

ACT No. XIX OF 1855.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 24th July 1855.)

AN ACT to amend the Law relating to District Moonsiffs in the Presidency of Fort St. George.

WHEREAS it is expedient, for the better administration of justice, to amend the Law relating to District Moonsiffs in the Presidency of Fort St. George, It is enacted as follows :—

Preamble.

I. Clause 3rd Section VII ; Clause 1st Section XII ; and so much of Clause 2nd of the same Section as prohibits District Moonsiffs from trying suits in which persons employed in their Cutcherries may be parties ; Section XXIX ; and Section XL Regulation VI of 1816 of the Madras Code—are repealed.

Certain parts of Regulation VI of 1816 of the Madras Code repealed.

II. Clause 1st Section XI of the said Regulation is modified as follows :—Any suit cognizable by a District Moonsiff's Court may be heard and determined by any such Court to which it may be preferred, when the cause of action shall have arisen, or the Defendant, at the time of the commencement of the suit, shall reside, as a fixed inhabitant, within the local limits of the jurisdiction of the Court ; provided that, if an action be brought against several Defendants, of whom one shall be resident, as a fixed inhabitant, within the local limits of the jurisdiction of the Court, within the jurisdiction of which the cause of action shall have arisen, the action shall be brought in that Court.

Clause 1st Section XI of the same Regulation modified.

III. Section

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III. Section XXII of the said Regulation is modified as follows :—  
District Moonsiffs are empowered, when they think fit, to require security from Defendants, in preference to attaching their property under the circumstances described in the aforesaid Section, and to release property attached, on sufficient security being tendered by Defendants.

Power of District Moonsiffs to require security from Defendants, &c.

IV. All powers which may be lawfully exercised by subordinate Zillah Courts for enforcing the attendance of witnesses summoned to appear in such Courts, may be exercised by District Moonsiffs for enforcing the attendance of witnesses summoned to appear in their Courts.

Powers of subordinate Zillah Courts for enforcing the attendance of witnesses may be exercised by District Moonsiffs.

V. On a complaint made to a District Moonsiff, on oath or solemn affirmation, that any person within his jurisdiction has resisted any process of his Court, the District Moonsiff may summon such person to answer to the charge, and if the offence be proved to his satisfaction, may adjudge the offender to pay a fine not exceeding Fifty Rupees, commutable to imprisonment for a term not exceeding one month in the Civil Jail, or in any place appointed by the Executive Government for the confinement of prisoners in civil cases.

Penalty for resisting process.

VI. Clauses 2nd, 3rd, and 4th Section X Regulation XV of 1816 of the said Code, shall be applicable to the Courts of District Moonsiffs.

Clauses 2, 3, and 4 Section X Regulation XV of 1816 of the Madras Code extended to District Moonsiffs' Courts.

VII. Clause 2 Section VI Regulation XV of 1816 of the said Code, relating to reviews of judgment, shall be applicable to the Courts of District Moonsiffs, except that the petition for a review need not be written upon stamped paper. Provided that, if a District Moonsiff shall be of opinion that a review of his judgment ought to be granted, he shall report the case to the Judge of the Zillah, who may permit such review, under the same rules as are prescribed in regard to similar applications to the Court of Sudder Adawlut.

Also part of Clause 2 Section VI of the above Regulation.

Proviso.

VIII. All

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All orders of District Moonsiffs under this Act open to appeal.

regular appeals.

VIII. All orders which may be passed by a District Moonsiff under this Act, are open to appeal to the Zillah Judge, if preferred within the time fixed for re-

