

JUDICIARY, BENGAL ACT, 1838

ACT NO. XXVII. OF 1838

(Rep., Act 10 of 1861)

[22th October, 1838.]

Passed by the Hon'ble the President of the Council of India in Council, on the 22th October, 1838.

I. IT is hereby enacted, that so much of Clause 1, Section XVIII. Regulation V. of 1831 of the Bengal Code, as provides that no suit be referred to a Principal Sudder Ameen in which the Vakeels or Officers of his Court shall be a party, is hereby repealed.

II. And it is hereby enacted, that in cases where, by reason of the above Clause, a suit cannot be referred to a Sudder Ameen, because he himself or his relatives or dependents are a party to the suit, and where the Zillah and City Judges cannot refer such suit to be tried by any other competent authority, it shall be lawful for each of the Courts of Sudder Dewanny Adawlut within the Territories subject to the Presidency of Fort William in Bengal to direct, by an order authenticated by the official signature of their Register, that the cognizance of such suit shall be transferred to any other Zillah or City Court subordinate to the same Court of Sudder Dewanny Adawlut—and the Judge of such other Zillah or City Court may thereupon refer such suit in the same manner as if the same had been originally instituted in the Court of such other Zillah or City.

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