

## ACT No. XXVI. OF 1852.

---

*Passed by the Governor General of India in Council, on  
the 14th May, 1852.*

*An Act to amend the mode of procedure in the Courts of the Sudder  
Ameens and Moonsiffs in the Presidency of Fort William in  
Bengal, and to extend the powers of Principal Sudder Ameens in  
appeals referred to them.*

**W**HEREAS it is desirable that the mode of procedure in original suits in the Courts of the Sudder Ameens and Moonsiffs in the Presidency of Fort William in Bengal, should be assimilated to the mode of procedure in such suits in the Courts of the Judges and Principal Sudder Ameens, and whereas it is desirable to extend to Principal Sudder Ameens power to issue an injunction for the revision of an original decision according to Clause 2, Section II., Regulation IX., 1831, in regard to appeals referred to them, It is hereby enacted as follows :

I. Sections XIX., XXI., XXII., XXIV., XXVII., XXIX., XXXV. and XXXVII., Regulation XXIII., 1814, and Clauses 1, 2, 3 and 5, Section XXV. of the same Regulation, and Section LXXIII. of the same Regulation, so far as it extends Clauses 1, 2, 3 and 5, Section XXV. and Section XXXV. of the same Regulation to Sudder Ameens, Clause 5, Section V., and Clause 3, Section XV., Regulation V., 1831, and so much of Clause 3, Section VIII. of the said Regulation V., 1831,

as

ACT No. XXVI. OF 1852.

as relates to the Clauses and Sections of Regulation XXIII., 1814, hereinbefore mentioned, and Section VI. of the said Regulation V. 1831, except in so far as it rescinds Sections LVII., LVIII., and LIX. of the said Regulation XXIII., 1814, are hereby repealed.

II. All laws and rules now in force relating to the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Judges and Principal Sudder Ameens, shall also apply to and regulate the mode of procedure in the trial and decision of original Civil Suits in the Courts of the Sudder Ameens and Moonsiffs.

III. Sections XIII. and XXI., Regulation III., 1793, Sections VII. and XI., Regulation VII., 1795, Sections XVII. and XIX., Regulation II., 1803, Sections VIII. and IX., Regulation VII., 1832, as extended by Act XXI., 1850, shall be applicable to suits and cases in the Courts of the Moonsiffs. Clause 2, Section IV., Regulation XXVI., 1814, relating to reviews of judgment shall also be applicable to the Courts of Sudder Ameens and Moonsiffs. Provided always, that if a Sudder Ameen or Moonsiff shall be of opinion that a review of his judgment ought to be granted, he shall report the case to the Judge, who is hereby authorized to permit such review under the same rules as are prescribed by the existing Regulations with respect to similar applications to the Court of Sudder Dewanny Adawlut.

IV. Every Sudder Ameen and Moonsiff shall have power and authority to try suits in which any Vakeel or Officer of his Court is a party, anything in Section VIII., Act VI., 1843, and in Clause 2, Section XV., Regulation V., 1831, to the contrary notwithstanding; and suits under Clause 1., Section XXX., Regulation II., 1819, may be referred to them by the Zillah Judge for trial and decision under the restrictions as to local jurisdiction and value of property mentioned in Clauses 1, 2 and 3, Section V., and Clause 2, Section XV., Regulation V., 1831.

V. Nothing

ACT No. XXVI. OF 1852.

V. Nothing in this Act contained shall be construed so as to repeal or otherwise affect the rules regarding the dispensing with the use of stamp paper on certain documents in the Courts of the Moonsiffs contained in Clause 2, Section IX., Regulation V., 1831, or the rules for procuring the attendance of witnesses in the Courts of the Moonsiffs contained in Section II., Act XVII., 1845.

VI. Applicants for execution of decrees may file with their petitions an authenticated copy of the decree of which execution is sought to be taken out, and in such case it shall not be necessary to compare the petition with the decree contained in the original record of the suit, anything in Clause 7, Section XV., Regulation XXVI., 1814 to the contrary notwithstanding.

VII. Original suits referred to a Sudder Ameen under Clause 2, Section XV., Regulation V., 1831, shall be tried and determined in conformity with the Provisions of Regulation XXIII., 1814, and of this Act, anything in Clause 3, Section XV., Regulation V., 1831, to the contrary notwithstanding.

VIII. Nothing in this Act contained shall be construed to affect the mode of procedure in any case pending in the Courts of the Sudder Ameen and Moonsiffs at the time of the passing of this Act, but the mode of procedure in all such cases shall be governed by the law in force previous to the passing of this Act.

IX. The powers given to Zillah and City Judges, by Act VII., 1838, to issue an injunction for the revision of an original decision which has been found erroneous or insufficient according to Clause 2, Section II., Regulation IX., 1831, are extended to Principal Sudder Ameen in regard to all appeals referred to them.

X. This Act shall be deemed to extend only to the Bengal Presidency, and to refer only to the Regulations of the Bengal Code.

