of 2,468 in the previous year leaves no room for doubt that the enhancement of court fee in 1923 has continued to lower the rate of institutions in civil courts. The normal number of institutions can be gauged by the fact that in 1922, that is, in the year immediately preceding the enhancement of court fee, the number of suits instituted was 27,300 and in the 10 years, preceding 1923, the average number was 26,500. That the same factor has been at work throughout the Province is clear from the facts that the decrease in the number of institutions is shared by all the five districts, and that the reduction has occurred almost entirely in suits valuing under Rs. 500. It was in respect of this class of suits that the court fee was raised from the beginning of the year 1923. The Judicial Commissioner's detailed report on the working of the Court Fee (Amendment) Act of 1923 will be awaited with interest, in order to decide whether this Province also, like the Punjab Government, should not revert to the original scale of court fees.

2. Of the total decrease of 1,682 suits from the figures for last year, more than half is due to a falling off in the suits for money or movable property. It is gratifying to observe that suits by money-lenders against agriculturists have continued to decline. The extent of the decline can

be seen from the fact that they have fallen steadily from 8,152 in 1922 to 5,860 in 1927. There was a fall of 122 in pre-emption suits, and 722 in title suits. The number of title suits instituted during the year, namely 4,183 is the lowest figure, recorded since 1904. Matrimonial suits fell slightly from 226 to 220. Here, again, a continuous decrease is observable since 1923, when the number of matrimonial suits instituted was as high as 319. This is explained by the preference of the Pathan to get such suits settled by the more intelligible and less cumbrous procedure of the Frontier Crimes Regulation.

3. The percentage of disposals was 89, as against 88 in the previous year. It is unfortunate that assistant commissioners could devote little time to civil work. The lion's share of the work was borne by stipendiary munsiffs, who were responsible for 63 per cent. of the entire disposals. The assistance rendered by honorary munsiffs and civil judges was, however, by no means negligible; and the Chief Commissioner gratefully acknowledges the services, which have been specially brought to notice, of such gentlemen as S. Kirpal Singh of Peshawar, Khan Bahadur Baz Muhammad Khan of Teri and Khan Sahib Muhammad Ayaz Khan of Lakki. Nor can he omit to mention the public spirit which induced Khan Bahadur Abdul Ghafoor Khan of Zaida, late District and Sessions Judge of the Punjab, to offer his services gratuitously to Government as Honorary Additional Divisional Judge from November 1927 till the end of April 1928.

4. The average duration of suits, 49 days for contested and 34 for uncontested cases, was practically the same as in the preceding year, and compares favourably with the Punjab figures of 161 days for contested and 90 days for uncontested suits. There was a welcome decrease in the duration of suits in all districts, except in the Peshawar District, where it rose from 45 to 56. Dera Ismail Khan with its average of 62 days, still records the highest figure. This unenviable prominence had been attributed to the insufficiency of the process-serving establishment. This, however, was strengthened in 1926 by the appointment of 13 additional process-servers and three bailiffs. The Chief Commissioner regrets to note that this increase in establishment has resulted only in a very inadequate decrease in the duration of suits from 66 days to 62.

5. It is satisfactory to note that the duration of appeals in the courts of the two Divisional Judges has fallen from 233 days to 207. Equally gratifying is the decrease in the duration of appeals from 251 to 194 days in the Judicial Commissioner's Court.

6. Another satisfactory feature of the report is the adequacy of inspection work for which the lead was given by the Judicial Commissioner himself who in spite of a heavy cause list found time to inspect no less than 20 courts, and the Additional Judicial Commissioner who inspected seven. The Chief Commissioner wishes to express his thanks to Mr. J. H. R. Fraser, C.I.E., O.B.E., I. C. S., for his able administration of the Department of Civil Justice in the year 1927. The measures he describes in the last paragraph of his report give but a faint impression of the zeal and energy with which he has striven, not without success, to expedite the disposal of civil work and to improve the tone of the judiciary in this Province.

C. H. GIDNEY,

Secretary to the Chief Commissioner,

North West Frontier Province.

NATHIAGALI :

1 June 1928.

It is satisfactory to note that the duration of appeals in the courts of the two Divisional Judges has fallen from 28 days to 20 1/2. Equally gratifying is the decrease in the number of appeals from 251 to 164 days in the Judicial Commissioner's Court.

Another satisfactory feature of the report is the amount of inspection work for which the food was given by the Judicial Commissioner himself in the hope of a heavy saving. He found time to inspect no less than 20 courts, and the Additional Judicial Commissioner who inspected seven. The Judicial Commissioner wishes to express his thanks to Mr. H. H. Evans, O.B.E., J. O. E., for his able administration of the Department of Civil Justice in the year 1957. The measures he describes in the last paragraph of his report give but a faint impression of the zeal and energy with which he has driven, not without success, to expedite the disposal of civil work and to improve the tone of the Judiciary in this Province.

O. H. GILKIN.

Secretary to the Civil Commissioner.

North West Frontier Province.

LAHORE

17th 1958

No. 1448

FROM

J. H. R. FRASER, ESQUIRE, C.I.E., O.B.E., I. C. S.,

*Judicial Commissioner,
North West Frontier Province.*

TO

C. H. GIDNEY, ESQUIRE, I. C. S.,

*Secretary to the Hon'ble the Chief Commissioner,
North West Frontier Province.*

Dated Peshawar, 3 May 1928.

SIR,

I have the honour to submit the Annual Report on the Administration of Civil Justice in the North West Frontier Province during the year 1927, together with the statistical tables prescribed by the Government of India.

I have the honour to be,

Sir,

Your most obedient servant,

J. H. R. FRASER,

*Judicial Commissioner,
North West Frontier Province.*

No. 1118

J. H. RABBIT, Esquire, O.L.B., O.B.E., I.C.S.

Judicial Commissioner

North West Frontier Province

O. H. GIBNEY, Esquire, I.C.S.

Secretary to the Hon'ble the Chief Commissioner

North West Frontier Province

Dated Beshawar, 8 May 1928.

Sir,
I have the honour to submit the Annual Report on the Administration of Civil Justice in the North West Frontier Province during the year 1927, together with the statistical tables prescribed by the Government of India.

I have the honour to be

Sir,

Your most obedient servant

J. H. RABBIT

Judicial Commissioner

North West Frontier Province

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A HINDI TRANSLATION

JUDICIAL STATEMENTS.

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- No. 12.—Statement showing the number and result of applications for insolvency (Act V of 1920) in the North West Frontier Province in the year 1927.

PROVINCIAL APPENDIX A.

Statement showing the inspection of subordinate courts in the North West Frontier Province in the year 1927.

