

Rule 7th.—Provided that in all cases where summons to appear to a suit or action, shall not have been served personally, and the defendant shall not appear on the return day, or day for his appearance, it must be proved to the satisfaction of the Judge that the service of such summons was regularly made.

Rule 8th.—When any such summons, to appear to a suit or action, has not been served as hereinbefore directed, it shall be lawful for the Court to issue another summons, in continuation of, and founded on, the first summons, which shall be returned not served; the first summons shall be deemed the commencement of the suit.

Rule 9th.—The Bailiff, who serves a summons, to appear to a suit or action, within the local jurisdiction of the Court, shall enter in a book, to be kept by him for the purpose, the time and manner of service, and shall, at the Court, on the day of the return of the summons, produce the said book, and, on oath or solemn affirmation, declare the truth of his said entry therein.

Rule 10th.—The rules as to the mode of service of summons, to appear to a suit or action, shall apply to the service of all summonses, judgments, orders, notices, and processes whatsoever, issuing under the authority of Act IX. of 1850, except as to summonses to witnesses, service of which must be personal, and to cases in which it shall be otherwise directed by the said Act, or any Rule made under the authority thereof.

Rule 54th.—Every case in which the plaintiff or his agent, on applying for a summons, or the defendant or his agent, prior to the returnable date of the summons, certifies to the Chief Clerk that a point of Law of any difficulty is involved, shall be set down for hearing before the First Judge.

MISNOMER.

Section XXVI. No misnomer or inaccurate description of any person, or place in any such summons shall vitiate the summons, if the person or place be therein described so as to be commonly known. (C. C. Act Sec. 59.)

JURISDICTION OVER PARTIES.

Section XXVIII. All persons shall be deemed within the jurisdiction of the Court, who dwell, or carry on their business, or work for gain, within the district of the Court at the time of bringing the action, or who did so dwell, or carry on their business, or work therein at the time when the cause of action arose, or within six months before the time of bringing the action, for causes of action which arose within the same time (*C. C. Act Sec. 60*)

SERVICE OF SUMMONS OUT OF THE DISTRICT.

Section XXIX. Any summons or other process of any of the said Courts, service of which is needed out of the district of the Court, may be exhibited in any Court of Law, or before any Magistrate, and shall be thereupon endorsed by the magistrate or Judge of such Court, and when so endorsed, may be served in like manner as any order or process from such Court or Magistrate; and such service shall be as valid as if the same had been made by the Bailiff of the Court, out of which such summons or other process shall have issued within the jurisdiction of the Court for which he acts. (*C. C. Act Sec. 61*)

Section XXX. Service of any summons or other process of the Court, which shall require to be served out of the district of the Court, may be proved by affidavit, or solemn affirmation, purporting to be sworn or made before any Judge or Magistrate; and, in every case of the unavoidable absence of the Bailiff by whom any summons or other process of the Court has been served, the service of such summons or other process may be proved, if the Judges think fit, in the same manner as a summons served out of the district of the Court. (*C. C. Act Sec. 62.*)

THE JUDGES TO BE SOLE JUDGES OF LAW AND FACT.

Section XXXVII. The Judges of the Court shall be empowered to determine all questions as well of fact as of law or equity, as

administered in the Supreme Court, in all cases which they have authority to try. (*C. C. Act Sec. 69.*)

JUDGES MAY DIRECT AN ARBITRATION.

Section XL. The Judges may, in any case, with the consent of both parties to the suit, order the same, with or without other matters within the jurisdiction of the Court in dispute between such parties, to be referred to arbitration, to such person or persons and in such manner, and on such terms as they shall think reasonable and just; and such reference shall not be revocable by either party, except by consent of the Judges, and the award of the arbitrator or arbitrators or umpire shall be entered as the judgment in the cause, and shall be as binding and effectual to all intents, as if given by the Judges, provided that the Judges may, if they think fit, on application to them at the first Court held after the expiration of one week, after the entry of such award, set aside any such award, or may, with the consent of both parties revoke the reference, or order another reference to be made in the manner aforesaid. (*C. C. Act Sec. 77.*)

GENERAL RULES FOR REGULATING THE PRACTICE.

Section XLI. The Judges of each Court, holden under this Act, subject to the approval of the Judges of the Supreme Court, shall have power to make and issue all the general rules for regulating the practice and proceedings of the Court, and also to frame forms for every proceeding in the Court, for which they shall think it necessary that a form be provided, and also for keeping all books, entries, and accounts to be kept by the Clerk of the Court, and, from time to time, to alter any such rule or form; and the rules so made, and the forms so framed, shall be observed and used in the Court of that Presidency, and shall be sent to the Supreme Court for approval, but shall be of force until disapproved; and in any case, not expressly provided for herein, or by

the said rules, the general principles of practice in the Supreme Court may be adopted and applied, at the discretion of the Judges, to actions and proceedings in their Court. (*C. C. Act Sec. 78.*)

HEARING OF THE CASE.

Section XXXVIII. On the day in that behalf named in the summons, the plaintiff shall appear, and thereupon the defendant shall be required to appear to answer; and on answer being made in Court, the Judges shall proceed in a summary way to try the cause, and give judgment, without further pleading or formal joinder of issue (*C. C. Act Sec. 74.*)

Section XLII. If upon the day of the return of any summons, or at any continuation or adjournment of the said Court, or of the cause for which the said summons shall have been issued, the plaintiff shall not appear, the cause shall be struck out; and if he shall appear, but shall not make proof of his demand to the satisfaction of the Court, the Judges may nonsuit the plaintiff, or give judgment for the defendant; and, in either case, where the defendant shall appear, and shall not admit the demand, may award to the defendant, by way of costs and satisfaction for his trouble and attendance, such sum as they, in their discretion, shall think fit, and such sum shall be recoverable from the plaintiff by such ways and means as any debt or damage, ordered to be paid by the same Court, can be recovered: provided always, that if the plaintiff shall not appear when called upon, and the defendant, or some one duly authorized on his behalf, shall appear, and admit the cause of action to the full amount claimed, and pay the fees payable in the first instance by the plaintiff, the Court, if it shall think fit, may proceed to give judgment, as if the plaintiff had appeared. (*C. C. Act Sec. 79.*)

Section XLIII. If, on the day so named in the summons, or at any continuation or adjournment of the Court, or cause in which the summons was issued, the defendant shall not appear, or suffi-

ciently excuse his absence, or shall neglect to answer when called in Court, the Judges, upon due proof of service of the summons, may issue a writ of attachment to compel the appearance of the defendant; or, in their discretion, may proceed to the hearing or trial of the cause on the part of the plaintiff only; and the judgment thereupon shall be as valid as if both parties had attended; provided always, that the judges, in any such case, at the same or any subsequent Court, may set aside any judgment so given in the absence of the defendant, and the execution thereupon; and may grant new trial of the cause, upon such terms as to payment of costs, giving security for debt or costs, or otherwise, as they think fit, on sufficient cause shown to them for that purpose. (*C. C. Act Sec. 80.*)

Rule 13th.—The attachment against defendant to compel his appearance in Court to answer to the suit or action, shall be made returnable on such a day as the Judge may order, and on the defendant being arrested under the writ of attachment, immediate notice shall be given to the plaintiff to appear, and on the appearance of the plaintiff, the cause shall be called on before the Judge, and the appearance of the defendant being duly noted, the Judge, at his discretion, may either then proceed with the cause, or adjourn the hearing to the day, when the writ of attachment shall be returnable, or to such other day as he shall direct; and if the plaintiff shall not appear when the defendant is brought before the Court in custody, by virtue of the writ of attachment, the absence of the plaintiff, and the appearance of the defendant, shall be minuted, and the defendant be discharged from custody, and directed to attend on the day of the return of the writ of attachment, and on failure of the defendant's attendance on the day mentioned, the hearing of the cause shall be proceeded with, notwithstanding the non-appearance of the defendant; and the Judge may make such order as to costs of attachment as he may think just.

Section XLIV. The Judges may, in any case, make orders for granting time to the plaintiff or defendant to proceed in the prosecution or defence of the suit, and also may from time to time adjourn any Court, or the hearing or further hearing of any cause, in such manner as to them may seem fit. (*C. C. Act Sec. 81.*)

Section XXVII. No misstatement of the cause of action in the summons issued under this Act shall vitiate the same, and the Judges of the Court may, in their discretion, rectify such misstatement as soon as discovered, and alter the record accordingly, and if the defendant, or one of the defendants be present in Court at the time of such discovery, the hearing of the cause, after the record shall have been so altered, shall be proceeded with as if no such misstatement had happened, but in the absence of the defendant or of all the defendants, a new summons of the same number and date as the original summons shall be issued with the altered statement of the cause of action. (*Local.*)

PAYMENT OF MONEY INTO COURT.

Section XLV. The defendant in any action brought under this Act for the recovery of money, whether for debt or damages, within such time as shall be directed by the rules for regulating the practice of the Court, may pay into Court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, with costs incurred by the plaintiff up to the time of such payment; and the said sum of money shall be paid to the plaintiff; but, if he shall elect to proceed, and, if the plaintiff shall recover no further sum in the action than shall have been so paid into Court, the plaintiff shall pay to the defendant the costs incurred by him in the said action after such payment; and such costs shall be settled by the Court, and an order shall thereupon be made by the Court for the payment of such costs by the plaintiff. (*C. C. Act. Sec. 82.*)

Rule 15th.—When the defendant pays money into Court, the sum shall be large enough to include all necessary costs in

Court up to that time, incurred by the plaintiff, together with the costs of notification to be given by the plaintiff of his acceptance of the money, and the costs of taking the same out of Court, the amount so paid, shall be duly registered. A receipt or memorandum shall also be granted by the Clerk to the party for the amount so paid in.

Rule 16th.—If the plaintiff elect to accept, in full satisfaction of the debt or damages claimed, and costs, the sum that has been so paid into Court by the defendant, and shall notify the same to the Clerk in writing, the action shall be discontinued, and the parties to the suit or action shall not be liable to any further costs after such payment and satisfaction to the plaintiff as aforesaid. But if in default of plaintiff notifying to the Clerk such acceptance as aforesaid, or otherwise the suit or action proceed, and the plaintiff fail to prove that he is entitled to more than has been paid into Court, and the defendant is put to fresh costs, the plaintiff shall be liable to pay to the defendant such costs, as the defendant may incur after such payment.

COMPROMISE.

Rule 17th.—The causes settled by agreement of the parties must be reported to the Clerk by the plaintiff, or his constituted agent, previous to the day of the return of summons, or to the Judge at the time when the cause is first called in Court, on the return day of the summons.

SET-OFF.

Section XXXIX. A defendant, having any cause of action against the plaintiff, whether or not the same exceeds Five Hundred Rupees, shall be entitled to set the same against the plaintiff's demand, and if judgment is given in such case for the plaintiff, shall be entitled to sue the plaintiff for the balance only of his original demand, after deducting the amount of debt or damages and costs recovered against him under this Act

Rule 18th.—When a defendant is desirous to set-off any debt or demand alleged to be due to him by the plaintiff, he must state the particulars of such set-off to the Clerk, one clear day before the return of the summons, unless the Court shall fix some other day for stating the same.

SPECIAL DEFENCE.

Rule 19th.—When a defendant intends to rely on the special defence of infancy, coverture, the statute of limitations, or his discharge under the statute relating to insolvent debtors, he must be personally present in Court on the day of appearance to the summons, and orally plead such defence before the Judge, or if unable to attend, by reason of illness or other allowable cause of absence, he must state in writing such special defence to the Clerk at the time of his appearance.

PARTIES TO BE EXAMINED.

Section XLVI. On the hearing or trial of any action or any other proceeding under this Act, the parties thereto, their wives and all other persons, may be examined, on behalf of either the plaintiff or defendant, subject nevertheless to the Acts and Regulations in force, with respect to the examination of *women of a rank and situation in life*, which, according to the customs of the country, would render it improper to compel them to appear in a Court of Justice. (*C. C. Act. Sec. 83.*)

EXAMINATION ON OATH.

