

Appellate Jurisdiction.(a)*Referred Case No. 72 of 1875.*

RAMANJEM NAIDOO.....*Plaintiff.*
 RUNGIAH NAIDOO.....*Defendant.*

A Judge appointed under Section 3 of Act X of 1870, to perform the functions of a Judge under the said Act generally within the local limits of the ordinary original jurisdiction of the High Court, has no power to award costs in respect of proceedings under Section 39, Part IV of the Act.

1875.
 November 8.
 R. C. No. 72
 of 1875.

THIS was a case referred for the opinion of the High Court under Section 55, Act IX of 1850 by Mr. T. M. Busted, the 1st Judge of the Madras Court of Small Causes in Suit No. 20535 of 1875.

No Counsel were instructed.

The Court delivered the following

JUDGMENT:—The question submitted is whether the Judge appointed under Section 3 of Act X of 1870 to perform the functions of a Judge under the said Act generally within the local limits of the ordinary original jurisdiction of the High Court has power under the Act or otherwise to award costs in respect of proceedings had before him under Section 39, Part IV (apportionment of compensation) of the Act.

The High Court (a majority) is of opinion that the Judge has not power to award costs in the case stated.

The jurisdiction being of a special nature and exercised under a special enactment must be strictly confined within the limits given by the statute.

(a) Present:—Sir W. Morgan, C.J., and Innes, Kernan and Kindersley, J.J.