Report on the Administration of Civil Justice in the North West Frontier Province for the year 1927

1. Institutions—

The total number of suits instituted was 18,998 as compared with 20,680 in the previous year. Institutions by districts are compared in the following table:—

| District | Popula- tion | Suits for money or movable property | | Title or other suits | | Total | | Increase(+) or decrease(-) |
|---------------|-----------------|---|--------|-------------------------|-------|--------|--------|----------------------------------|
| | | 1926 | 1927 | 1926 | 1927 | 1926 | 1927 | |
| Peshawar ... | 907,367 | 5,756 | 5,723 | 1,995 | 1,452 | 7,751 | 7,175 | -576 |
| Hazara ... | 622,349 | 2,794 | 2,263 | 1,131 | 1,148 | 3,925 | 3,411 | -514 |
| Kohat ... | 214,123 | 1,876 | 1,743 | 391 | 353 | 2,267 | 2,096 | -171 |
| Bannu ... | 246,734 | 2,010 | 2,012 | 610 | 591 | 2,620 | 2,603 | -17 |
| D. I. Khan... | 260,767 | 3,329 | 3,074 | 778 | 639 | 4,117 | 3,713 | -404 |
| Total ... | 2,251,340 | 15,775 | 14,815 | 4,905 | 4,183 | 20,680 | 18,998 | -1,682 |

There has been a more or less steady drop in the number of suits instituted since 1922 with the exception of the year

1925. The figures are —

| Year | Institutions |
|------|--------------|
| 1922 | 27,300 |
| 1923 | 22,250 |
| 1924 | 22,517 |
| 1925 | 23,148 |
| 1926 | 20,680 |
| 1927 | 18,998 |

The last figure is actually the lowest since 1902. The decrease is common to all districts, being greatest in proportion in Hazara. It occurs chiefly in suits for money or movable property. During the year under report economic conditions were more or less normal. The border was undisturbed. Consequently the only factor which can be found to have depressed the rate of institutions below the normal is the rate of court fee. This inference is corroborated by the fact that the reduction has occurred almost entirely in suits valuing under Rs. 500. Court fee on such suits was raised both here and in the Punjab from the beginning of the year 1923. In July 1926 the Punjab Government reverted to the original scale by means of the Punjab Court Fees Second Amendment Act, 1926. This Province did not follow suit. It was decided to wait for a period of two years in order to gain further experience of the working of the 1926 Act. A report is due to the Government of India in the year 1928. Either the rate of Court fee on suits of this valuation is pitched so high as to deter litigants from coming into courts or would-be plaintiffs are deliberately refraining from suing until the last possible moment in the hope of obtaining the advantage of a possible reduction in 1928. As the question is due for report in a few months, I do not propose to consider it further here.

The total volume of litigation works out at the rate of one suit for every 118 head of population, a slight reduction from the figure, (109) of the previous year. Dera Ismail Khan is by far the most litigious district with one suit to every 70 persons, and Hazara the least with one suit to every 182.

2. Suits for money or movable property—

It is this class of suits which is chiefly responsible for

the falling off in the year's litigation. Bannu alone has remained stationary. The figures are —

| District | Year | Suits for money or movable property | | | |
|----------------------|------|-------------------------------------|---------------|-------------|------------|
| | | Contract in writing | | Other suits | Total |
| | | Regis-tered | Unregis-tered | | |
| Peshawar ... | 1926 | 162 | 4,212 | 1,382 | 5,756 |
| | 1927 | 108 | 3,147 | 2,468 | 5,723—33 |
| Hazara ... | 1926 | 25 | 2,471 | 298 | 2,794 |
| | 1927 | 25 | 2,041 | 197 | 2,263—531 |
| Kohat ... | 1926 | 16 | 741 | 1119 | 1,876 |
| | 1927 | 18 | 992 | 733 | 1,743—133 |
| Bannu ... | 1926 | 7 | 1,943 | 60 | 2,010 |
| | 1927 | 8 | 1,572 | 432 | 2,012+2 |
| Dera Ismail Khan ... | 1926 | 85 | 2,271 | 983 | 3,339 |
| | 1927 | 51 | 2,142 | 881 | 3,074—265 |
| Total ... | 1926 | 295 | 11,638 | 3,843 | 15,775 |
| | 1927 | 210 | 9,894 | 4,711 | 14,815—960 |

The result is attributed to the maintenance of the enhanced rate of court fee.

Unstamped agreements contained in account books continued to be penalized in the Hazara District where Rs. 4,759 was realized on account of duty and penalty.

Suits by money-lenders against agriculturists continued to decline, falling from 6,041 to 5,860. The decline has

been continuous since 1922, when the total was 8,152. Comparatively large increases in Peshawar and Kohat were more than counterbalanced by decreases in the other three districts.

3. Title and other suits —

This class of suits showed a further drop from 4,905 to 4,183. This is the lowest figure on record since the year 1904. No reasonable explanation has been suggested.

4. Pre-emption suits —

Pre-emption suits decreased by 122, from 1,264 to 1,142. Hazara exhibits an increase of 50, while the other four districts return a decreased figure, amounting to as much as 151 in the case of Peshawar. This class of suits is one that appeals especially to the gambling spirit of Pathan, and it is not possible to assign any particular reason for the variations.

5. Matrimonial suits —

Matrimonial suits remained stationary at 220. In 1923 I pointed out that apparently the normal figure of institutions in this class of litigation was between 600 and 300. Of late years there has been a distinct tendency towards a reduction below the latter figure. It would seem that the regular courts are not a popular *forum* for the decision of disputes of this nature. One district report contains the naive suggestion that injured husbands prefer the "procedure" provided by the Indian Penal Code, the inference being that they have an eye to the punishment of the co-respondent rather than the dissolution of the marriage.

6. Value of suits —

Following the decrease in institutions, the value of suits fell from Rs. 1,18,62,503 to Rs. 75,05,062. The average value of each suit was, therefore, Rs. 395 as against Rs. 574 in 1926. The figures vary between districts, the variations being of course fortuitous.

7. Agency by which civil business was disposed of —

The table below gives the agency available for the disposal of civil judicial business and the number of cases

disposed of during the past two years:—

| Officers | Number of officers at the close of the year | | Number of cases disposed of | | Percentage of total disposals | |
|--|---|------|-----------------------------|--------|-------------------------------|-------|
| | 1926 | 1927 | 1926 | 1927 | 1926 | 1927 |
| Divisional judges ... | 5 | 5 | 4 | 5 | ·02 | ·02 |
| District judges ... | 5 | 5 | 921 | 797 | 4·15 | 4·04 |
| Assistant commissioners ... | 12 | 12 | 572 | 557 | 2·58 | 2·82 |
| Judicial extra assistant commissioners ... | 4 | 4 | 452 | 491 | 2·04 | 2·49 |
| Extra Assistant Commissioners | 18 | 19 | 2,005 | 1,689 | 9·04 | 8·57 |
| Cantonment small cause court judges... | 1 | 1 | 737 | 444 | 3·30 | 2·25 |
| Munsiffs... | 8 | 8 | 13,162 | 12,394 | 59·34 | 62·91 |
| Tahsildars ... | 16 | 16 | 1,465 | 1,097 | 6·63 | 5·57 |
| Naib tahsildars ... | 5 | 5 | 302 | 245 | 1·34 | 1·24 |
| Honorary civil judges ... | 33 | 33 | 2,565 | 1,987 | 11·56 | 10·08 |
| Total ... | 107 | 108 | 22,185 | 19,706 | 100 | 100 |

Disposals numbered 19,706 as against 22,185 in the previous year. This represents a percentage of 89 on suits for disposal as against 88 in 1926.