PERJURY.

Section XLVII. Every person shall be examined on oath, or, when exempt by law from taking an oath in any Court of Justice, on solemn affirmation, and every person, who, in any examination upon oath or solemn affirmation under this Act, shall wilfully and corruptly give false evidence, shall be deemed guilty of perjury. (*C. C. Act Sect. 89.*)

SUMMONS TO WITNESSES.

Section XLVIII. Either of the parties to the suit, or any other proceeding under this Act, may obtain, at the office of the Clerk of the Court, summonses to witnesses, with or without a clause requiring the production of books, deeds, papers and writings in their possession, or control, and in any such summons any number of names may be inserted. (*C. C. Act. Sec. 85.*)

Rule 10th.—The rules as to the mode of service of summons, to appear to a suit or action, shall apply to the service of all summonses, judgments, orders, notices, and processes whatsoever, issuing under the authority of Act IX. of 1850, except as to summonses to witnesses, service of which must be *personal*, and to cases in which it shall be otherwise directed by the said Act, or any rule made under the authority thereof.

PENALTY TO WITNESSES.

Section XLIX. Every person, on whom any such summons shall have been served, either personally or in such other manner as shall be directed by the general rules of practice of the Court, and who shall refuse or neglect, without sufficient cause, to appear, or to produce any books, papers, or writings required by such summons to be produced, and also every person present in Court, who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine, not exceeding One Hundred Rupees, as the Judges shall set on him; and the whole or any part of such fine, in the discretion of the Judges, after deducting the costs, may be applied towards indemnifying the party injured by such refusal or neglect. (*C. C. Act Sec. 49.*)

Section. LI. Payment of any fine imposed by any Court under the authority of this Act, may be enforced upon the order of the Judges, in like manner as payment of any debt adjudged in the said Court, and shall be accounted for as herein provided.

JUDGMENTS TO BE FINAL

Section LIII.—Every order and judgment of any Court holden under this Act, except as herein provided, shall be final and conclusive between the parties ; but the Judges shall have power to nonsuit the plaintiff, in every case in which satisfactory proof shall not be given to them, entitling either the plaintiff or defendant to the judgment of the Court ; and shall also in every case whatever have the power, if they shall think fit, to order a new trial to be had, upon such terms as they shall think reasonable, and in the meantime to stay the proceedings. (*C. C. Act. Sec. 98.*)

NEW TRIAL.

Rule 20th.—No New Trial, or motion to alter the amount of a judgment, shall be granted, unless a motion be made for a Rule *Nisi*, by the plaintiff, within *four days* after the judgment has been given, or by the defendant on a certificate of the deposit in Court of the amount for which the judgment has been given, including the costs, if any, within the same period, if he were present, or were represented at the hearing, or within the same period after he shall have obtained the said certificate, if the judgment were given *ex parte*.

Rule 21st.—In every case where the defendant intends to move to reduce the amount of a judgment, or for a New Trial, he must give notice, at the time of making the deposit, to the clerk, who shall then retain the same for *five days*, within which time, the defendant must move the Court for Rule *Nisi*. On the granting the Rule *Nisi*, the money shall be detained in Court till the Rule has been made absolute, or till such time as the Court shall order. In the event of notice not being given to the Clerk as aforesaid, or of the Rule *Nisi* being refused, the plaintiff may take the money out of Court without further delay.

Rule 55th.—Motions for New Trials, and New Trials, will be heard before two Judges at least, of whom one will be the Judge

who tried the case originally, and the other the First Judge. If the case were heard by the First Judge, he will call for the assistance of one or both of the other Judges.

Rule 56th.—If the Court is of opinion that a New Trial should be granted, the plaintiff shall proceed to set his case down for re-hearing within *four days*, unless some other time be granted by the Court, and in default, the defendant shall be at liberty to with-draw his deposit.

Rule 57th.—Should the Rule for a New Trial be made absolute, the order shall be made on such terms as to the payment of costs as the Court shall direct,

Rule 58th.—If, on the hearing of the Second Trial, the verdict is entered for the plaintiff, the judgment may be satisfied *pro tanto* out of the sum already deposited for debt and costs by defendant, with right of execution against the goods or person of the defendant for the amount payable by the defendant over and above the sum so deposited by him in Court.

Rule 59th.—If, on the hearing of the Second Trial, the verdict is entered for the defendant, he shall be at liberty to withdraw his deposit.

DEFENDANT WITHDRAWING FROM JURISDICTION.

Section L. The Judges of any Court established under this Act, in all suits where the debt or demand exceeds the sum of Thirty Rupees, upon proof before them, that any defendant against whom a summons has been taken out, conceals himself from, or otherwise evades process of the Court, or is disposing of his property and effects with intent to defraud the plaintiff, or his creditors generally, or is about to withdraw his person or effects from the jurisdiction of the Court, may issue a warrant for the apprehension of such person, and may commit him to Jail until he shall find security for his appearance in the said

Court, from time to time, until judgment shall be pronounced in the suit commenced by such summons, and for payment of the amount and the costs which may be decreed against him therein. (*Local.*)

REMOVAL OF ACTIONS TO SUPREME COURT.

Section LIV. No cause commenced in any Court, holden under this Act, shall be removed from the said Court into the Supreme Court by any writ or process, unless the debt or damage or value of the property claimed exceeds One Hundred Rupees, and then only by leave of a Judge of the said Supreme Court, on proof to his satisfaction that some question of law or equity is likely to arise therein, which, by reason either of its difficulty, novelty, or general importance, or of some erroneous course of decision on the same point in the Court of Small Causes, may appear to him fit to be tried in the Supreme Court, and upon such terms as to payment of costs, giving security for debt or costs, or otherwise, as he shall think fit. (*C. C. Act Sec. 90.*)

CONCURRENT JURISDICTION.

Section C All actions and proceedings, which before the passing of this Act, might have been brought in the Supreme Court, where any Officer of the Court of Small Causes shall be a party, except in respect of any claim to any goods and chattels taken in execution of the process of the Court, or the proceeds or value thereof, may be brought and determined in the Supreme Court, at the election of the party suing or proceeding, as if this Act had not been passed. (*C. C. Act Sec. 128.*)

Section 9 Act 26 of 1864--If any action shall, after the passing of this Act, be commenced in the High Court, for any cause other than those specified in section C of Act 9 of 1850, for which a summons might have been taken out from a Court held under the said Act 9 of 1850, or under this Act, and in which,

such Court would have had jurisdiction ; and if a verdict shall be found for the plaintiff for a sum less than one Thousand Rupees, if the said action is founded on contract, or less than Three Hundred Rupees, if it is founded on wrong, the plaintiff shall have judgment to recover such sum only and no costs, and if a verdict shall not be found for the plaintiff, the defendant shall be entitled to his costs as between Attorney and client, unless in either case, the Judge, who shall try the case, shall certify that by reason of the difficulty, novelty or general importance of the case, or of some erroneous course of decision in like cases in the Court of Small Causes, the action was fit to be brought in the High Court.

OPINIONS OF THE JUDGES.

SUPREME COURT.

Section LV. The Judges of the Court of Small Causes may, in their discretion, reserve any question of law or equity on which they entertain doubts, or which they shall be requested by either party to the suit to reserve, for the opinion of the Judges of the Supreme Court, and shall give judgment contingent upon the opinion of the said Supreme Court on a case which they shall thereupon be entitled to state to the said Court. If only two Judges sit together, and shall differ in opinion, the question on which they differ shall be so referred. (*Local.*)

Section 7 Act 26 of 1864. In any cause of an amount exceeding Five Hundred Rupees, the Judges of the said Courts of Small Causes shall reserve any question of law or equity, or any question as to the admission or rejection of any evidence as to which they shall entertain any doubts, or which they shall be requested by either party to the suit to reserve, for the opinion of the High Court, and shall give judgment contingent upon the opinion of the said High Court on a case which they shall thereupon be entitled to state to the said Court. If only two judges sit together and

shall differ in opinion; the question on which they differ shall be so reserved.

Section 8 Act 26 of 1864. When judgment is given contingent upon the opinion of the High Court, the party against whom such judgment is given shall, unless he be willing to submit to such Judgment, forthwith give security, to be approved by the Clerk of the Court, for the Costs of the reference to the High Court, and for the amount of the judgment; provided, nevertheless, that such security, so far as regards the amount of the judgment, shall not be required in any case where the Judge of the Court of Small Causes, who tried the suit, shall have ordered the defendant to pay the amount of such judgment into the hands of the Clerk of the said Court, and the same shall have been paid accordingly; and the said High Court may either order a New Trial on such terms as it thinks fit, or may order judgment to be entered for either party as the case may be, and may make such order with respect to the costs of reserving the question and stating the same for their opinion, and otherwise arising thereout or connected therewith, as such High Court may think proper. And all orders made by the High Court under this section shall be final.

Rules to be observed as to the transmission, and hearing and return of Cases sent from the Court of Small Causes to the Supreme Court, for the opinion of the Judges of the latter Court.

1. The case shall be signed by a Judge of the Court of Small Causes. It shall be forwarded to the Clerk of the Chief Justice, or when the Chief Justice is absent, or the office is vacant, to the Clerk of the Senior Puisne Judge.

2. The Clerk shall enter the case in a book to be kept for that purpose, with the names of the parties, and number it, and this shall be the only record made of the proceeding.

3. The Clerk, as soon as he receives the case, shall obtain, from the Judges of the Supreme Court, an appointment of a day for the consideration or hearing of the case, which shall not be

sooner than four days from the day of its receipt, and not later than fourteen days, and he shall notify to the parties, or to their attorneys, the day fixed for the hearing of the argument, as soon as he has obtained the appointment.

4. If counsel be employed to argue the case, one counsel only shall be heard on each side, and a fee to one counsel only, on each side, will be allowed, not exceeding three gold mohurs. No consultation fee or other fee, to counsel, except for the argument, shall be allowed. When an attorney is employed, he shall receive for all his work and labor in the matter, and in lieu of all fees, one fee of two gold mohurs, which shall include all costs and expenses of every kind which he shall be entitled to charge, except fees to counsel.

5. The Court, when it has considered or heard, and considered the case, shall send a certificate in writing, to the Court of Small Causes, and give the reasons for its judgment, and send the same with the certificate in any form which it may think most convenient; the certificate and the reasons shall be transmitted together, by the Clerk of the Judges, to the Judges of the Court of Small Causes.

Rule 12th—The Clerk shall also keep a separate book, (for the purpose of being submitted to the Judges of the Supreme Court) in which shall be transferred and entered the causes which may be removed, or the cases which may be sent to the Supreme Court.

PAYMENT BY INSTALMENTS.

Section LVI. The Judges may make orders concerning the time or times, and by what instalments, any debt or damages or costs, for which judgment shall be obtained in the said Court, shall be paid; and all such monies shall be paid into Court, unless the Judges shall otherwise order. (*C. C- Act. Sec. 92.*)

Rule 22nd.—When any order is made for the payment of any debt or damages, costs or other sum of money by instalments,

such instalments shall be payable at the office of the Clerk, at such periods as the Court shall order, and if no order be made fixing the dates of payment of the instalments, then the first instalment shall become due at the expiration of one calendar month, from the day of making the order, and every successive instalment at a like period of one calendar month, from the day of the previous instalment becoming due; and after default in payment of any instalment, execution may be sued out for the whole amount then remaining unpaid, unless the Court shall otherwise order: provided that such execution shall not issue upon such default, if the instalment or instalments then due shall be paid into Court at any time before execution is applied for.

CROSS JUDGMENTS.

Section LVII. If there be cross judgments between the parties, execution shall be taken out by that party only who shall have obtained judgment for the larger sum, and for so much only as shall remain after deducting the smaller sum; and satisfaction for the remainder shall be entered, as well as satisfaction on the judgment for the smaller sum, and, if both sums shall be equal, satisfaction shall be entered upon both judgments. (*C. C. Act. Sec 93*)

EXECUTION AFTER JUDGMENT.

