

(1868) 06 CAL CK 0005

Calcutta High Court

Case No: None

Elam Paramanick

APPELLANT

Vs

Sojaitullah Sheikh

RESPONDENT

Date of Decision: June 27, 1868

Judgement

Sir Barnes Peacock, Kt., C.J.

If the award relate to a debt, not exceeding the amount cognizable by a Small Cause Court, we are of opinion that the Small Cause Court has jurisdiction u/s 327,² Act VIII of 1859, to entertain an application to file the award, provided the defendant resides within the jurisdiction. In such a case, the Small Cause Court would have jurisdiction over the (sic) to which the award relates.

¹[Sec. 6:--The following are the suits which shall be cognizable by Courts of Small Causes, namely, claims for money due on bond for other contract, or for rent, or for personal property, or for the value of such property, or for damages, when the debt, damage, or demand does not exceed in amount or value the sum of five hundred Rupees, whether on balance of account or otherwise; provided that no action shall lie in any such Court:

(1) On a balance of partnership account, unless the balance shall have been struck by the parties or their agents,

(2) For a share or part of a share under an intestacy, or for a legacy or part of a legacy under a Will.

(3) For the recovery of damages on account of an alleged personal injury, unless actual pecuniary damage shall have resulted from the injury.

(4) For any claim for the rent of land or other claim for which a suit may now be brought before a Revenue Officer, unless, as regards arrears of rent, for which such suit may be brought, the Judge of the Court of Small Causes shall have been expressly invested by the Local Government with jurisdiction over claims to such

arrears.]

Suits cognizable by Small Cause Courts.

Proviso.

²[Sec. 327:--When any matter has been referred to arbitration without the intervention of any Court of Justice, and an award has been made, any person interested in the award, may within six months from the date of the award make application to the Court having jurisdiction in the matter to which the award relates, that the award be filed in Court. The Court shall direct notice to be given to the parties to the arbitration other than the applicant, requiring such parties to show cause within a time to be specified, why the award should not be filed. The application shall be written on the stamp paper required for petitions to the Court where a stamp is required for petitions by any law for the time being in force, and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants. If no sufficient cause be shown against the award, the award shall be filed and may be enforced as an award made under the provisions of this Chapter.]

Filing in Court, an, award when the matter was referred to arbitration without intervention of Court.

Enforcement of such award.