In view of the large amount of criminal and other business which falls to the lot of assistant commissioners it now seems to have become axiomatic that these officers cannot be given an elementary training on the civil side. I can only regard the result as most unfortunate.

There was very little improvement in the outturn of extra assistant commissioners, especially those designated as judicial Extra Assistant Commissioners. The latter have their time largely occupied with criminal business.

As usual, the bulk of the work fell to the stipendiary Munsiffs, whose contribution was 63 per cent. of the entire disposals, being 4 per cent. more than in the previous year.

Appreciable assistance was given by Honorary Munsiffs and Civil Judges, who disposed of 10 per cent. of the total. The District reports specially commend the work of Sardar Kirpal Singh of Peshawar, Khan Bahadur Baz Muhammad Khan of Teri (Kohat) and Khan Sahib Muhammad Ayaz Khan of Lakki (Bannu), who disposed of 485, 384 and 220 suits respectively. The eulogies are, to my knowledge, fully deserved.

8. Average duration —

The average duration of suits was practically the same as in the preceding two years. It was 49 days for contested and 34 for uncontested cases as against 48 and 31 in 1926. The Peshawar District, with a rise from 45 to 56 days in contested cases, was alone responsible for this result. Other districts exhibited a welcome decrease; Dera Ismail Khan, although it has the highest figure, dropping from 66 to 62. It is in the Peshawar District that the most complicated and highest valued suits come up for trial, and it is suits of this description that tend to swell the average duration. Often in such cases the parties themselves shrink from a definite decision; their counsel have no incentive to expedite this, and the Judge for obvious reasons does not feel the inclination, even if he has the backbone, to move their inertia.

However, that may be, the Province has no reason to feel ashamed of the speed with which ordinary suits are decided. Our figures compare very favourably with those of the neighbouring province of the Punjab, where in 1926 contested suits required 161 and uncontested suits 90 days for disposal. The corresponding figures for the province of Oudh were 128 and 87 days.

The pending file at the close of the year was 3,104, of which 393 had been on the cause list for over three months. The latter figure is normal.

9. Commissions —

The number of commissions issued again showed a welcome drop from 255 to 197 in the year under report. The result is satisfactory, indicating, as it does, that the courts have no inclination to throw upon others the work which they should do themselves.

10. Arbitration —

There was an increase of 12 in the number of suits decided by arbitration (821 to 833). As in 1926, Dera Ismail Khan still heads the list with 364, though there is a fall of 68 in this district. Bannu, on the other hand, shows a rise from 171 to 268. It is still in these two districts alone that this tendency to abuse the procedure provided in the second schedule of the code is observable. Stamp duty is now being regularly levied on awards made by arbitrators in partition cases.

11. Miscellaneous cases —

The number of miscellaneous cases (4,766) is practically identical with that of the previous year. The majority consists of applications for restitution of suits dismissed in default and for cancellation of *ex-parte* decrees. 11 per cent. of the decided cases were dismissed in default. Applications were made to restore the suits in half of this number, and these applications were accepted in 64 per cent. of cases.

4,227 suits were decreed *ex-parte* (21 per cent. of the total disposal). 17 per cent. of these decrees were eventually set aside on application.

The figures are unduly high and seem to indicate an absence of due care on the part of courts in dismissing suits in default and decreeing them *ex-parte*. If due care is exercised in the first instance, it should seldom be necessary to cancel the original orders.

12. Guardian and Wards Act —

Applications under the Guardian and Wards Act numbered 189, of which 62 were accepted. The figures show little variation from those of the previous year. Far greater care is now exercised by all district courts in the maintenance of the minute book, in which minors' accounts are kept. Each estate is carefully checked at the time of the annual inspection.

13. Provincial Insolvency Act —

There was a large increase in the number of adjudications made under this Act, the total being 74 as against 21 in the previous year. Peshawar is entirely responsible for

this result. In this connection the District Judge, Peshawar, writes:—

“In country parts the insolvent scores heavily over his creditors by himself being immune from arrest and suffers little or no personal discomfort at all. The majority of insolvents engage counsel and appear cheerfully ignorant of the paradox.”

The District Judge's attention is invited to a series of rulings of Judicial Commissioner's Court in which we have held, differing from some other high courts, that in order to be entitled to an adjudication an insolvent must show a genuine inability to pay his debts, and that this genuineness must be established by *prima facie* evidence before, rather than after, the order of adjudication.

14. Appeals from decrees —

In spite of a falling off in institutions, there was a slightly increased volume of appeals coming before divisional courts. District judges disposed of 372 appeals at an average duration of 43 days. Divisional judges decided 1,011 as against 844 in the previous year, leaving a balance of 772, of which as many as 515 have been pending over three months. The Peshawar disposals numbered 652 and the Derajat 359.

The average duration of the two courts was 207 days, an improvement on the figure of 233 days in the previous year.

During the year it became necessary to give assistance to both courts. An additional judge worked in the Peshawar Court for four months and in the Derajat for three months. In the Derajat the additional judge confined himself to criminal work of two of the three districts, leaving the divisional judge practically free to clear off the accumulation of civil appeals. This he did with conspicuous success, reducing the pending file of the Derajat Court by the end of February 1928 to 86.

In the Peshawar Court assistance for the last two months of 1927 was provided by Khan Bahadur Abdul Ghafur Khan of Zaida, late District and Sessions Judge of the Punjab, who offered his services gratuitously to Government for the disposal of judicial business. He was appointed Honorary Additional Divisional Judge in November 1927 and

continued to work as such for the first four months of the following year. His public-spirited conduct deserves the thanks of Government.

15. Appeals from miscellaneous orders —

In addition to regular appeals, district judges disposed of 128 and divisional judges 162 miscellaneous appeals, the figures being practically identical with those of the previous year.

16. Execution of decrees —

Applications for execution numbered 24,684 as against 25,088 in 1926 and 25,528 in 1925. Disposals numbered 20,227. 27 per cent. were satisfied fully and 15 per cent. partially, while 58 per cent. were wholly infructuous. There is, I think, no doubt that a good many of the applications described as infructuous have actually been satisfied wholly or in part out of court.

The total amount for realization was Rs. 59,77,648. The amount realized represented 39 per cent. of this total, the same figure as in the preceding year. This branch of the work of our courts cannot, I think, be regarded as unsatisfactory. At any rate the result still compares very favourably with that of the Punjab, where the percentage of realizations in 1926 was 25.