PROCESS AGAINST THE PERSON OR GOODS.

Section LVIII. Whenever the Court shall have made an order for the payment of money, the amount shall be recoverable, in case of default or failure of payment thereof forthwith, or at the time or times and in the manner directed, by execution against the body or the goods and chattels of the person against whom such order is made without further notice or order; and the Clerk of the said Court, at the request of the person prosecuting such order, shall issue, under the seal of the Court, a writ of execution to one of the Bailiffs of the Court, which shall be his warrant to take the body of such person in execution, or to levy, or cause to be

levied, by distress and sale of the goods and chattels of such person, such sum of money as shall be so ordered, wheresoever they may be found within the district of the Court, and also the costs of the execution; and all Constables, and other Peace Officers, within their several jurisdictions, shall aid in the execution of every such writ. (*C. C. Act. Sec. 94.*)

Section LIX. If the Court shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue until after default in payment of some instalment according to such order; and execution or successive executions may then issue without further notice or order for the whole of the said sum of money and costs then remaining unpaid, or for such portion thereof as the Court shall order, either at the time of making the original order, or at any subsequent time under the seal of the Court. (*C. C. Act. Sec. 94.*)

Rule 26th.—Execution on a judgment is not to issue by or against any person not a party to such a suit or action, without summons upon the judgment; the proceedings in which shall be the same as in ordinary cases.

Rule 34th.—No warrant of execution or commitment shall be executed after the expiration of one calendar month from the date thereof; provided that second and successive warrants of execution may be issued by order of the Judge, at the expiration of one calendar month from the date of each, on payment of the prescribed costs of execution by the party suing out the same. Provided always that no warrant of execution shall issue upon any judgment or order of this Court after the expiration of *three years* from the date of such judgment or order, but the parties in such a case, shall institute a suit or action *de novo* on such unsatisfied judgment or order.

PROCESS AGAINST THE PERSON.

Section LX. Whenever any warrant shall issue for taking in execution the body of any person under this Act, the Bailiffs of

the Court shall be empowered, by virtue thereof, to take and convey him to any prison, appointed by the Governor in Council to be the prison of the Court, there to remain for such term as shall be directed by the warrant, not longer than *six calendar months* or until he shall sooner perform the order of the Court. (*Local.*)

Section LXI No person shall be imprisoned *twice* under the same judgment, nor shall execution against the body and goods be issued at the same time under the same judgment (*Local*)

DIET MONEY

Section LXII Every person, suing out a warrant of execution against the body of any other person under this Act, shall deposit with the Clerk of the Court at the time of the issue of the warrant, *diet money* for one week, after the rate of one anna and a half for each day which shall be paid by the Clerk to the Keeper of the prison at the time of the execution of the warrant (*Local*)

Section LXIII, Notice of the execution of every such warrant shall be forthwith given to the person at whose suit it issued, who shall thereupon deposit with the Keeper of the Prison, *diet money* for the remainder of the month in which the warrant is executed, after the same daily rate, and shall continue thereafter to deposit monthly with the said Keeper in advance, *diet money* at the same daily rate, for each month which the debtor is liable to be kept in prison at his suit (*Local*)

Section LXIV The diet money shall be employed for the subsistence of the prisoner, and if, by default of the detaining creditor, such diet money is not paid, the prisoner shall be entitled to his discharge by order of the Court (*Local*)

Section LXV All diet money which shall be spent in providing subsistence for any prisoner, shall be costs in the cause, and all *diet money*, which shall not be so spent, shall be repaid to the creditor advancing the same. (*Local*).

Note—The present rate of diet money is two annas, and not one anna and half, as provided in section 62 Act 9 of 1850. The rate, however, may be increased at the discretion of the Judges.—See page 172 ante.

DEFENDANT DISCHARGED ON SECURITY.

Section LXVI. Whenever any prisoner shall offer good and reasonable security for payment of any debt or damage and costs, either in full or by instalments as the Court shall think reasonable, the Court may order him to be discharged on giving such security. (*Local.*)

Rule 61st—When a Bond is given under the 66th section of Act 9 of 1850, as security for the payment of any decree, the obligors of such Bond shall, at the same time, sign a warrant to confess judgment thereon, in the form provided by the Court for the purpose.

PAYMENT OF DEBT IN FULL.

Section LXVII. Upon payment of the debt or damage and costs in full, the prisoner shall be entitled to be forthwith discharged. (*Local*)

IMPRISONMENT DOES NOT EXTINGUISH THE DEBT.

Section LXVIII. If the debt or damage and costs are not paid, the imprisonment shall not extinguish the liability to pay the same; but all property then belonging to, or afterwards acquired by, the prisoner, shall be liable to be taken in execution after his discharge from prison for satisfaction thereof, or of so much thereof as is not paid, including the diet money actually expended for subsistence of the prisoner.

PROCESS AGAINST THE GOODS.

Section LXIX. Every Bailiff executing any process of execution issuing out of the said Court against the goods of any person,

may, by virtue thereof, seize and take any of the goods of such person, (excepting the necessary wearing apparel and bedding of such person or his family, and the tools and implements of his trade,) and may also seize and take any money or bank-notes, and any cheques, bills of exchange, promissory notes, bonds, specialties or securities for money, belonging to any such person against whom any execution shall have issued as aforesaid. (*C. C. Act. Sec. 96.*)

Section LXX. The Bailiff shall forthwith deliver any cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money, which shall have been so seized or taken as aforesaid, to the Clerk or other person appointed by the Judges to receive the same, who shall hold them as a security or securities for the amount directed to be levied by such execution, or so much thereof as shall not have been otherwise levied or raised for the benefit of the plaintiff, and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the sum or sums secured, or made payable thereby, when the time of payment thereof shall have arrived. (*C. C. Act Sec. 97.*)

COURT MAY SUSPEND ORDERS.

Section LXXI. If it shall, at any time, appear to the satisfaction of the Court, that any defendant is unable, from sickness or other sufficient cause, to pay and discharge the debt or damages recovered against him, or any instalment thereof ordered to be paid as aforesaid, the Judges in their discretion, may suspend or stay any judgment, order, or execution given, made, or issued in such action, for such time and on such terms as they shall think fit, and so, from time to time, until it shall appear by the like proof as aforesaid that such temporary cause of disability has ceased. (*C. C. Act. Sec. 105*)

SALE OF GOODS.

Section LXXII. No sale of any goods, which shall be taken in execution as aforesaid, shall be made, until after the end of five days at least next following the day on which such goods have been so taken, unless such goods be of a perishable nature, or upon the request, in writing, of the party whose goods have been taken. (*C. C. Act Sec. 106.*)

Section LXXIII. Until such sale, the goods shall be deposited by the Bailiff by whom they were taken in some fit place, or they may remain in the custody of a fit person approved by the judges to be put in possession by the Bailiff. (*C. C. Act Sec. 106.*)

JUDGES TO APPOINT SWORN BROKERS AND APPRAISERS.

Section LXXIV. The judges, from time to time, as they shall think proper, may appoint such and so many persons for keeping possession, and so many of their Bailiffs, or other fit persons to be sworn brokers and appraisers, for the purpose of selling or valuing any goods, chattels or effects taken in execution under this Act, as shall appear to them to be necessary, and may direct security to be taken from each of them, for such such sum and in such manner as they shall think fit, for the faithful performance of their duties, without injury or oppression; and the Judges may dismiss any person, broker or appraiser so appointed. (*C. C. Act Sec. 106.*)

Section LXXV. No goods taken in execution under this Act, shall be sold for the purpose of satisfying the warrant of execution, except by one of the brokers or appraisers so appointed.

Section LXXVI. The costs to be demanded or taken for such appraisement and sale, shall be One Anna in the Rupee on the produce of the goods sold; and the Judges may apply the sum so raised as costs towards payment of the contingent charges and remuneration of the said brokers and appraisers, in such manner as shall be approved by the Governor in Council.

Section LXXVII. The Clerk of the Court shall keep an account of all sums received upon such sales, distinguishing the amount paid to the party entitled to the benefit of the execution, and the amount levied and retained as costs, and also of all sums allowed to the brokers and appraisers upon such sales.

COSTS ON SALE OF GOODS.

Section LXXVI. The costs to be demanded or taken for such appraisement and sale, shall be One Anna in the Rupee on the produce of the goods sold; and the Judges may apply the sum so raised as costs towards payment of the contingent charges and remuneration of the said brokers and appraisers, in such manner as shall be approved by the Governor in Council. (*C. C. Act Sect. 106.*)

EXECUTION OF PROCESS OUT OF JURISDICTION

Section LXXVIII. Whenever any defendant, against whom judgment shall have been given in the Court of Small Causes, shall go, before execution thereof, out of the jurisdiction of the Court, the Judge of any Zillah or Town where he shall be found, upon receiving from the plaintiff, either in person or by vakeel, an application in writing setting forth these facts, with a duly authenticated copy of judgment of the Court, shall execute the said judgment in the manner prescribed by law for execution of his own decrees, unless the defendant shall allege any reasonable cause, why the judgment should not be executed, and shall give security to such amount as the Judge of such Zillah or Town shall deem reasonable, that he will, within such time as shall be allowed him for that purpose, either satisfy the judgment, or produce a duly authenticated copy of an order of the Judges of the Court of Small Causes, discharging their former judgment. (*Local.*)

WRIT OF ERROR OR SUPERSEDEAS.

Section LXXIX. No judgment or execution shall be stayed, delayed or reversed upon or by any writ of error or *superseas*

thereon, to be sued for the reversing of any judgment given in any Court holden under the provisions of this Act, unless the amount recovered exceeds One Hundred Rupees, and then only after the person slung out such writ, shall become bound, with two sufficient sureties, to be approved by the Clerk of the Court, in triple the sum adjudged to be recovered in the former judgment, to prosecute the said writ with effect, and also to satisfy and pay (if the writ be not prosecuted, or if the judgment be affirmed), the debt or damages and costs adjudged, and all costs and damages to be awarded for the delay of execution (*C. C. Act Sec. 108.*)

CLAIMS FOR PROPERTY SEIZED

Section LXXXVIII If any claim shall be made to, or in respect of, any goods or chattels taken in execution under the process of any Court holden under this Act, or in respect of the proceeds or value thereof, by any person not being the party against whom such process has issued, the Clerk of the Court, upon application of the Officer charged with the execution of such process, as well before as after any action brought against such Officer, may issue a summons, calling before the said Court, as well the party issuing such process as the party making such claim, and thereupon any action, which shall have been brought in the Supreme Court in respect of such claim, shall be stayed, and any Judge of the Supreme Court, on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party, bringing such action, to pay the costs of all proceedings had upon such action, after the issue of such summons out of the Court of Small Causes, and the Judges of the Court of Small Causes shall adjudicate upon such claim, and make such order between the parties in respect thereof, and of the costs of the proceedings, as to them shall seem fit, and such order shall be enforced in like manner as any order made in any suit brought in such Court. (*C. C. Act Sec. 85.*)

Rule 35th.—When any claim shall be made to, or in respect of, any goods or chattels, taken in execution, under the process of the Court holden under the authority of Act LX. of 1850, or in respect of the proceeds or value thereof, or by any person not being the party against whom such process has issued, and summonses have been issued on the application of the Officer charged with the execution of such process, such summonses shall be served in such time and manner as hereinbefore directed for summons to appear to a suit or action, and the claimant shall be deemed plaintiff, and the execution creditor the defendant, and the claimant shall, on the day on which he may prefer such claim, deliver to the said Officer, or leave at the office of the Clerk, a particular of any goods or chattels alleged to be the property of the claimant, and on the day on which the said summons is returnable, state to the Judge the grounds of his claim, and in case of a claim for rent, the claimant shall, on the day on which he may prefer his claim, deliver to the said Officer, or leave at the office of the Clerk, a particular of the amount, and for what period the rent was claimed to be due.

