

1870.  
Oct. 5.

*Civil Petition.*

IBRA'HIM FATTE ALI', a minor, by his  
Guardian, Shek Mámá Bában valad Shek  
Mohidín. .... *Petitioner.*  
CHANDRA'BHA'U valad BA'FUJI ..... *Opponent.*

*Judgments—Copies—Small Cause Courts.*

Judges of Courts of Small Causes are bound to give copies of their judgments to parties requiring them.

THIS was an application to the High Court for the exercise of its extraordinary jurisdiction.

The petitioner sued Chandrábháu valad Bápuji, Márvádi, in the Small Cause Court at Ahmednagar, but his claim was rejected. The petitioner then applied to the Judge of the Small Cause Court, requesting him to furnish a copy of his judgment, as the petitioner intended to appeal to the High Court against the decree, but the Judge refused to furnish him with the necessary copy, on the ground that there was no appeal allowed from the decision of a Small Cause Court.

The petitioner thereupon prayed for an order directing the Judge of the Court of Small Causes at Ahmednagar to furnish the necessary copy.

J. L. Warden, Judge of the Small Cause Court at Ahmednagar, upon the petition being referred to him for report, stated, as his reason for refusing to give an authenticated copy of his judgment in cases decided by him, that "all decisions and orders of Courts of Small Causes being final, under Sec. 21 of Act XI. of 1865, and there being no special appeals in suits of the nature cognisable in Courts of Small Causes (Sec. 27 of Act XXIII. of 1861), petitioners are not entitled to certified copies on the ground that they intend to appeal against such judgments.

"Under Sec. XII., cl. 1, of Reg. III. of 1827, a party was entitled to a copy of every document produced and used in

a suit, except of the court's minute-book, and in courts where there is no minute-book this exception would cover the court's judgment. This Regulation has been, however, repealed by the Bombay Civil Courts Act, which substitutes no provisions for those of Reg. III."

1870.  
IBRAHIM  
FATTE ALI'  
v.  
CHANDRA'  
BHA'U BA'PUJI.

The Court (present GIBBS and MELVILL, JJ.) passed the following order on the petition :—

It is true that Reg. III. of 1827 has been repealed, but, under the provisions of the Bombay Civil Courts Act, the High Court continued the old rules as the rules to be observed in the matter of giving copies of the record to the parties to the suit.\* By Sec. 47 of Act XI. of 1865, the provisions of the Code of Civil Procedure, so far as the same are applicable, extend to the Courts of Small Causes, and by Sec. 198 of the Civil Procedure Code the Court is bound to give copies of judgments and decrees to the parties. This provision is clearly applicable to the Small Cause Courts; and the Court, accordingly, directs that the Judge of the Court of Small Causes at Ahmednagar should grant the copies asked for by the petitioner.

\* Vide Circular No. 590 of 1869. The following is an extract from paragraph 2 :—

“The proceedings of each Civil Court shall be kept and recorded, and copies of papers shall be granted according to the rules in force at the time of the passing of the Act” (17th April 1869).