Realizations vary considerably between districts from 50 per cent. in Bannu to 26 per cent. in Kohat. In this respect an excellent outturn was achieved by Muhammad Amir Khan, Munsiff of Bannu, with 69 per cent. and the Honorary Munsiff of Lakki with 63 per cent.

Of the total amount realized 37 per cent. was paid voluntarily as against 32 per cent. in the previous year, and the remainder by coercive process as under :—

| | | |
|------------------------------------|-----|--------------|
| By arrest of judgment-debtors | ... | 18 per cent. |
| By imprisonment of judgment-debtor | ... | 3 „ |
| By attachment of movable property | ... | 27 „ |
| By sale of property | ... | 15 „ |

435 judgment-debtors were ordered to be detained in the civil jail, but only an inconsiderable number of these completed their full terms. The exact figures are not available.

17. Witnesses—

According to the returns 26,997 witnesses appeared before the courts in 1927, an increase of 1,821 over the preceding year. Of these 12,682 attended without receipt of summonses. In view of the smaller number of institutions the accuracy of the returns is open to some doubt.

18. Process-serving agency—

The number of processes (civil, criminal and revenue) served by the process-serving agency was 272,757 as against 300,046 in 1926.

The figures of income, expenditure and profit have been as follows during the last three years:—

| Year | Income | Expenditure | Profit |
|----------|----------|-------------|--------|
| | Rs. | Rs. | Rs. |
| 1925 ... | 1,24,404 | 65,844 | 58,560 |
| 1926 ... | 1,23,858 | 70,322 | 53,536 |
| 1927 ... | 1,06,769 | 71,257 | 35,512 |

It will be observed that in the year under report there was a considerable falling off in income accompanied by a corresponding one in profit. During the year an amendment, to which reference will be made later, was made to rule 8 of order 16 of the code, making it compulsory for parties to serve their own summonses in the first instance. To what extent this amendment is responsible for the decrease of income it is as yet impossible to say. The number of summonses served has decreased, but no differentiation is made in the district reports between the three kinds of summonses, civil, criminal and revenue. The matter is under separate inquiry in connection with the proposal that has been made to reduce the prescribed rate of process fee in cases where summonses are served by the parties themselves. *Primâ facie* this is a

demand which cannot fairly be resisted. At the same time, the new procedure came into effect only from July 1927 and has not yet been fully enforced by the courts. Consequently it is not yet possible to determine to what extent, if any, it will be possible to reduce the rate of process fee and to make a corresponding reduction in the process-serving establishment.

It will be remembered that an addition of five men was made to the Peshawar Agency in 1925 and 16 men to that of Dera Ismail Khan in 1926, while certain improvements were made in that of Kohat by the substitution of two bailiffs for three process-servers in the year under report. It would be idle to suppose that any vast improvement in the efficiency of service had resulted. At the same time most district judges have now begun to take personal interest in the work of their men and to inspect every month the records which describe each man's work. I am satisfied that there are distinct signs of improvement. For instance, in Hazara the percentage of personal service effected by the establishment rose from 72 to 78.

19 Judicial Commissioner's Court—

The following table shows the disposal of civil business in the Court of the Judicial Commissioner during the past three years:—

| Disposed of in | Appeals from original decrees | Appeals from appellate decrees | Miscellaneous appeals | Revisions |
|----------------|-------------------------------|--------------------------------|-----------------------|-----------|
| 1925 ... | 29 | 75 | 44 | 364 |
| 1926 ... | 59 | 125 | 102 | 282 |
| 1927 ... | 75 | 71 | 79 | 428 |

Of 75 appeals from original decrees 50 were heard by a bench and 25 by single judges. For the 71 appeals from appellate decrees the corresponding figures were 28 and 43.

It is satisfactory to find that the average duration of appeals fell from 251 to 194 days.

The Office of Judicial Commissioner was held by myself throughout the year. Khan Bahadur Saaduddin continued to act as Additional Judicial Commissioner.

During the year the rules regarding jurisdiction for appeals in land suits were altered slightly by an amendment of the rules framed under section 42 (b) of the Law and Justice Regulation, VII of 1901.

20. General—

(a) The years inspection work is given in provincial appendix A. The number of courts inspected has risen from 54 to 67. It is satisfactory to find that all courts completed the whole task which they undertook at the time of the preparation of the annual programme. Owing to a slight falling off in the volume of business that came before his court, the Judicial Commissioner was able to inspect 20 courts as against 14 in the previous year.

(b) One slight change in the judicial machinery has been sanctioned in the decision of the Local Administration in the matter of two Benches of Honorary Munsiffs (Charsadda and Tangi) in the Peshawar District. Owing to the somewhat unsatisfactory character of these two institutions and especially the dilatoriness of their procedure, it has been decided that they shall cease to function on the expiry of their present term of appointment on the 31st December 1928.

(c) 17 legal practitioners were added to the rolls in 1927. The total number of pleaders practising in the Province at the end of December 1927 was 218 (148 of the 1st grade and 70 of the 2nd grade). Last year I drew attention to the undesirably quick rate at which the body of legal practitioners was receiving accretions. This rate is uneconomic and must tend to lower the standard of the profession as a whole.

(d) During the year important changes were made in the composition and method of arrangement of judicial records. The principal feature was an order directing the judge to maintain an abstract order sheet in his own hand in all cases, whether original suits, or execution or miscellaneous proceedings. The new orders will make it easy for an inspecting officer to follow the history of every

case and will, it is hoped, facilitate the judge's own task by affording him a bird's eye-view of proceedings which under the old system were concealed and were sometimes barely discoverable in a confused mass of papers.

(e) With the approval of the Chief Commissioner certain amendments of the Orders contained in the first Schedule of the Civil Procedure Code were made by the Judicial Commissioner's Court under the provisions of Section 125 of that Code. They took effect from the 1st July 1927. In order to bring them as prominently as possible to the notice of all judicial officers, the latter were by my orders summoned to a special meeting by each District Judge in June 1927. The meetings were largely attended, and the new orders were carefully explained in detail. Opportunity was also taken to emphasize certain important branches of execution proceedings in which the courts were found to be frequently at fault. Were it not for the dislocation of business caused by officers having to leave their charges, I consider that meetings of this description might with advantage be held annually in order to discuss matters of general interest in the judicial administration.

Two of the changes are sufficiently important to warrant separate notice:—

(1) By an amendment of Rule 1 of Order 16 parties are required to present in court not less than 30 days after the settlement of issues a list of witnesses whom they propose to call. After that date they are not permitted to call witnesses whose names are not entered in the list except with the permission of the court which must record its reasons for granting permission.

(2) A proviso has been added to Rule 8 of Order 16 in the following terms:—

“ Provided that such summons shall ordinarily be made over for service to the party calling the witnesses, and his affidavit shall be considered sufficient proof of service; provided further that he shall, for sufficient reason, be entitled to apply to the court to have the summonses served through its agency.”