DISTRAINT FOR RENT.

Section LXXXIX. The powers of Act VII. of 1847, to regulate distresses for small rents in Calcutta, shall be extended to the recovery of all arrears of rent not exceeding Five Hundred Rupees, and the Judges of every Court of Small Causes under this Act, shall be empowered to exercise, within their several jurisdictions, the extended powers of the said Act; and the said Act shall be construed as if, instead of Calcutta and the Settlement of Fort William in Bengal, the limits of the jurisdiction of the Court had been therein mentioned, and the judges of the Court of Small Causes under this Act instead of the Commissioners of the Court therein mentioned, and the amount of Five Hundred Rupees instead of One Hundred Rupees, and the forms contained in the

APPENDIX

Schedule annexed to the said Act, shall be altered accordingly, and shall refer to this Act instead of Act VII. of 1847. (*Local.*)

Section XC. The affidavit of arrears required by the said Act VII. of 1847, may, in every case, be made either by the person entitled to such arrears, or by his or her lawfully constituted Attorney, and a warrant of distress may issue on such affidavit. (*Local.*)

Rule 23rd.—When any cattle, goods and chattels, taken as a distress for rent in arrear, or damage *faisant*, shall have been replevied, the party, at whose instance such replevin shall have been made, shall enter his suit in the Court held under the authority of Act IX. of 1850, and thereupon summons shall issue against the defendant according to the form annexed in the Schedule; and such summons shall be served in such time, and manner as hereinbefore directed.

Rule 24th.—On entering a suit in replevin, the plaintiff must specify and describe, in a statement of particulars to be made in writing, the cattle and the several goods and chattels taken under the distress, and of the taking of which he complains.

Rule 25th.—All actions of replevin in cases of distress for rent in arrear or damage *faisant*, shall be tried in a summary way as other suits and actions in the Court held under the authority of Act IX. of 1850, and the judgment therein, in ordinary cases, whether for plaintiff or defendant, shall be according to forms in the Schedule, or to the like effect.

Section 4 Act 26 of 1864—The powers and provisions of Act 7 of 1847 (to regulate distresses for small rents in Calcutta) shall be extended to the recovery of all arrears of rent not exceeding One Thousand Rupees, and the Judges of the Calcutta Court of Small Causes, under Act 9 of 1850, shall be empowered to exercise, within their jurisdiction the extended powers of the said Act 7 of 1847, and the said Act shall be construed as if, instead of Calcutta and the Settlement of Fort William in Bengal, the limits of

the jurisdiction of the Court had been therein mentioned, and the Judges of the Calcutta Court of Small Causes under Act 9 of 1850, instead of the Commissioners of the Court therein mentioned, and the amount of One Thousand Rupees instead of One Hundred Rupees, and the forms contained in the Schedule annexed to the said Act 7 of 1847 shall be altered accordingly, and shall refer to Act 9 of 1850 and to this Act instead of to Act 7 of 1847.

RECOVERY OF SMALL TENEMENTS.

Section XCI. Where any person shall hold or occupy any house, land or tenement, of which the value, or the rent payable in respect thereof, does not exceed the rate of Five Hundred Rupees by the year, without leave of the owner, or under a lease or agreement which is ended, or duly determined by a legal notice to quit, and such tenant, or, if such tenant do not actually occupy the premises, or occupy only a part thereof, any person by whom the same, or any part thereof, shall be then actually occupied, shall neglect or refuse to quit and deliver up possession of the premises or of such part thereof respectively, the owner or his agent may take out a summons from the Court directed to such tenant, or occupier, to show by what title he claims to hold or occupy the premises or part thereof. (*C. C. Act Sec. 122.*)

Section XCII. If the tenant or occupier shall not thereupon appear at the time and place appointed, and show cause to the contrary, and shall still neglect or refuse to deliver up possession of the premises, or of such part thereof, of which he is then in possession, to the said owner or his agent, such owner or agent may give to the Court proof of the holding, and of the end or other determination of the tenancy, if any had existed, with the time or manner thereof, and of the right by which he claims the possession. (*C. C. Act Sec. 122.*)

Section XCIII. Upon proof of due service of the summons, and of the neglect or refusal of the tenant or occupier, as the case

may be, the Judges may issue a warrant, under the seal of the Court, to any Bailiff of the Court, requiring and authorizing him, within a period to be therein named, not less than seven, or more than ten clear days from the date of such warrant, to give possession of the premises to such owner or agent, and such warrant shall be a sufficient warrant to the said Bailiff to enter upon the premises with such assistants as he shall deem necessary, and to give possession accordingly: provided always, that entry upon any such warrant shall not be made on a *Sunday, Good-Friday or Christmas-day*, or any other day observed by the Court as a Holiday, or at any time except between the hours of six in the morning, and six in the afternoon: Provided also, that nothing herein contained shall be deemed to protect any person, by whom any such warrant shall be sued out of the Court of Small Causes, from any action which may be brought against him by any such tenant or occupier for such entry and taking possession, where such person had not, at the time of suing out the same as aforesaid, lawful right to the possession of the same premises. (*C. C. Act Sec. 122.*)

Section XCIV Such summons, as last aforesaid, may be served either personally or by leave of the Court, upon proof that the tenant or occupier is not to be found within the Jurisdiction of the Court, by leaving the same with some person being in, and apparently residing at, the place of abode of the person or persons so holding over as aforesaid; or, if the place of abode of such person or persons shall either not be known, or admission thereto cannot be obtained for serving such summons, by posting the said summons on some conspicuous part of the premises so held over. (*C. C. Act Sec. 123.*)

Section XCV No action or prosecution shall be maintainable against the Judges, or against the Clerk of the Court, by whom such warrant as aforesaid shall have been issued, or against any Bailiff or other person by whom such warrant may be executed, or summons affixed, for issuing such warrant, or executing the

same respectively, or affixing such summons, by reason that the person by whom the same shall be sued out, had not lawful right to the possession of the premises. (*C. C. Act. Sec. 124*)

Section XCVI. Where the owner, at the time of applying for such warrant as aforesaid, had lawful right to the possession of the premises, or of the part thereof so held over as aforesaid, neither the said owner nor his agent, nor any other person acting in his behalf, shall be deemed to be a trespasser, by reason merely of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Act; but the party aggrieved may, if he think fit, bring an action on the case, for such irregularity or informality, in which the damage alleged to be sustained thereby, shall be specially laid, and may recover full satisfaction for such special damage with costs of suit: provided that, if the special damage so laid be not proved, the defendant shall be entitled to a verdict, and that, if proved but assessed at any sum, not exceeding Ten Rupees, the plaintiff shall recover no more costs than damages, unless the Judge, before whom the trial shall have been holden, shall certify that in his opinion full costs ought to be allowed. (*C. C. Act Sec 125.*)

Section XCVII. In every case in which the person, by whom any such warrant shall be sued out of the Court of Small Causes, had not, at the time of suing out the same, lawful right to the possession of the premises, the suing out of any such warrant, as last aforesaid, shall be deemed a trespass by him against the tenant or occupier of the premises, although no entry shall be made by virtue of the warrant; and in case any such tenant or occupier will become bound, with two sufficient sureties, to be approved by the Clerk of the Court, in such sum as to the Judges shall seem reasonable, regard being had to the value of the premises, and to the probable cost of such action, to sue the person by whom such warrant was sued out with effect and without delay, and to pay all the costs of the proceeding in such action. in case

a verdict shall pass for the defendant, or the plaintiff shall discontinue or not prosecute his action, or become nonsuit therein, execution upon the warrant shall be stayed until judgment shall have been given in such action of trespass; and, if upon the trial of such action of trespass, judgment be given for the plaintiff, such judgment shall supersede the said warrant. (*C. C. Act Sec. 126.*)

Section. XCVIII. Recovery of possession of any such house, land or tenement shall be no bar to the institution of a regular suit, for trying the title thereunto, which may be brought in the Supreme Court, as if this Act had not been passed. (*C. C. Act Sec. 126.*)

Rule 60th—In all actions for the recovery of immoveable property brought against tenants, it shall be necessary to serve a notice in the form provided by the Rules of this Court, on each of the tenants in possession of the lands or premises claimed, service whereof shall be proved to the satisfaction of the Court, prior to the hearing of the case, unless the Court shall otherwise order; and the landlord shall, on his application, at any time before final judgment, be let in to defend, and such order shall be made thereupon as to the amendment of the plaint, or the adjournment of the cause, as the Court shall think fit.

Section 5 Act 26 of 1864—The powers and provisions of section 91 of Act 9 of 1850, are hereby extended so as to apply to the case of any person, who shall hold or occupy any house, land, or tenement, of which the value, or the rent payable in respect thereof, does not exceed the rate of One Thousand Rupees by the year, and the said section 91 of Act 9 of 1850, shall be read as if the words "Five Hundred" were omitted, and the words "One Thousand" substituted for them.

REMOVAL OF ACTIONS TO SUPREME COURT.

Section XCIX. Every bond given on the removal of any action out of the Court of Small Causes, or upon staying, delaying

or reversing any judgment or execution awarded therein, or the execution of any such warrant of possession as aforesaid, or on moving for a new trial, or to set aside a verdict, judgment or nonsuit, shall be made to the other party to the action, and shall be approved by the Judges, and attested under the seal of the Court; and if the bond so taken be forfeited, or if, upon the proceeding for securing which, such bond was given, the Judge, before whom such proceeding shall be had, shall not certify upon the record in Court, that the condition of the bond hath been fulfilled, the party, to whom the bond shall have been so made, may bring an action of debt and recover thereon provided always, that the Court, in which such action as last aforesaid shall be brought, may, by rule of Court, give such relief to the parties liable upon such bond as may appear to him reasonable, and such rule shall have the nature and effect of a defeasance to such bond (C.C. Act Sec 127)

Section C All actions and proceedings, which, before the passing of this Act, might have been brought in the Supreme Court, where any Officer of the Court of Small Causes shall be a party, except in respect of any claim to any goods and chattels taken in execution of the process of the Court, or the proceeds or value thereof, may be brought and determined in the Supreme Court, at the election of the party suing or proceeding, as if this Act had not been passed (C.C. Act Sec 128)

Section CI. If any action shall be commenced after the passing of this Act in the Supreme Court, for any cause other than those lastly herein before specified, for which a summons might have been taken out from a Court holden under this Act, and a verdict shall be found for the plaintiff for a sum less than Five Hundred Rupees, if the said action is founded on contract, or less than One Hundred Rupees, if it is founded on wrong, the plaintiff shall have judgment to recover such sum only, and no costs, and if a verdict shall not be found for the plaintiff, the defendant shall

be entitled to his costs as between Attorney and Client, unless, in either case, the Judge, who shall try the cause, shall certify on the back of the record that, by reason of the difficulty, novelty or general importance of the case, or of some erroneous course of decision on like cases, in the Court of Small Causes, the action was fit to be brought in the Supreme Court. (*C. C. Act Sec. 129.*)

RECOVERY OF PENALTIES AND FINES.

Section CIII. All penalties, fines and forfeitures by this Act, inflicted or authorized to be imposed, (the manner of recovering and applying whereof is not hereby otherwise particularly directed,) upon proof before any Justice of the Peace or Magistrate having jurisdiction where the offender shall reside or be, or the offence shall be committed, either by the confession of the party offending, or by the oath or affirmation of any credible witness, shall be levied, with the costs attending the summons and conviction, by distress and sale of the goods and chattels of the party offending, by warrant under the hand of any such Justice or Magistrate, and the overplus (if any) after such penalties, fines and forfeitures, and the charges of such distress and sale are deducted, shall be returned, upon demand, unto the owner of such goods and chattels. (*C. C. Act Sec. 100.*)

Section CIV. If any such penalties, fines and forfeitures respectively, shall not be paid forthwith upon conviction, it shall be lawful for such Justice or magistrate to order the offender so convicted, to be detained in safe custody until return can conveniently be made to such warrant of distress; unless such offender shall give sufficient security to the satisfaction of such Justice or Magistrate, for his appearance before him on such day as shall be appointed for the return of such warrant of distress, such day not being more than eight days from the time of taking any such security, which security the Justice or Magistrate shall be empowered to take by way of recognizance or otherwise, as to him shall seem fit. (*C. C. Act Sec. 132.*)

A. B. is convicted before

Magistrate
for the { or before a Judge
appointed under Act IX of 1850) of having (state the offence)
and I (or we) the said do adjudge
the said to forfeit and pay for the same
the sum of [or to be committed
to for the space of] given under
hand () and seal ()
the day and year aforesaid " (C. C. Act Sec 134.)

