

*Miscellaneous Special Appeal No. 30 of 1870.*

1871.  
Feb. 8.

MAHA'RA'JGIR, heir of Narpatgir, deceased,  
 ed, heir of Krishngir, also deceased ... *Appellant.*  
 ANANDRA'V and YA'DAVRA'V, sons and  
 heirs of Krishnaráv Malhár Somvausi,  
 deceased ..... *Respondents.*

Sardár—Sardár for Rank and Precedence only—Jurisdiction.

Where a person's name was entered in red ink in the Dakhan Sardárs' list, indicating that he was entitled only to the rank and precedence of a Third Class Sardár :

It was held that a Subordinate Judge had jurisdiction to inquire into an application for execution of a decree passed against his ancestor by the Agent for Sardárs in the Dakhan.

THIS was a special appeal against the order of A. Bosanquet, Judge of Ahmednagar, reversing the order of the First Class Subordinate Judge at that station.

On the 15th of November 1839 a decree was passed by the Agent for Sardárs in the Dakhan in favour of the appellant's ancestor against the ancestor of the respondents. It was not fully satisfied, and an application was, therefore, made to the First Class Subordinate Judge of Ahmednagar, who under date the 7th of June 1869, issued an order for the attachment of the respondent's *jáhágiri* rights over the villages of Javli and Shirasgám. An appeal was made to the District Judge, who reversed that order, recording the following reasons :—

“ Exhibit No. 12 shows that the appellant Anandráv Krishn's name has been entered in the third class of the Agent's list of Sardárs ; but the respondent produces exhibit No. 15, a certificate by the Agent to show that Anandráv Krishn's name has been entered in the list in order to confer honour on him. No doubt, that was the object of entering his name in the list of Sardárs, just as it was the object of Reg. XXIX. of 1827, Sec. 3, to confer honour on certain persons of rank. Cl. 3, Sec. v. of Reg. XXIX. of 1827 clearly shows that suits against persons belonging to the third of

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the classes comprised in the Agent's list shall be conducted and tried by the Agent. The word "suits" includes all subsequent execution proceedings. The words "against the persons of" used in the 3rd clause are the words used in the two previous clauses, and have always been held to include the property of the persons in question."

The special appeal was heard by LLOYD and KEMBALL, JJ.

*Ráv Sáheb Vishvanáth Náráyan Manálik* and *Ganpatráv Bháskar* for the appellant.

*Shivshankar Govindrám* for the respondents.

PER CURIAM:—From the letter of the Agent for Sardárs addressed to Anandráv bin Krishnaráv, and also from the way in which this gentleman's name appears \* in the list of Sardárs dated 16th July 1869, and published in the *Government Gazette* of the 12th of August 1869, it is evident that Anandráv is entitled only to the rank and precedence of a third-class Sardár, and as there is no evidence that he has been relieved from the jurisdiction of the ordinary Civil Courts, the Court must hold that the First Class Subordinate Judge of Almednagar had jurisdiction in the case. The order of the District Judge is, therefore, reversed, and the case remanded to him for disposal on the other points raised in the appeal. Costs of application on Anandráv.

*District Judge's order reversed, and case remanded.*

\* The name is written thus, in red ink: "17—Anundrao Kristnarao Somoonshee, Juvlay, Almednuggur, 7th October 1869. The Agent for Sirdars in the Deccan—*vide* Government Resolution No. 2270 of 7th October 1869." And at the top of the list there is an "N. B." to the following effect:—"The names in red ink are those of the Sirdars for rank and precedence only."