The intention is to expedite disposal by making the parties serve summonses on their own witnesses. Certain problems, which have arisen from the amendment, have been referred to in paragraph 18. District courts have been

required to submit a report upon the result of the changes after a year's experience of their working.

J. H. R. FRASER,

Judicial Commissioner,

North West Frontier Province.

28th April 1928.

(Imperial)

JUDICIAL STATEMENT No. 1—CIVIL AND CRIMINAL

Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in the North West Frontier Province on the last day of the year 1927, with the cost of tribunal

| 1 | 2 | 3 | 4 | 5 | 6 | Total number of officers exercising original or appellate jurisdiction | | | | | |
|------------------------------|--|------------|--|---------------------|-------------------------|--|--|-------------------------------------|---|------------------------------------|-----|
| | | | | | | 7 | 8 | 9 | 10 | 11 | |
| Name of province | Area in square miles | Population | Number of divisions for courts under Chief Court but superior to chief courts of districts | Number of districts | Number of sub-districts | Judges of Chief Court of Province | Judges of other courts superior to chief district courts | Judges of chief courts of districts | Judges of district courts other than chief courts | Judges of other subordinate courts | |
| North West Frontier Province | Territory subject to the High Court. | 18,419 | 2,251,340 | 2 | 5 | 16 | 2 | 5 | 5 | 36 | 62 |
| | | | | | | | 2 | 5 | 5 | 60 | 127 |
| | | | | | | | ... | ... | ... | ... | ... |
| | Territory not subject to the High Court. | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| | | | | | | | ... | ... | ... | ... | ... |
| | | | | | | | ... | ... | ... | ... | ... |
| | Total ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |

(Imperial)

JUDICIAL STATEMENT No. 1—CIVIL AND CRIMINAL—concluded

Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in the North West Frontier Province on the last day of the year 1927, with the cost of tribunal—concluded

| Name of province | Total number of cases decided | | | | Total receipts of the courts | Total charges of the courts | Remarks | | | |
|------------------------------|--|---------------|---------|---------------|------------------------------|-----------------------------|--|------------------------------|--|-----------------------|
| | Original | | Appeals | | | | | | | |
| | Regular | Miscellaneous | Regular | Miscellaneous | | | | | | |
| 1 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | | | |
| North West Frontier Province | Territory subject to the High Court. | Civil ... | 19,706 | 4,266 | 1,538 | 371 | } 9,74,189 7,33,502 | Rs. Rs. | | |
| | | Criminal... | 21,299 | 8,299 | 1,931 | 311 | | | | |
| | | Revenue... | ... | ... | ... | ... | | | | |
| | | Civil ... | ... | ... | ... | ... | | | | |
| | Territory not subject to the High Court. | Criminal... | ... | ... | ... | ... | ... | Grades of judicial officers | | |
| | | Revenue... | ... | ... | ... | ... | ... | | Europeans Indian | |
| | | Civil ... | ... | ... | ... | ... | ... | | Officers exercising both original and appellate jurisdiction | |
| | | Criminal... | ... | ... | ... | ... | ... | | | High Court judges ... |
| | Revenue... | ... | ... | ... | ... | ... | Divisional judges ... | 1 | | 4 |
| | Civil ... | ... | ... | ... | ... | ... | District judges ... | 1 | | 4 |
| Total ... | Criminal... | ... | ... | ... | ... | ... | Additional judges ... | ... | ... | |
| | Revenue... | ... | ... | ... | ... | ... | Subordinate judges ... | 1 | ... | |
| Total ... | Civil ... | ... | ... | ... | ... | ... | Officers exercising original jurisdiction only | Small cause court judges ... | ... | 1 |
| | Criminal... | ... | ... | ... | ... | ... | Municipals ... | ... | ... | 2 |

Statement showing the number and the description of civil suits instituted in the civil courts in the North West Frontier Province in the year 1927

| 1 Class of tribunals | 2 Suits for money or movable property | 3 Suits under the Rent Law | | | | | | 4 Title and other suits | | | | | | | | | 18 Grand total | 19 Remarks | |
|--|--|--|---------------------------------------|---|--|-------------------------------------|------------|-----------------------------------|---------------------------------|---|----------------------|--|-------------------------|--------------------------|---|-------------|-------------------|---------------|--|
| | | 3 Arrears of rent with or without ejectment | 4 Enhancement or abatement of rent | 5 For penalties or damages, or compensation for wrongful act on the part of landlord or tenant | 6 For ejectment or recovery of possession alone | 7 All other suits under Rent Law | 8 Total | 9 Suits for immovable property | 10 Suits for specific relief | 11 Suits to establish a right of pre-emption | 12 Mortgage suits | 13 Suits relating to religious and other endowments | 14 Matrimonial suits | 15 Testamentary suits | 16 Other suits not falling under any of the previous heads | 17 Total | | | |
| COURTS IN THE INTERIOR. | | | | | | | | | | | | | | | | | | | |
| I.—CIVIL COURTS. | | | | | | | | | | | | | | | | | | | |
| Unpaid tribunals ... | 1,155 | ... | ... | ... | ... | ... | ... | 180 | 47 | 185 | 77 | 1 | 12 | ... | 71 | 523 | 1,678 | | |
| Village Courts ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| Paid sub-divisional tribunals ... | 11,744 | ... | ... | ... | ... | ... | ... | 880 | 180 | 356 | 227 | ... | 131 | ... | 47 | 1,771 | 13,515 | | |
| Small cause courts ... | 505 | ... | ... | ... | ... | ... | ... | 7 | 3 | 4 | ... | ... | ... | ... | ... | 14 | 519 | | |
| District courts other than chief courts of districts ... | 1,062 | ... | ... | ... | ... | ... | ... | 480 | 219 | 514 | 160 | 1 | 52 | ... | 79 | 1,455 | 2,517 | | |
| Chief courts of districts ... | 349 | ... | ... | ... | ... | ... | ... | 98 | 34 | 83 | 30 | ... | 25 | ... | 150 | 420 | 769 | | |
| Total ... | 14,815 | ... | ... | ... | ... | ... | ... | 1,545 | 438 | 1,142 | 494 | 2 | 220 | ... | 347 | 4,183 | 18,998 | | |

(Imperial)