Section CIX No order, verdict or judgment, or other proceeding, made concerning any of the matters aforesaid, shall be quashed or vacated for want of form,

DISTRESS NOT UNLAWFUL FOR INFORMALITY

Section CX Where any distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall the party distraining be deemed a trespasser from the beginning, on account of any irregularity which shall afterwards be committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action upon the case.

ADVOCATE OR ATTORNEY OF THE HIGH COURT.

Rule 52—When an Advocate or Attorney of the Supreme Court shall appear on behalf of any party or parties in the Court of Small Causes, the highest amount of fees allowed to Counsel at the termination of the suit, and on taxation of costs, shall be 2 Gold Mohurs, and to the attorney 1 Gold Mohur ;

but no fees or costs to either, shall be allowed, unless the debt or damage claimed, or value of the property in dispute, shall be more than One Hundred Rupees, nor in any case, unless the Judge shall certify that the case was a fit one for the employment of Counsel and Attorney, or Attorney alone.

Section 13 Act 26 of 1864—The fees to be taken by Barristers-at-Law and Attorneys, practising in the said Courts, in cases brought within the jurisdiction given by this Act, shall be as follows,—

An Attorney shall be entitled to have or recover a sum not exceeding 51 Rupees, for his fees and costs,

And in no case shall any fee exceeding 85 Rupees be allowed for employing a Barrister as Counsel in the Cause.

The expence of employing a Barrister or an Attorney, or both a Barrister and an Attorney, either by plaintiff or defendant, shall not be allowed as costs, unless by order of the Judge, and the Judges of the said Court shall determine, in what cases, such expences shall be so allowed.

22 JUNE 1872.

1ST, 2ND & 4TH JUDGES.

Haworth & Co

Plaintiffs.

vs.

* Radhakissen Banneyprosad.

Defendants.

This was a new Trial case.—It was originally nonsuited by the 1st Judge, certified for Counsel and Attorney. A new Trial was afterwards applied for and obtained by Mr. Adkin on behalf of the plaintiffs. The new Trial resulted in a verdict for the plaintiffs. At the time the new Trial was made absolute, Mr. Adkin applied that the case might be certified for Attorney's costs. The Court then reserved the question until the termination of the New Trial.

Mr. Gasper for the plaintiffs applied this day, that the cost of counsel and attorney, certified in the original trial, which was

paid into Court, be refunded to him, and the case be certified for the plaintiff's attorney's costs,—that question having been reserved when the rule for a new Trial was made absolute.

Mr. Arrakel, for the defendants, contended that his clients were entitled to the costs of Counsel and attorney, since the Court had nonsuited the case. Surely having succeeded in the original case, they had a right to the costs they had been put to in defending the suit. After considerable discussion, the Court granted Mr. Gasper's application, and stated that, for the future, the following rules would be observed in respect of costs of this kind.

RULES AS TO COSTS.

1—When a plaintiff obtains a decree with costs, and costs under a certificate for the employment of Counsel and Attorney, and the defendant subsequently applies for a New Trial, and fails, a new set of costs may be awarded to the plaintiff under Section 52. But should the defendant be successful in his application, he will not be immediately entitled to costs, but the same shall await the issue of the New Trial.

2nd If, in the original suit, the judgment be for the defendant, with costs and a certificate, and the plaintiff subsequently applies for a Rule for a New Trial and fails, the defendant shall have fresh costs under Section 52, but if the plaintiff succeeds, he will not at once be entitled to costs, but the same shall await the termination of the New Trial.

3rd—When a New Trial is granted, any order on the original suit as to costs, falls with the decree. On the termination of the New Trial, one set of costs only will be awarded to the successful party.

ACTIONS AGAINST OFFICERS.

Section 10 Act 26 of 1864—If any person shall bring any suit in the High Court, in respect of any grievance committed by the Clerk, Bailiff, or officer of any Court held under Act 9 of 1850,

or under this Act, or under color or pretence or the process of the said Court, and upon the Trial of the action, no greater damages shall be found for the plaintiff than the sum of One Thousand Rupees, no costs shall be awarded to the plaintiff in such action, unless the Judge shall certify in Court that the action was fit to be brought in the High Court. (*See Sec 102 page 8 appendix.*)

APPOINTMENT OF JUDGES.

See Sections 8, 9 and 10 of Act 9 of 1850 page 2 of Appendix.—

Section 12 Act 26 of 1864—Whereas by section 8 of the said Act 9 of 1850, provision is made for the appointment of so many persons, as may be necessary, not exceeding three, to be judges of the said Courts of Small Causes respectively, it is hereby enacted that it shall be lawful for the local Government, with the previous sanction of the Governor General of India in Council, to appoint as many persons, as may be necessary, to be Judges of the said Courts respectively

DESIGNATION AND POWERS OF THE FIRST JUDGE.

Section 14 Act 26 of 1864—Of the Judges appointed under Section 8 of the said Act 9 of 1850, the one, who is a Barrister-at Law, or Advocate of one of the High Courts of India, or of the Court of Session of Scotland, shall be styled the First Judge. The First Judge shall make such arrangements, as he shall think fit, with regard to the distribution of the suits, and of the general business of the Court, among the various Judges thereof, and he may vary such arrangements from time to time.

EXTENSION OF THE CODE OF CIVIL PROCEDURE TO SMALL CAUSE COURTS.

Section 15 Act 26 of 1864—The local Government may, with the sanction of the Governor General of India in Council, declare that the whole or any part or parts of the Code of Civil Procedure, shall be applicable to any Court held under Act 9 of 1850, or under this Act. and the procedure prescribed in the said Code,

or the part or parts thereof, so declared to be applicable, shall thereupon be the procedure followed in such Court: Provided that no right of appeal or review shall, in any case, be given by any declaration made under this section.

ACT 8 OF 1859.

Section 73—If it appear to the Court, at any hearing of a suit, that all the persons who may be entitled to, or who claim some share or interest in the subject matter of the suit, and who may be likely to be affected by the result, have not been made parties to the suit, the Court may adjourn the hearing of the suit to a future day to be fixed by the Court, and direct that such persons shall be made either plaintiffs or defendants in the suit as the case may be. In such case, the Court shall issue a notice to such persons in the manner provided in this Act for the service of a summons on a defendant.

Note—According to section 49 of the said Act, where practicable, the service to be personal, unless he has an agent to accept service, or by section 53, the service may be made on any adult member of his family residing with him.

Sections—from 175 to 182 of the said Act—Of commission to examine absent witnesses and make local enquiries.

a Note—The Court may issue commission in cases as follow

1st—If a witness is residing at a place more than 100 miles from the place where the Court is held.

2nd—If a witness is unable from sickness or infirmity to attend before the Court to be personally examined.

3rd—If a witness is exempted by reason of rank or sex from personal appearance in Court,—such as, persons privileged by Acts of Government, and women, who, by the custom of the Country, do not appear before the public.

Act 9 of 1850 and Act 26 of 1864 to be construed as one.

Section 16 Act 26 of 1864—This Act and the said Act 9 of

1850, shall be read and construed as one Act, as if the several provisions in the said Act contained, not inconsistent with the provisions of this Act, were repealed and reenacted in this Act.

RULES for the information of the Public, with reference to satisfaction of Warrants and extension of time by way of staying sales in execution.

If there be several Writs against the same person in the hands of the Head Bailiff when seizure is made, he will be considered in point of law to have seized under all of them.

In such cases, the Writs, which have been first delivered to the Head Bailiff for execution, shall have the priority, that is to say, the proceeds of sale must first be applied in satisfaction of them, the surplus, if any, being credited to the writs subsequently delivered. If, however, several Writs are delivered to the Officer at the same time, the priority will be given to those which were first applied and paid for in the Clerk's Office, irrespective of the dates on which judgment may have been recovered. *See page 182 Ante.*

Applications for extension of time by way of staying sale in execution, will only be entertained on payment of Peon's wages in advance, and only granted with the consent of judgment-creditors, their Pleaders, or Agents. Where there are more Writs than one against the same Judgment-debtor, consent to extension of time will apply only to those Warrants in which the extension has been obtained, and shall in no way control the rights of the other Judgment-creditors, or prevent the property from being sold in satisfaction of their Writs in the usual course of time, as provided by Section 72 of Act IX of 1850. *See page 189 Ante.*

Where property has been sold under Writs in which no extension of time has been granted, the Warrant will, as regard these Writs, be satisfied according to the practice that obtains in ordinary cases, viz., by priority of number.

The 5th September 1873.

LAW TERMS.

Ab initio	From the beginning
Ad infinitum	To infinity
Ad valorem. ^c	According to the value
A fortiori	With stronger reason
Alias	Otherwise
Alibi	Elsewhere
Amicus curiæ	A friend of the Court.
A posteriori	From the latter
A priori	From the former
Assumpsit	He took upon him to pay
Bona fide	In good faith
Capias	You may take
Certiorari	A writ calling up the record of a inferior Court
Dati	Things granted
De facto	From the fact, In reality
De jure	From the Law
Etcætera	And the rest
Excuria	Out of Court
Ex officio	By virtue of office
Ex parte	On one side only
Extempore	Off hand
Fac simile	An exact copy
Felo de se	Self murder
Femine couverte	A married woman
Femme sole	A woman unmarried
Fiat	Let it be done
Fieri facias	Execution against goods.
Gratis	For nothing
In transitu	On the passage
In re	In the matter of.

Ipse dixit	On his sole assertion.
Ipsa facto	By the fact itself.
Ipso jure	By the law itself.
Ita lex scripta est	Thus says the law
Jure humano	By human law.
Jure divino	By divine law.
Jus civile	The civil law.
Locum tenens	A deputy or substitute
Magna charta	The great charter
Mandamus	A writ issued ordering the performance of some specified duty.
Non constat	It does not appear.
Nolens volens	Willing or not willing.
On dit	loose report.
Per se	By itself
Prima facie	On the first view.
Pro et con	For and against.
Quantum	Due proportion.
Quo jure	By what right.
Seriatim	In order.
Sine die	Indefinitely.
Sej disant	Self-called.
Subpoena	Under a penalty.
Supersedeas	You may remove or set aside.
Sub judice	Under consideration
Versus	Against
Via	By the way of
Vice	In the place of.
Vice versa	The terms being exchanged.
Videlicet	To wit, namely
Viva voce	By oral testimony.

APPENDIX

TABLE OF COSTS AND FEES FOR SUMMONS.

