

(b) The words "and with the previous sanction of the Governor-General in Council" were omitted by the Bengal, Agra and Assam Civil Courts (Amendment) 1911 (XVI of 1911), S. 2.

## STATE AMENDMENT

## Uttar Pradesh

Oudh — Section 8 is made applicable to the territories to which the Oudh Courts Act, 1925 applied and the corresponding provision of the said Act is repealed. — U. P. Act II of 1956, S. 2 (11-1-1956).

9. Administrative control of Courts.—Subject to the superintendence of the High Court, the District Judge shall have administrative control over all the Civil Courts under this Act within the local limits of his jurisdiction.

## STATE AMENDMENT

## Uttar Pradesh

Oudh — Section 9 is made applicable to the territories to which the Oudh Courts Act, 1925 applied and the corresponding provision of the said Oudh Act is repealed. — U. P. Act II of 1956, S. 2 (11-1-1956).

10. Temporary charge of District Court.—(1) In the event of the death, resignation or removal of the District Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the place at which his Court is held, the Additional Judge, or, if an Additional Judge is not present at that place, the senior Subordinate Judge present thereat, shall, without relinquishing his ordinary duties, assume charge of the office of the District Judge, and shall continue in charge thereof until the office is resumed by the District Judge or assumed by an officer appointed thereto.

(2) While in the charge of the Office of the District Judge, the Additional Judge or Subordinate Judge, as the case may be, may, subject to any rules which the High Court may make in this behalf, exercise any of the powers of the District Judge.

## Section 8 (contd.)

file to the file of any Additional District Judge and it is not necessary that he should assign the business. The District Judge has ample power to assign it first to one Additional District Judge and then to withdraw it from his file and send it to the file of another Additional District Judge. AIR 1952 Cal 285 (268) : 1964 Cal LJ 194 (DB).

(9) An Additional District Judge can dispose of land acquisition references made over to him by the District Judge. AIR 1919 Cal 133 (134) (DB) \*\* AIR 1919 Cal 720 (721) (DB) \*\* AIR 1956 Pat 108 (113) : 1956 BLJR 44.

(10) An application under Section 18, Religious Endowments Act can be heard and disposed of by the Additional District Judge who has been assigned the disposal of the application by the District Judge. AIR 1972 All 355 (357) : 1972 All LJ 544.

(11) Appeal filed before District Judge can be validly transferred to Additional District Judge only if the function of receiving appeals has been assigned to him under Section 21 (3) of the Bengal, Agra and Assam Civil Courts Act. AIR 1968 Pat 100 (105) : 1968 Cri LJ 354 : 1967 BLJR 941 (FB).

(12) In order to avoid any objection on the ground that there is nothing on the order-sheet to indicate that the appeal was transferred by an order of the District Judge, it is desirable that the order should be recorded in the order-sheet of each particular case transferred. AIR 1959 Pat 267 (268) : 5 BR 265.

## Section 9

(1) Section 9 places all Civil Courts in a district under administrative control of District Judge — Hence Subordinate Judge while exercising power under Section 3 (d), Land Acquisition Act under Administrative Control of District Judge — Law department's notification empowering all principal Subordinate Judges to act as Court under Section 3 (d), Land Acquisition Act — District Judge transferring reference made to him under Section 18, to the Subordinate Judge — Subordinate Judge had jurisdiction to hear reference. (1965) 31 Cal LT 33 (370) (DB).

(2) Under Sections 9 and 22 (2) of Act 12 of 1887, the District Judge has jurisdiction to transfer to the Additional District Judge any suit or appeal transferred by him originally to a Subordinate Judge and then withdrawn. (1966) 4 Cal LJ 34 (36) : 10 Cal WN 841 (DB).

## Section 10

(1) A Subordinate Judge in temporary charge of the office of the District Judge had power to take up and decide a Revenue Court appeal which was pending on the file of the District Judge. 1901 All WN 129 (2).

(2) Whether or not a Subordinate Judge is in charge of the office of the District Judge in the District Judge's absence has power to hear a Revenue Court appeal, he certainly cannot continue hearing such an appeal after the District Judge has returned and resumed his functions at such. 1901 All WN 111.

(3) Where the District Judge leaves the office where his Court is held, the only means of