

Mutasaddi Lal Vs. Mule Mal

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Court : Allahabad

Decided On : Jan-03-1912

Reported in : (1912)ILR34All205

Judge : Chamier, J.

Appellant : Mutasaddi Lal

Respondent : Mule Mal

Judgement :

Chamier, J.

1. On November, the 24th, I called upon the Additional Judge to explain how he came to exercise jurisdiction in this case and to forward to this Court, copies of any general or special orders bearing upon the question. The report now made by the Additional Judge and the copies of orders submitted by him show that in 1907 the District Judge of Meerut assigned to the Additional Judge all appeals, applications and miscellaneous cases coming from the Muzaffarnagar district, and it is in pursuance of those orders that the present Additional Judge entertained the appeal in the present case. It is contended that the District Judge had no power to make over the work of the Muzaffarnagar district to the Additional Judge and that the word assign in Section 21, Sub-section (3), of the Civil Courts Act does not refer to action to be taken by the District Judge but to action to be taken by the Local Government. There is no Section in the Act which empowers the Local

Government to assign to an Additional Judge work which in the ordinary course would come before a District Judge, but there is a provision in Section 8, Sub-section (2), to the effect that an Additional Judge shall discharge any of the functions of the District Judge which the District Judge may assign to him. It is quite 'clear to me that the District Judge had power to assign appeals and other cases coming from the Muzaffarnagar district to the Additional Judge. Therefore the Additional Judge had jurisdiction to hear the appeal in the present case. The application for revision fails and is dismissed with costs.

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