Amount of claim	Costs.		Fees		Total	Amount of claim	Costs		Fees		Total	
	Rs.	As.	Rs.	As.			Rs.	As.	Rs.	As.	Rs.	As.
1		2		2	4	37	4	10		8	5	2
2		4		2	6	38	4	12		8	5	4
3		6		2	8	39	4	14		8	5	6
4		8		2	10	40	5	0		8	5	8
5		10		2	12	41	5	2		8	5	10
6		12		2	14	42	5	4		8	5	12
7		14		2	1	43	5	6		8	5	14
8	1	0		2	1	44	5	8		8	6	0
9	1	2		2	1	45	5	10		8	6	2
10	1	4		2	1	46	5	12		8	6	4
11	1	6		4	1	47	5	14		8	6	6
12	1	8		4	1	48	6	0		8	6	8
13	1	10		4	1	49	6	2		8	6	10
14	1	12		4	2	50	6	4		8	6	12
15	1	14		4	2	51	6	6	1	0	7	6
16	2	0		4	2	52	6	8	1	0	7	8
17	2	2		4	2	53	6	10	1	0	7	10
18	2	4		4	2	54	6	12	1	0	7	12
19	2	6		4	2	55	6	14	1	0	7	14
20	2	8		4	2	56	7	0	1	0	8	0
21	2	10		8	3	57	7	2	1	0	8	2
22	2	12		8	3	58	7	4	1	0	8	4
23	2	14		8	3	59	7	6	1	0	8	6
24	3	0		8	3	60	7	8	1	0	8	8
25	3	2		8	3	61	7	10	1	0	8	10
26	3	4		8	3	62	7	12	1	0	8	12
27	3	6		8	3	63	7	14	1	0	8	14
28	3	8		8	4	64	8	0	1	0	9	0
29	3	10		8	4	65	8	2	1	0	9	2
30	3	12		8	4	66	8	4	1	0	9	4
31	3	14		8	4	67	8	6	1	0	9	6
32	4	0		8	4	68	8	8	1	0	9	8
33	4	2		8	4	69	8	10	1	0	9	10
34	4	4		8	4	70	8	12	1	0	9	12
35	4	6		8	4	71	9	14	1	0	9	14
36	4	8		8	5	72	9	0	1	0	10	0

APPENDIX.

TABLE OF COSTS AND FEES FOR SUMMONS.

Amount of claim	Costs		Fees		Total.		Amount of claim	Costs		Fees		Total.	
	Rs.	As.	Rs.	As.	Rs.	As.		Rs.	As.	Rs.	As.	Rs.	As.
73	9	2	1	0	10	2	109	13	10	1	4	14	14
74	9	4	1	0	10	4	110	13	12	1	4	15	0
75	9	6	1	0	10	6	111	13	14	1	4	15	2
76	9	8	1	0	10	8	112	14	0	1	4	15	4
77	9	10	1	0	10	10	113	14	2	1	4	15	6
78	9	12	1	0	10	12	114	14	4	1	4	15	8
79	9	14	1	0	10	14	115	14	6	1	4	15	10
80	10	0	1	0	11	0	116	14	8	1	4	15	12
81	10	2	1	0	11	2	117	14	10	1	4	15	14
82	10	4	1	0	11	4	118	14	12	1	4	16	0
83	10	6	1	0	11	6	119	14	14	1	4	16	2
84	10	8	1	0	11	8	120	15	0	1	4	16	4
85	10	10	1	0	11	10	121	15	2	1	4	16	6
86	10	12	1	0	11	12	122	15	4	1	4	16	8
87	10	14	1	0	11	14	123	15	6	1	4	16	10
88	11	0	1	0	12	0	124	15	8	1	4	16	12
89	11	2	1	0	12	2	125	15	10	1	4	16	14
90	11	4	1	0	12	4	126	15	12	1	4	17	0
91	11	6	1	0	12	6	127	15	14	1	4	17	2
92	11	8	1	0	12	8	128	16	0	1	4	17	4
93	11	10	1	0	12	10	129	16	2	1	4	17	6
94	11	12	1	0	12	12	130	16	4	1	4	17	8
95	11	14	1	0	12	14	131	16	6	1	4	17	10
96	12	0	1	0	13	0	132	16	8	1	4	17	12
97	12	2	1	0	13	2	133	16	10	1	4	17	14
98	12	4	1	0	13	4	134	16	12	1	4	18	0
99	12	6	1	0	13	6	135	16	14	1	4	18	2
100	12	8	1	0	13	8	136	17	0	1	4	18	4
101	12	10	1	4	13	14	137	17	2	1	4	18	6
102	12	12	1	4	14	0	138	17	4	1	4	18	8
103	12	14	1	4	14	2	139	17	6	1	4	18	10
104	13	0	1	4	14	4	140	17	8	1	4	18	12
105	13	2	1	4	14	6	141	17	10	1	4	18	14
106	13	4	1	4	14	8	142	17	12	1	4	19	0
107	13	6	1	4	14	10	143	17	14	1	4	19	2
108	13	8	1	4	14	12	144	18	0	1	4	19	4

APPENDIX.

iii

TABLE OF COSTS AND FEES FOR SUMMONS.

Amount of claim.			Costs.			Fees.			Total.			Amount. of claim.			Costs.			Fees.			Total.		
Rs.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.		
145	18	2	1	4	19	6	181	22	10	1	4	23	14										
146	18	4	1	4	19	8	182	22	12	1	4	24	0										
147	18	6	1	4	19	10	183	22	14	1	4	24	2										
148	18	8	1	4	19	12	184	23	0	1	4	24	4										
149	18	10	1	4	19	14	185	23	2	1	4	24	6										
150	18	12	1	4	20	0	186	23	4	1	4	24	8										
151	18	14	1	4	20	2	187	23	6	1	4	24	10										
152	19	0	1	4	20	4	188	23	8	1	4	24	12										
153	19	2	1	4	20	6	189	23	10	1	4	24	14										
154	19	4	1	4	20	8	190	23	12	1	4	25	0										
155	19	6	1	4	20	10	191	23	14	1	4	25	2										
156	19	8	1	4	20	12	192	24	0	1	4	25	4										
157	19	10	1	4	20	14	193	24	2	1	4	25	6										
158	19	12	1	4	21	0	194	24	4	1	4	25	8										
159	19	14	1	4	21	2	195	24	6	1	4	25	10										
160	20	0	1	4	21	4	196	24	8	1	4	25	12										
161	20	2	1	4	21	6	197	24	10	1	4	25	14										
162	20	4	1	4	21	8	198	24	12	1	4	26	0										
163	20	6	1	4	21	10	199	24	14	1	4	26	2										
164	20	8	1	4	21	12	200	25	0	1	4	26	4										
165	20	10	1	4	21	14	201	25	2	1	8	26	10										
166	20	12	1	4	22	0	202	25	4	1	8	26	12										
167	20	14	1	4	22	2	203	25	6	1	8	26	14										
168	21	0	1	4	22	4	204	25	8	1	8	27	0										
169	21	2	1	4	22	6	205	25	10	1	8	27	2										
170	21	4	1	4	22	8	206	25	12	1	8	27	4										
171	21	6	1	4	22	10	207	25	14	1	8	27	6										
172	21	8	1	4	22	12	208	26	0	1	8	27	8										
173	21	10	1	4	22	14	209	26	2	1	8	27	10										
174	21	12	1	4	23	0	210	26	4	1	8	27	12										
175	21	14	1	4	23	2	211	26	6	1	8	27	14										
176	22	0	1	4	23	4	212	26	8	1	8	28	0										
177	22	2	1	4	23	6	213	26	10	1	8	28	2										
178	22	4	1	4	23	8	214	26	12	1	8	28	4										
179	22	6	1	4	23	10	215	26	14	1	8	28	6										
180	22	8	1	4	23	12	216	27	0	1	8	28	8										

APPENDIX.

TABLE OF COSTS AND FEES FOR SUMMONS

Amount of claim.	Costs.		Fees.		Total.		Amount of claim.	Costs.		Fees.		Total.	
	Rs.	As.	Rs.	As.	Rs.	As.		Rs.	As.	Rs.	As.	Rs.	As.
217	27	2	1	8	28	10	253	31	10	1	8	33	2
218	27	4	1	8	28	12	254	31	12	1	8	33	4
219	27	6	1	8	28	14	255	31	14	1	8	33	6
220	27	8	1	8	29	0	256	32	0	1	8	33	8
221	27	10	1	8	29	2	257	32	2	1	8	33	10
222	27	12	1	8	29	4	258	32	4	1	8	33	12
223	27	14	1	8	29	6	259	32	6	1	8	33	14
224	28	0	1	8	29	8	260	32	8	1	8	34	0
225	28	2	1	8	29	10	261	32	10	1	8	34	2
226	28	4	1	8	29	12	262	32	12	1	8	34	4
227	28	6	1	8	29	14	263	32	14	1	8	34	6
228	28	8	1	8	30	0	264	33	0	1	8	34	8
229	28	10	1	8	30	2	265	33	2	1	8	34	10
230	28	12	1	8	30	4	266	33	4	1	8	34	12
231	28	14	1	8	30	6	267	33	6	1	8	34	14
232	29	0	1	8	30	8	268	33	8	1	8	35	0
233	29	2	1	8	30	10	269	33	10	1	8	35	2
234	29	4	1	8	30	12	270	33	12	1	8	35	4
235	29	6	1	8	30	14	271	33	14	1	8	35	6
236	29	8	1	8	31	0	272	34	0	1	8	35	8
237	29	10	1	8	31	2	273	34	2	1	8	35	10
238	29	12	1	8	31	4	274	34	4	1	8	35	12
239	29	14	1	8	31	6	275	34	6	1	8	35	14
240	30	0	1	8	31	8	276	34	8	1	8	36	0
241	30	2	1	8	31	10	277	34	10	1	8	36	2
242	30	4	1	8	31	12	278	34	12	1	8	36	4
243	30	6	1	8	31	14	279	34	14	1	8	36	6
244	30	8	1	8	32	0	280	35	0	1	8	36	8
245	30	10	1	8	32	2	281	35	2	1	8	36	10
246	30	12	1	8	32	4	282	35	4	1	8	36	12
247	30	14	1	8	32	6	283	35	6	1	8	36	14
248	31	0	1	8	32	8	284	35	8	1	8	37	0
249	31	2	1	8	32	10	285	35	10	1	8	37	2
250	31	4	1	8	32	12	286	35	12	1	8	37	4
251	31	6	1	8	32	14	287	35	14	1	8	37	6
252	31	8	1	8	33	0	288	36	0	1	8	37	8

APPENDIX.

v

TABLE OF COSTS AND FEES FOR SUMMONS.

Amount of claim.	Costs		Fees		Total	Amount of claim	Costs		Fees		Total
Rs.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	Rs.	As.	Rs.	As.
289	36	2	1	8	37	10	325	40	10	1	12
290	36	4	1	8	37	12	326	40	12	1	12
291	36	6	1	8	37	14	327	40	14	1	12
292	36	8	1	8	38	0	328	41	0	1	12
293	36	10	1	8	38	2	329	41	2	1	12
294	36	12	1	8	38	4	330	41	4	1	12
295	36	14	1	8	38	6	331	41	6	1	12
296	37	0	1	8	38	8	332	41	8	1	12
297	37	2	1	8	38	10	333	41	10	1	12
298	37	4	1	8	38	12	334	41	12	1	12
299	37	6	1	8	38	14	335	41	14	1	12
300	37	8	1	8	39	0	336	42	0	1	12
301	37	10	1	12	39	6	337	42	2	1	12
302	37	12	1	12	39	8	338	42	4	1	12
303	37	14	1	12	39	10	339	42	6	1	12
304	38	0	1	12	39	12	340	42	8	1	12
305	38	2	1	12	39	14	341	42	10	1	12
306	38	4	1	12	40	0	342	42	12	1	12
307	38	6	1	12	40	2	343	42	14	1	12
308	38	8	1	12	40	4	344	43	0	1	12
309	38	10	1	12	40	6	345	43	2	1	12
310	38	12	1	12	40	8	346	43	4	1	12
311	38	14	1	12	40	10	347	43	6	1	12
312	39	0	1	12	40	12	348	43	8	1	12
313	39	2	1	12	40	14	349	43	10	1	12
314	39	4	1	12	41	0	350	43	12	1	12
315	39	6	1	12	41	2	351	43	14	1	12
316	39	8	1	12	41	4	352	44	0	1	12
317	39	10	1	12	41	6	353	44	2	1	12
318	39	12	1	12	41	8	354	44	4	1	12
319	39	14	1	12	41	10	355	44	6	1	12
320	40	0	1	12	41	12	356	44	8	1	12
321	40	2	1	12	41	14	357	44	10	1	12
322	40	4	1	12	42	0	358	44	12	1	12
323	40	6	1	12	42	2	359	44	14	1	12
324	40	8	1	12	42	4	360	45	0	1	12

TABLE OF COSTS AND FEES FOR SUMMONS.