JUDICIAL STATEMENT No. 8 — CIVIL

Statement showing the number and value of suits instituted in the civil courts in the North West Frontier Province in the year 1927

| Class of courts 1 | Number of suits instituted in the different courts | | | | | | | | | Total value of suits 11 | Remarks 12 |
|--|--|------------------------|-------------------------|-------------------------|---------------------------|---------------------------|----------------------------|------------------------|--|----------------------------|---------------|
| | 2 Not exceeding Rs. 10 | 3 Not exceeding Rs. 50 | 4 Not exceeding Rs. 100 | 5 Not exceeding Rs. 500 | 6 Not exceeding Rs. 1,000 | 7 Not exceeding Rs. 5,000 | 8 Not exceeding Rs. 10,000 | 9 Exceeding Rs. 10,000 | 10 Number of suits the value of which cannot be estimated in money | | |
| COURTS IN THE INTERIOR. | | | | | | | | | | | |
| I.—CIVIL COURTS. | | | | | | | | | | | |
| Unpaid tribunals ... | 137 | 385 | 198 | 806 | 51 | 84 | 9 | 8 | ... | 12,40,852 | |
| Village courts ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| Paid sub-divisional tribunals ... | 1,192 | 3,715 | 3,902 | 4,312 | 455 | ... | ... | ... | ... | 15,91,325 | |
| Small cause courts ... | 11 | 141 | 113 | 194 | 24 | 32 | 4 | ... | ... | 1,43,516 | |
| District courts other than chief courts of districts ... | 187 | 420 | 278 | 629 | 576 | 375 | 44 | 2 | 5 | 18,54,912 | |
| Chief courts of districts ... | 11 | 13 | 20 | 41 | 42 | 536 | 83 | 23 | ... | 26,74,457 | |
| Total ... | 1,478 | 4,674 | 4,611 | 5,982 | 1,148 | 1,027 | 140 | 38 | 5 | 76,05,062 | |

(Imperial)

JUDICIAL STATEMENT No. 9 — CIVIL

Statement showing the general result of the trial of civil cases in the courts of original jurisdiction in the North West Frontier Province in the year 1927

PART I—CIVIL SUITS

| Class of courts 1 | Total number of suits before the courts 2 | Transferred to courts in other provinces 3 | Number of suits disposed of | | | | | | | | Pending at the close of the year 13 | Number of cases pending more than three months at the close of the year 14 | Average duration of suits | | Remarks 17 | |
|--|--|---|-----------------------------|------------------|----------------------------|------------------------------|--------------------------------|-----------------------------|---------------------|--|--|---|---------------------------|-------------------|---------------|------------------------------|
| | | | Without trial 4 | Without contest | | | | On reference to arbitration | | With contest | | | Contested 15 | Uncontested 16 | | |
| | | | | Compromised 5 | Decreed on confession 6 | Decreed <i>ex-parte</i> 7 | Dismissed <i>ex-parte</i> 8 | For plaintiff 9 | For defendant 10 | Judgment for plaintiff in whole or in part 11 | | | | | | Judgment for defendant 12 |
| COURTS IN THE INTERIOR. | | | | | | | | | | | | | | | | |
| I.—CIVIL COURTS | | | | | | | | | | | | | | | | |
| Unpaid tribunals ... | 2,259 | ... | 348 | 196 | 70 | 473 | 15 | 129 | 51 | 516 | 189 | 272 | 52 | 99 | 47 | ... |
| Village courts ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Paid sub-divisional tribunals ... | 17,786 | ... | 1,833 | 1,336 | 591 | 3,199 | 61 | 182 | 29 | 5,267 | 1,238 | 2,060 | 157 | 40 | 32 | ... |
| Small cause courts ... | 603 | ... | 54 | 33 | 5 | 123 | ... | 1 | ... | 149 | 79 | 159 | 23 | 29 | 18 | ... |
| District courts other than chief courts of districts ... | 3,220 | 1 | 455 | 387 | 77 | 384 | 11 | 125 | 6 | 939 | 402 | 483 | 118 | 62 | 36 | ... |
| Chief courts of districts ... | 987 | ... | 61 | 45 | 7 | 49 | 4 | 304 | 6 | 264 | 57 | 140 | 43 | 46 | 45 | ... |
| Total ... | 22,805 | 1 | 2,761 | 1,947 | 750 | 4,228 | 91 | 741 | 92 | 7,135 | 1,965 | 3,104 | 393 | 49 | 34 | ... |

(Imperial)

JUDICIAL STATEMENT No. 9 — CIVIL — concluded

Statement showing the general result of the trial of civil cases in the courts of original jurisdiction in the North West Frontier Province in the year 1927—concluded

PART II.—MISCELLANEOUS CASES — JUDICIAL

| 1 Class of courts | 2 Total number of cases before the courts | 3 Transferred to courts in other provinces | Number of cases disposed of | | | | | | | | | 13 Pending at the close of the year | 14 Number of cases pending more than three months at the close of the year | 15 Average duration of cases, contested and uncontested | 16 Remarks | |
|--|--|---|-----------------------------|------------------|----------------------------|------------------------------|--------------------------------|-----------------------------|---------------------|--|------------------------------|--|---|--|---------------|--|
| | | | Without contest | | | | | On reference to arbitration | | With contest | | | | | | |
| | | | 4 Without trial | 5 Compromised | 6 Decreed on confession | 7 Decreed <i>ex-parte</i> | 8 Dismissed <i>ex-parte</i> | 9 For plaintiff | 10 For defendant | 11 Judgment for plaintiff in whole or in part | 12 Judgment for defendant | | | | | |
| COURTS IN THE INTERIOR. | | | | | | | | | | | | | | | | |
| I.—CIVIL COURTS. | | | | | | | | | | | | | | | | |
| Unpaid tribunals | 682 | ... | 168 | ... | 9 | 22 | 7 | ... | ... | 256 | 147 | 78 | 1 | 23 | ... | |
| Village courts | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| Paid sub-divisional tribunals | 2,377 | ... | 480 | 37 | 8 | 53 | 1 | ... | ... | 815 | 732 | 251 | 17 | 23 | ... | |
| Small cause courts | 65 | ... | 5 | ... | ... | ... | ... | ... | ... | 41 | 14 | 5 | 1 | 19 | ... | |
| District courts other than chief courts of districts | 746 | ... | 218 | ... | ... | 2 | 2 | ... | ... | 315 | 158 | 51 | ... | 23 | ... | |
| Chief courts of districts | 896 | ... | 186 | 4 | ... | 4 | 6 | 1 | ... | 391 | 189 | 115 | 2 | 39 | ... | |
| Total | 4,766 | ... | 1,052 | 41 | 17 | 81 | 16 | 1 | ... | 1,818 | 1,240 | 500 | 21 | 26 | ... | |

(Imperial)

JUDICIAL STATEMENT No. 10 — CIVIL

Statement showing the business of the civil appellate Courts of the
North West Frontier Province in the year 1927