Amount of claim.	Costs.		Fees.		Total.		Amount of claim.	Costs.		Fees.		Total.	
	Rs.	As.	Rs.	As.	Rs.	As.		Rs.	As.	Rs.	As.	Rs.	As.
361	45	2	1	12	46	14	397	49	10	1	12	51	6
362	45	4	1	12	47	0	398	49	12	1	12	51	8
363	45	6	1	12	47	2	399	49	14	1	12	51	10
364	45	8	1	12	47	4	400	50	0	1	12	51	12
365	45	10	1	12	47	6	401	50	2	2	0	52	2
366	45	12	1	12	47	8	402	50	4	2	0	52	4
367	45	14	1	12	47	10	403	50	6	2	0	52	6
368	46	0	1	12	47	12	404	50	8	2	0	52	8
369	46	2	1	12	47	14	405	50	10	2	0	52	10
370	46	4	1	12	48	0	406	50	12	2	0	52	12
371	46	6	1	12	48	2	407	50	14	2	0	52	14
372	46	8	1	12	48	4	408	51	0	2	0	53	0
373	46	10	1	12	48	6	409	51	2	2	0	53	2
374	46	12	1	12	48	8	410	51	4	2	0	53	4
375	46	14	1	12	48	10	411	51	6	2	0	53	6
376	47	0	1	12	48	12	412	51	8	2	0	53	8
377	47	2	1	12	48	14	413	51	10	2	0	53	10
378	47	4	1	12	49	0	414	51	12	2	0	53	12
379	47	6	1	12	49	2	415	51	14	2	0	53	14
380	47	8	1	12	49	4	416	52	0	2	0	54	0
381	47	10	1	12	49	6	417	52	2	2	0	54	2
382	47	12	1	12	49	8	418	52	4	2	0	54	4
383	47	14	1	12	49	10	419	52	6	2	0	54	6
384	48	0	1	12	49	12	420	52	8	2	0	54	8
385	48	2	1	12	49	14	421	52	10	2	0	54	10
386	48	4	1	12	50	0	422	52	12	2	0	54	12
387	48	6	1	12	50	2	423	52	14	2	0	54	14
388	48	8	1	12	50	4	424	53	0	2	0	55	0
389	48	10	1	12	50	6	425	53	2	2	0	55	2
390	48	12	1	12	50	8	426	53	4	2	0	55	4
391	48	14	1	12	50	10	427	53	6	2	0	55	6
392	49	0	1	12	50	12	428	53	8	2	0	55	8
393	49	2	1	12	50	14	429	53	10	2	0	55	10
394	49	4	1	12	51	0	430	53	12	2	0	55	12
395	49	6	1	12	51	2	431	53	14	2	0	55	14
396	49	8	1	12	51	4	432	54	0	2	0	56	0

APPENDIX.

vii

TABLE OF COSTS AND FEES FOR SUMMONS.

Amount of claim.	Costs.	Fees.	Total.	Amount of claim.	Costs.	Fees.	Total.
Rs.	Rs. As.	Rs. As.	Rs. As.	Rs.	Rs. As.	Rs. As.	Rs. As.
433	54 2	2 0	56 2	469	58 10	2 0	60 10
434	54 4	2 0	56 4	470	58 12	2 0	60 12
435	54 6	2 0	56 6	471	58 14	2 0	60 14
436	54 8	2 0	56 8	472	59 0	2 0	61 0
437	54 10	2 0	56 10	473	59 2	2 0	61 2
438	54 12	2 0	56 12	474	59 4	2 0	61 4
439	54 14	2 0	56 14	475	59 6	2 0	61 6
440	55 0	2 0	57 0	476	59 8	2 0	61 8
441	55 2	2 0	57 2	477	59 10	2 0	61 10
442	55 4	2 0	57 4	478	59 12	2 0	61 12
443	55 6	2 0	57 6	479	59 14	2 0	61 14
444	55 8	2 0	57 8	480	60 0	2 0	62 0
445	55 10	2 0	57 10	481	60 2	2 0	62 2
446	55 12	2 0	57 12	482	60 4	2 0	62 4
447	55 14	2 0	57 14	483	60 6	2 0	62 6
448	56 0	2 0	58 0	484	60 8	2 0	62 8
449	56 2	2 0	58 2	485	60 10	2 0	62 10
450	56 4	2 0	58 4	486	60 12	2 0	62 12
451	56 6	2 0	58 6	487	60 14	2 0	62 14
452	56 8	2 0	58 8	488	61 0	2 0	63 0
453	56 10	2 0	58 10	489	61 2	2 0	63 2
454	56 12	2 0	58 12	490	61 4	2 0	63 4
455	56 14	2 0	58 14	491	61 6	2 0	63 6
456	57 0	2 0	59 0	492	61 8	2 0	63 8
457	57 2	2 0	59 2	493	61 10	2 0	63 10
458	57 4	2 0	59 4	494	61 12	2 0	63 12
459	57 6	2 0	59 6	495	61 14	2 0	63 14
460	57 8	2 0	59 8	496	62 0	2 0	64 0
461	57 10	2 0	59 10	497	62 2	2 0	64 2
462	57 12	2 0	59 12	498	62 4	2 0	64 4
463	57 14	2 0	59 14	499	62 6	2 0	64 6
464	58 0	2 0	60 0	500	62 8	2 0	64 8
465	58 2	2 0	60 2	501	62 9	2 4	64 13
466	58 4	2 0	60 4	502	62 10	2 4	64 14
467	58 6	2 0	60 6	503	62 11	2 4	64 15
468	58 8	2 0	60 8	504	62 12	2 4	65 0

TABLE OF COSTS AND FEES FOR SUMMONS.

Amount of claim.	Costs.		Fees.		Total.		Amount of claim.	Costs.		Fees.		Total.	
	Rs.	As.	Rs.	As.	Rs.	As.		Rs.	As.	Rs.	As.	Rs.	As.
505	62	13	2	4	65	1	541	65	1	2	4	67	5
506	62	14	2	4	65	2	542	65	2	2	4	67	6
507	62	15	2	4	65	3	543	65	3	2	4	67	7
508	63	0	2	4	65	4	544	65	4	2	4	67	8
509	63	1	2	4	65	5	545	65	5	2	4	67	9
510	63	2	2	4	65	6	546	65	6	2	4	67	10
511	63	3	2	4	65	7	547	65	7	2	4	67	11
512	63	4	2	4	65	8	548	65	8	2	4	67	12
513	63	5	2	4	65	9	549	65	9	2	4	67	13
514	63	6	2	4	65	10	550	65	10	2	4	67	14
515	63	7	2	4	65	11	551	65	11	2	4	67	15
516	63	8	2	4	65	12	552	65	12	2	4	68	0
517	63	9	2	4	65	13	553	65	13	2	4	68	1
518	63	10	2	4	65	14	554	65	14	2	4	68	2
519	63	11	2	4	65	15	555	65	15	2	4	68	3
520	63	12	2	4	66	0	556	66	0	2	4	68	4
521	63	13	2	4	66	1	557	66	1	2	4	68	5
522	63	14	2	4	66	2	558	66	2	2	4	68	6
523	63	15	2	4	66	3	559	66	3	2	4	68	7
524	64	0	2	4	66	4	560	66	4	2	4	68	8
525	64	1	2	4	66	5	561	66	5	2	4	68	9
526	64	2	2	4	66	6	562	66	6	2	4	68	10
527	64	3	2	4	66	7	563	66	7	2	4	68	11
528	64	4	2	4	66	8	564	66	8	2	4	68	12
529	64	5	2	4	66	9	565	66	9	2	4	68	13
530	64	6	2	4	66	10	566	66	10	2	4	68	14
531	64	7	2	4	66	11	567	66	11	2	4	68	15
532	64	8	2	4	66	12	568	66	12	2	4	69	0
533	64	9	2	4	66	13	569	66	13	2	4	69	1
534	64	10	2	4	66	14	570	66	14	2	4	69	2
535	64	11	2	4	66	15	571	66	15	2	4	69	3
536	64	12	2	4	67	0	572	67	0	2	4	69	4
537	64	13	2	4	67	1	573	67	1	2	4	69	5
538	64	14	2	4	67	2	574	67	2	2	4	69	6
539	64	15	2	4	67	3	575	67	3	2	4	69	7
540	65	0	2	4	67	4	576	67	4	2	4	69	8

APPENDIX.

ix

TABLE OF COSTS AND FEES FOR SUMMONS.

Amount of claim.	Costs.		Fees.		Total.		Amount of claim.	Costs.		Fees.		Total.	
	Rs.	As.	Rs.	As.	Rs.	As.		Rs.	As.	Rs.	As.	Rs.	As.
577	67	5	2	4	69	9	613	69	9	2	8	72	1
578	67	6	2	4	69	10	614	69	10	2	8	72	2
579	67	7	2	4	69	11	615	69	11	2	8	72	3
580	67	8	2	4	69	12	616	69	12	2	8	72	4
581	67	9	2	4	69	13	617	69	13	2	8	72	5
582	67	10	2	4	69	14	618	69	14	2	8	72	6
583	67	11	2	4	69	15	619	69	15	2	8	72	7
584	67	12	2	4	70	0	620	70	0	2	8	72	8
585	67	13	2	4	70	1	621	70	1	2	8	72	9
586	67	14	2	4	70	2	622	70	2	2	8	72	10
587	67	15	2	4	70	3	623	70	3	2	8	72	11
588	68	0	2	4	70	4	624	70	4	2	8	72	12
589	68	1	2	4	70	5	625	70	5	2	8	72	13
590	68	2	2	4	70	6	626	70	6	2	8	72	14
591	68	3	2	4	70	7	627	70	7	2	8	72	15
592	68	4	2	4	70	8	628	70	8	2	8	73	0
593	68	5	2	4	70	9	629	70	9	2	8	73	1
594	68	6	2	4	70	10	630	70	10	2	8	73	2
595	68	7	2	4	70	11	631	70	11	2	8	73	3
596	68	8	2	4	70	12	632	70	12	2	8	73	4
597	68	9	2	4	70	13	633	70	13	2	8	73	5
598	68	10	2	4	70	14	634	70	14	2	8	73	6
599	68	11	2	4	70	15	635	70	15	2	8	73	7
600	68	12	2	4	71	0	636	71	0	2	8	73	8
601	68	13	2	8	71	5	637	71	1	2	8	73	9
602	68	14	2	8	71	6	638	71	2	2	8	73	10
603	68	15	2	8	71	7	639	71	3	2	8	73	11
604	69	0	2	8	71	8	640	71	4	2	8	73	12
605	69	1	2	8	71	9	641	71	5	2	8	73	13
606	69	2	2	8	71	10	642	71	6	2	8	73	14
607	69	3	2	8	71	11	643	71	7	2	8	73	15
608	69	4	2	8	71	12	644	71	8	2	8	74	0
609	69	5	2	8	71	13	645	71	9	2	8	74	1
610	69	6	2	8	71	14	646	71	10	2	8	74	2
611	69	7	2	8	71	15	647	71	11	2	8	74	3
612	69	8	2	8	72	0	648	71	12	2	8	74	4

APPENDIX.

TABLE OF COSTS AND FEES FOR SUMMONS.

Amount of claim	Costs		Fees.		Total	Amount of claim.	Costs		Fees.		Total
	Rs	As	Rs	As			Rs	As	Rs	As	
649	71	13	2	8	74 5	685	74	1	2	8	76 9
650	71	14	2	8	74 6	686	74	2	2	8	76 10
651	71	15	2	8	74 7	687	74	3	2	8	76 11
652	72	0	2	8	74 8	688	74	4	2	8	76 12
653	72	1	2	8	74 9	689	74	5	2	8	76 13
654	72	2	2	8	74 10	690	74	6	2	8	76 14
655	72	3	2	8	74 11	691	74	7	2	8	76 15
656	72	4	2	8	74 12	692	74	8	2	8	77 0
657	72	5	2	8	74 13	693	74	9	2	8	77 1
658	72	6	2	8	74 14	694	74	10	2	8	77 2
659	72	7	2	8	74 15	695	74	11	2	8	77 3
660	72	8	2	8	75 0	696	74	12	2	8	77 4
661	72	9	2	8	75 1	697	74	13	2	8	77 5
662	72	10	2	8	75 2	698	74	14	2	8	77 6
663	72	11	2	8	75 3	699	74	15	2	8	77 7
664	72	12	2	8	75 4	700	75	0	2	8	77 8
665	72	13	2	8	75 5	701	75	1	2	12	77 10
666	72	14	2	8	75 6	702	75	2	2	12	77 14
667	72	15	2	8	75 7	703	75	3	2	12	77 15
668	73	0	2	8	75 8	704	75	4	2	12	78 0
669	73	1	2	8	75 9	705	75	5	2	12	78 1
670	73	2	2	8	75 10	706	75	6	2	12	78 2
671	73	3	2	8	75 11	707	75	7	2	12	78 3
672	73	4	2	8	75 12	708	75	8	2	12	78 4
673	73	5	2	8	75 13	709	75	9	2	12	78 5
674	73	6	2	8	75 14	710	75	10	2	12	78 6
675	73	7	2	8	75 15	711	75	11	2	12	78 7
676	73	8	2	8	76 0	712	75	12	2	12	78 8
677	73	9	2	8	76 1	713	75	13	2	12	78 9
678	73	10	2	8	76 2	714	75	14	2	12	78 10
679	73	11	2	8	76 3	715	75	15	2	12	78 11
680	73	12	2	8	76 4	716	76	0	2	12	78 12
681	73	13	2	8	76 5	717	76	1	2	12	78 13
682	73	14	2	8	76 6	718	76	2	2	12	78 14
683	73	15	2	8	76 7	719	76	3	2	12	78 15
684	74	0	2	8	76 8	720	76	4	2	12	79 0

APPENDIX.

xi

TABLE OF COSTS AND FEES FOR SUMMONS.

Amount of claim.	Costs.		Fees.		Total	Amount of claim.	Costs.		Fees.		Total.
	Rs.	As.	Rs.	As.			Rs.	As.	Rs.	As.	
721	76	5	2	12	79	1	757	78	9	2	12
722	76	6	2	12	79	2	758	78	10	2	12
723	76	7	2	12	79	3	759	78	11	2	12
724	76	8	2	12	79	4	760	78	12	2	12
725	76	9	2	12	79	5	761	78	13	2	12
726	76	10	2	12	79	6	762	78	14	2	12
727	76	11	2	12	79	7	763	78	15	2	12
728	76	12	2	12	79	8	764	79	0	2	12
729	76	13	2	12	79	9	765	79	1	2	12
730	76	14	2	12	79	10	766	79	2	2	12
731	76	15	2	12	79	11	767	79	3	2	12
732	77	0	2	12	79	12	768	79	4	2	12
733	77	1	2	12	79	13	769	79	5	2	12
734	77	2	2	12	79	14	770	79	6	2	12
735	77	3	2	12	79	15	771	79	7	2	12
736	77	4	2	12	80	0	772	79	8	2	12
737	77	5	2	12	80	1	773	79	9	2	12
738	77	6	2	12	80	2	774	79	10	2	12
739	77	7	2	12	80	3	775	79	11	2	12
740	77	8	2	12	80	4	776	79	12	2	12
741	77	9	2	12	80	5	777	79	13	2	12
742	77	10	2	12	80	6	778	79	14	2	12
743	77	11	2	12	80	7	779	79	15	2	12
744	77	12	2	12	80	8	780	80	0	2	12
745	77	13	2	12	80	9	781	80	1	2	12
746	77	14	2	12	80	10	782	80	2	2	12
747	77	15	2	12	80	11	783	80	3	2	12
748	78	0	2	12	80	12	784	80	4	2	12
749	78	1	2	12	80	13	785	80	5	2	12
750	78	2	2	12	80	14	786	80	6	2	12
751	78	3	2	12	80	15	787	80	7	2	12
752	78	4	2	12	81	0	788	80	8	2	12
753	78	5	2	12	81	1	789	80	9	2	12
754	78	6	2	12	81	2	790	80	10	2	12
755	78	7	2	12	81	3	791	80	11	2	12
756	78	8	2	12	81	4	792	80	12	2	12

APPENDIX.

TABLE OF COSTS AND FEES FOR SUMMONS.

Amount of claim.	Costs.		Fees.		Total.	Amount of claim.	Costs.		Fees.		Total.
Rs.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	Rs.	As.	Rs.	As.
793	80	13	2	12	83	9	829	83	1	3	0
794	80	14	2	12	83	10	830	83	2	3	0
795	80	15	2	12	83	11	831	83	3	3	0
796	81	0	2	12	83	12	832	83	4	3	0
797	81	1	2	12	83	13	833	83	5	3	0
798	81	2	2	12	83	14	834	83	6	3	0
799	81	3	2	12	83	15	835	83	7	3	0
800	81	4	2	12	84	0	836	83	8	3	0
801	81	5	3	0	84	5	837	83	9	3	0
802	81	6	3	0	84	6	838	83	10	3	0
803	81	7	3	0	84	7	839	83	11	3	0
804	81	8	3	0	84	8	840	83	12	3	0
805	81	9	3	0	84	9	841	83	13	3	0
806	81	10	3	0	84	10	842	83	14	3	0
807	81	11	3	0	84	11	843	83	15	3	0
808	81	12	3	0	84	12	844	84	0	3	0
809	81	13	3	0	84	13	845	84	1	3	0
810	81	14	3	0	84	14	846	84	2	3	0
811	81	15	3	0	84	15	847	84	3	3	0
812	82	0	3	0	85	0	848	84	4	3	0
813	82	1	3	0	85	1	849	84	5	3	0
814	82	2	3	0	85	2	850	84	6	3	0
815	82	3	3	0	85	3	851	84	7	3	0
816	82	4	3	0	85	4	852	84	8	3	0
817	82	5	3	0	85	5	853	84	9	3	0
818	82	6	3	0	85	6	854	84	10	3	0
819	82	7	3	0	85	7	855	84	11	3	0
820	82	8	3	0	85	8	856	84	12	3	0
821	82	9	3	0	85	9	857	84	13	3	0
822	82	10	3	0	85	10	858	84	14	3	0
823	82	11	3	0	85	11	859	84	15	3	0
824	82	12	3	0	85	12	860	85	0	3	0
825	82	13	3	0	85	13	861	85	1	3	0
826	82	14	3	0	85	14	862	85	2	3	0
827	82	15	3	0	85	15	863	85	3	3	0
828	83	0	3	0	86	0	864	85	4	3	0

APPENDIX.

TABLE OF COSTS AND FEES FOR SUMMONS.

Amount of claim.	Costs.		Fees.		Total.		Amount of claim.	Costs.		Fees.		Total.	
	Rs.	As.	Rs.	As.	Rs.	As.		Rs.	As.	Rs.	As.	Rs.	As.
865	85	5	3	0	88	5	901	87	9	3	4	90	13
866	85	6	3	0	88	6	902	87	10	3	4	90	14
867	85	7	3	0	88	7	903	87	11	3	4	90	15
868	85	8	3	0	88	8	904	87	12	3	4	91	0
869	85	9	3	0	88	9	905	87	13	3	4	91	1
870	85	10	3	0	88	10	906	87	14	3	4	91	2
871	85	11	3	0	88	11	907	87	15	3	4	91	3
872	85	12	3	0	88	12	908	88	0	3	4	91	4
873	85	13	3	0	88	13	909	88	1	3	4	91	5
874	85	14	3	0	88	14	910	88	2	3	4	91	6
875	85	15	3	0	88	15	911	88	3	3	4	91	7
876	86	0	3	0	89	0	912	88	4	3	4	91	8
877	86	1	3	0	89	1	913	88	5	3	4	91	9
878	86	2	3	0	89	2	914	88	6	3	4	91	10
879	86	3	3	0	89	3	915	88	7	3	4	91	11
880	86	4	3	0	89	4	916	88	8	3	4	91	12
881	86	5	3	0	89	5	917	88	9	3	4	91	13
882	86	6	3	0	89	6	918	88	10	3	4	91	14
883	86	7	3	0	89	7	919	88	11	3	4	91	15
884	86	8	3	0	89	8	920	88	12	3	4	92	0
885	86	9	3	0	89	9	921	88	13	3	4	92	1
886	86	10	3	0	89	10	922	88	14	3	4	92	2
887	86	11	3	0	89	11	923	88	15	3	4	92	3
888	86	12	3	0	89	12	924	89	0	3	4	92	4
889	86	13	3	0	89	13	925	89	1	3	4	92	5
890	86	14	3	0	89	14	926	89	2	3	4	92	6
891	86	15	3	0	89	15	927	89	3	3	4	92	7
		0	3	0	90	0	928	89	4	3	4	92	8
			3	0	90	1	929	89	5	3	4	92	9
			3	0	90	2	930	89	6	3	4	92	10
			3	0	90	3	931	89	7	3	4	92	11
			3	0	90	4	932	89	8	3	4	92	12
			3	0	90	5	933	89	9	3	4	92	1
			3	0	90	6	934	89	10	3	4	92	
			3	0	90	7	935	89	11	3	4	92	
			3	0	90	8	936	89	12	3	4	93	

APPENDIX.
TABLE OF COSTS AND FEES FOR SUMMONS.

Amount of claim.	Costs.		Fees.		Total.	Amount of claim.	Costs.		Fees.		Total.
	Rs.	A.	Rs.	As.			Rs.	As.	Rs.	As.	
937	89	13	3	4	93	1	969	91	13	3	4
938	89	14	3	4	93	2	970	91	14	3	4
939	89	15	3	4	93	3	971	91	15	3	4
940	90	0	3	4	93	4	972	92	0	3	4
941	90	1	3	4	93	5	973	92	1	3	4
942	90	2	3	4	93	6	974	92	2	3	4
943	90	3	3	4	93	7	975	92	3	3	4
944	90	4	3	4	93	8	976	92	4	3	4
945	90	5	3	4	93	9	977	92	5	3	4
946	90	6	3	4	93	10	978	92	6	3	4
947	90	7	3	4	93	11	979	92	7	3	4
948	90	8	3	4	93	12	980	92	8	3	4
949	90	9	3	4	93	13	981	92	9	3	4
950	90	10	3	4	93	14	982	92	10	3	4
951	90	11	3	4	93	15	983	92	11	3	4
952	90	12	3	4	94	0	984	92	12	3	4
953	90	13	3	4	94	1	985	92	13	3	4
954	90	14	3	4	94	2	986	92	14	3	4
955	90	15	3	4	94	3	987	92	15	3	4
956	91	0	3	4	94	4	988	93	0	3	4
957	91	1	3	4	94	5	989	93	1	3	4
958	91	2	3	4	94	6	990	93	2	3	4
959	91	3	3	4	94	7	991	93	3	3	4
960	91	4	3	4	94	8	992	93	4	3	4
961	91	5	3	4	94	9	993	93	5	3	4
962	91	6	3	4	94	10	994	93	6	3	4
963	91	7	3	4	94	11	995	93	7	3	4
964	91	8	3	4	94	12	996	93	8	3	4
965	91	9	3	4	94	13	997	93	9	3	4
966	91	10	3	4	94	14	998	93	10	3	4
967	91	11	3	4	94	15	999	93	11	3	4
968	91	12	3	4	95	0	1000	93	12	3	4