PART I.—APPEALS FROM DECREES

| Class of courts 1 | Total number of appeals before the courts 2 | Transferred to courts in other provinces 3 | Decisions confirmed 4 | Dismissed for default or otherwise not prosecuted 5 | Heard <i>ex-parte</i> | | | | |
|---|---|--|--------------------------|---|-----------------------|---------------|---------------|---------------|-----|
| | | | | | Confirmed 6 | Modified 7 | Reversed 8 | Remanded 9 | |
| COURTS IN THE INTERIOR. | | | | | | | | | |
| Appeals from original decrees | ... | ... | ... | ... | ... | ... | ... | ... | |
| A.—CIVIL COURTS. | | | | | | | | | |
| District appellate courts other than Chief courts of districts | ... | 9 | ... | ... | ... | ... | ... | ... | |
| Chief appellate courts of districts | ... | 414 | ... | 76 | 10 | 2 | 7 | 3 | |
| Superior appellate courts other than chief courts of Province | ... | 1,783 | ... | 140 | 35 | ... | ... | ... | |
| Total | ... | 2,206 | ... | 216 | 45 | 2 | 7 | 3 | |
| COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT. | | | | | | | | | |
| Chief Court of Province | Appeals from original decree | | ... | 116 | ... | 1 | 1 | ... | ... |
| | Appeals from appellate decree | | ... | 105 | ... | 29 | ... | ... | ... |
| Total | ... | 221 | ... | 30 | 1 | ... | ... | ... | |
| Grand total | ... | 2,427 | ... | 246 | 46 | 2 | 7 | 3 | |
| Revisions. | | | | | | | | | |
| Chief Court of Province | Under section 25, Small Causes Court Act | | ... | 55 | ... | 27 | 2 | ... | ... |
| | Others | | ... | 349 | ... | 157 | 3 | ... | ... |
| Total | ... | 404 | ... | 184 | 5 | ... | ... | ... | |

Imperial)

JUDICIAL STATEMENT No. 10—CIVIL—continued

Statement showing the business of the civil appellate courts of the North West Frontier Province in the year 1927—continued

PART I—APPEALS FROM DECREES—concl'd.

| Class of courts | Contested | | | | Pending | Of those pending more than three months | Average duration of appeals | Objections under Order XLI, Rule 22 | Remarks | | |
|--|---|----------|----------|----------|---------|---|-----------------------------|-------------------------------------|---------|-----|-----|
| | Confirmed | Modified | Reversed | Remanded | | | | | | | |
| 1 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | | |
| COURTS IN THE INTERIOR. | | | | | | | | | | | |
| Appeals from original decrees | ... | ... | ... | ... | ... | ... | ... | ... | ... | | |
| A—CIVIL COURTS. | | | | | | | | | | | |
| District appellate courts other than chief courts of districts | 2 | 1 | 4 | 2 | ... | ... | 36 | ... | ... | | |
| Chief appellate courts of districts | 133 | 42 | 74 | 20 | 42 | ... | 43 | ... | ... | | |
| Superior appellate courts other than chief courts of Province | 392 | 107 | 216 | 121 | 772 | 515 | 207 | ... | ... | | |
| Total | 527 | 150 | 294 | 143 | 814 | 515 | 162 | ... | ... | | |
| COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT. | | | | | | | | | | | |
| Chief Court of Province. | Appeals from original decree | | ... | 34 | 18 | 20 | 1 | 41 | 27 | 259 | 8 |
| | Appeals from appellate decree | | ... | 18 | 9 | 12 | 3 | 34 | 23 | 126 | ... |
| Total | ... | 52 | 27 | 32 | 4 | 75 | 50 | 194 | 8 | | |
| Grand total | ... | 579 | 177 | 326 | 147 | 889 | 565 | 165 | 8 | | |
| Revisions. | | | | | | | | | | | |
| Chief Court of Province | Under section 25, Small Cause Court Act | | ... | 7 | 1 | 4 | 2 | 12 | 4 | ... | ... |
| | Others | | ... | 64 | 14 | 39 | 20 | 52 | 14 | ... | ... |
| Total | ... | 71 | 15 | 43 | 22 | 64 | 18 | ... | ... | | |

(Imperial)

JUDICIAL STATEMENT No. 10—CIVIL—continued

Statement showing the business of the civil appellate courts of the
North West Frontier Province in the year 1927—continued

PART II—MISCELLANEOUS APPEALS

| Class of courts 1 | Total number of appeals before the courts 2 | Transferred to courts in other provinces 3 | Decisions confirmed 4 | Dismissed for default or otherwise not prosecuted 5 | Heard <i>ex-parte</i> | | | |
|---|---|--|--------------------------|---|-----------------------|---------------|---------------------------|---------------|
| | | | | | Rejected 6 | Modified 7 | Decreased or granted 8 | Remanded 9 |
| COURTS IN THE INTERIOR. | | | | | | | | |
| A—CIVIL COURTS. | | | | | | | | |
| District appellate courts other than chief courts of districts ... | 2 | ... | ... | ... | ... | ... | ... | ... |
| Chief appellate courts of districts ... | 150 | ... | 34 | 6 | 2 | ... | 1 | 1 |
| Superior appellate courts other than chief courts of Province ... | 268 | ... | 41 | 18 | ... | ... | ... | ... |
| Total ... | 420 | ... | 75 | 24 | 2 | ... | 1 | 1 |
| COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT. | | | | | | | | |
| Chief Court of Province { | Appeals from original orders ... | 85 | ... | 27 | 2 | ... | ... | ... |
| | Appeals from appellate orders ... | 7 | ... | 2 | ... | ... | ... | ... |
| Total ... | 92 | ... | 29 | 2 | ... | ... | ... | ... |
| Grand total ... | 512 | ... | 104 | 26 | 2 | ... | 1 | 1 |
| Revisions. | | | | | | | | |
| Chief Court of Province { | Under section 25, Small Causes Court Act ... | 5 | ... | ... | ... | ... | ... | ... |
| | Others ... | 108 | ... | 50 | 1 | ... | ... | ... |
| Total ... | 113 | ... | 50 | 1 | ... | ... | ... | ... |

(Imperial)

JUDICIAL STATEMENT No. 10—CIVIL—concluded

Statement showing the business of the civil appellate courts of the North West Frontier Province in the year 1927—concluded

PART II—MISCELLANEOUS APPEALS—concluded

| Class of courts 1 | Contested | | | | Pending | Of those pending more than three months | Average duration of miscellaneous cases before Appellate Courts | Objections under Order XLI, Rule 2 | Remarks | |
|--|---|----------|--------------------|----------|---------|---|---|------------------------------------|---------|-----|
| | Rejected | Modified | Decreed or granted | Remanded | | | | | | |
| | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | |
| COURTS IN THE INTERIOR. | | | | | | | | | | |
| A—CIVIL COURTS. | | | | | | | | | | |
| District appellate courts other than chief courts of districts | 1 | ... | 1 | ... | ... | ... | 41 | ... | ... | |
| Chief appellate courts of districts | 46 | ... | 21 | 17 | 22 | ... | 43 | ... | ... | |
| Superior appellate courts other than chief courts of Province | 58 | 12 | 29 | 9 | 106 | 68 | 155 | ... | ... | |
| Total | 100 | 12 | 51 | 26 | 128 | 68 | 105 | ... | ... | |
| COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT. | | | | | | | | | | |
| Chief Court of Province | Appeals from original orders | | 18 | 1 | 17 | 7 | 13 | 4 | 71 | ... |
| | Appeals from appellate orders | | 1 | ... | 3 | 1 | ... | 70 | ... | ... |
| Total | ... | 19 | 1 | 20 | 8 | 13 | 4 | 71 | ... | |
| Grand total | ... | 119 | 13 | 71 | 34 | 141 | 72 | 98 | ... | |
| Revisions. | | | | | | | | | | |
| Chief Court of Province | Under section 25, Small Cause Court Act | | 1 | ... | 1 | ... | 3 | ... | ... | |
| | Others | | 22 | 1 | 9 | 3 | 22 | 8 | ... | |
| Total | ... | 23 | 1 | 10 | 3 | 25 | 8 | ... | ... | |

Statement showing the result of proceedings on applications for the execution of the decrees of the civil courts in the North West Frontier Province in the year 1927

| Class of courts 1 | Total number of applications for execution of decrees before the courts 2 | Applications disposed of | | | | Pending at the close of the year 7 | Number of applications pending more than three months at the close of the year 8 | Amount realised 9 | Number of applications | | | | |
|--|--|--------------------------|------------------------------------|------------------------------------|-------------------------|---------------------------------------|---|----------------------|---|--|---------------------------------|---|--|
| | | By transfer 3 | Satisfaction obtained in full 4 | Satisfaction obtained in part 5 | Wholly infructuous 6 | | | | On which the judgment debtor was imprisoned 10 | On which he was arrested but released without imprisonment 11 | On which movable property 12 | Was attached, but subsequently released 13 | |
| COURTS IN THE INTERIOR | | | | | | | | | | | | | |
| I—CIVIL COURTS | | | | | | | | | Rs. | | | | |
| Unpaid tribunals ... | 2,666 | ... | 585 | 386 | 1,286 | 409 | 26 | 1,41,885 | 79 | 259 | 55 | 218 | |
| Village courts ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| Paid sub-divisional tribunals ... | 16,992 | 61 | 3,549 | 1,891 | 8,289 | 3,202 | 64 | 5,65,088 | 286 | 1,391 | 283 | 2,031 | |
| Small cause courts ... | 399 | ... | 68 | 45 | 219 | 67 | ... | 8,664 | ... | 8 | 6 | 10 | |
| District courts other than Chief courts of districts ... | 3,100 | ... | 860 | 416 | 1,377 | 447 | 41 | 4,86,762 | 45 | 83 | 30 | 141 | |
| Chief courts of districts ... | 1,527 | ... | 317 | 287 | 591 | 332 | 13 | 11,54,193 | 25 | 58 | 93 | 123 | |
| Superior courts ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| Total ... | 24,684 | 61 | 5,379 | 3,025 | 11,762 | 4,457 | 144 | 23,56,592 | 435 | 1,799 | 407 | 2,523 | |

(Imperial)

JUDICIAL STATEMENT No. 11—CIVIL—concluded

Statement showing the result of proceedings on applications for the execution of the decrees of the civil courts in the North West Frontier Province in the year 1927—concluded

| Class of courts 1 | Number of applications—concl'd. | | | | | | | | Remarks 22 |
|--|---------------------------------|--|--|-------------------------------|---------------------|--|---------------------------------------|---|---------------|
| | On which immovable property | | | On which possession was given | | On which specific performance was enforced 19 | On which partition was effected 20 | On which execution was effected otherwise than in the preceding columns 21 | |
| | Was sold 14 | Was dealt under Order XXI, Rule 83 15 | Was attached, but subsequently released under Order XXI, Rule 55 16 | Of movables 17 | Of immovables 18 | | | | |
| COURTS IN THE INTERIOR | | | | | | | | | |
| I—CIVIL COURTS | | | | | | | | | |
| Unpaid tribunals ... | 60 | ... | 93 | 63 | 80 | ... | 1 | 3 | |
| Village courts ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| Paid sub-divisional tribunals ... | 161 | ... | 767 | 176 | 181 | ... | ... | 23 | |
| Small causes courts ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| District courts other than chief courts of districts ... | 25 | ... | 74 | 68 | 110 | ... | 7 | 2 | |
| Chief courts of districts ... | 80 | ... | 109 | 7 | 90 | 2 | ... | ... | |
| Superior courts ... | ... | ... | ... | ... | ... | ... | ... | ... | |
| Total ... | 326 | ... | 1,043 | 314 | 461 | 2 | 8 | 28 | |

Showing results of applications for insolvency in the year 1927

| Class of tribunals | Insolvency petitions | | Class of tribunals | Estates of insolvents | | Class of tribunals | Amount of creditors' claims dealt with during the year | | Class of tribunals | Gross amount of insolvents estates | | | | | | | | | | | |
|-------------------------------|----------------------|--------------------|--------------------|--------------------------|------------------------------|--------------------|--|---|--|---|--|--|--|----------------------------|-------------------------------------|---------------------------------------|--------------|------------|--------------------------|----------------------------|---------|
| | Disposed of | | | Disposed of | | | Admitted | | | Satisfied | | Realised during the year | | Discharged during the year | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| | | Total for disposal | | Receiver being appointed | Receiver not being appointed | Total disposed of | Pending at the end of the year | Composition or arrangement under section 27 | Debtors sentenced under section 43 (2) | Undischarged insolvents sent for trial under section 53 (2) | Insolvents discharged under section 44 | In hands of receiver at close of previous year | Placed in charge of receiver during the year | Total for disposal | Finally disposed of during the year | In hands of receiver at close of year | Admitted | Satisfied | Realised during the year | Discharged during the year | Remarks |
| Chief Courts of the Districts | 213 | 2 | 94 | 65 | 9 | 170 | 43 | 1 | ... | ... | 4 | 61 | 65 | 126 | 35 | 91 | Rs. 2,27,240 | Rs. 44,009 | Rs. 1,76,895 | Rs. 90,202 | |
| Total ... | 213 | 2 | 94 | 65 | 9 | 170 | 43 | 1 | ... | ... | 4 | 61 | 65 | 126 | 35 | 91 | Rs. 2,27,240 | Rs. 44,009 | Rs. 1,76,895 | Rs. 90,202 | |

PROVINCIAL APPENDIX A

| Serial No. | Officer | Number of courts inspected |
|------------|---------------------------------------|----------------------------|
| 1 | Judicial Commissioner ... | 20 |
| 2 | Additional Judicial Commissioner | 7 |
| 3 | Divisional Judge, Peshawar ... | 6 |
| 4 | Additional Divisional Judge, Peshawar | 2 |
| 5 | Divisional Judge, Dera Ismail Khan | 7 |
| 6 | District Judge, Peshawar ... | 7 |
| 7 | District Judge, Hazara ... | 3 |
| 8 | Assistant Commissioner, Mansehra | 1 |
| 9 | District Judge, Kohat ... | 5 |
| 10 | District Judge, Bannu ... | 4 |
| 11 | District Judge, Dera Ismail Khan | 5 |
| Total ... | | 67 |

