

Illustration: of the
code indicates that
the pronouncement



**ASSIGN
BUSTER**

Illustration: A panchayat acting under Regulation VII, 1816 of the Madras Code, having power to try and determine suits, is a Court of Justice. The definition of the words “ judge” and “ Court of Justice” in Sections 19 and 20 of the Code indicates that the pronouncement of a definitive judgment is considered the essential sine qua non of a Court and unless and until a binding and authoritative judgment can be pronounced by a person or body of persons, it cannot be predicted that he or they constitute a court. The word “ judgment” has not been defined.

The meaning given to it in Stroud’s Judicial Dictionary is that it is said to be the sentence of the law pronounced by the court upon the matter contained in the record and the decision must be one obtained in an action. The word “ action” has been defined in the said Dictionary as meaning a litigation in a Civil Court for the recovery of individual right or redress of individual wrong, inclusive, in its proper legal sense of suits by the Crown. It would mean, therefore, that any order passed by an officer in proceedings under any law is not a judgment as contemplated in Section 19. The petitioner who was appointed as a Returning Officer of the Registrar of Societies, to scrutinise the nomination papers for the election of the Managing Committee of the Growers Co-operative Society for the Punjab Co-operative Societies Act, 1961, cannot be considered to be a Judge. It is clear therefore that in order to constitute a court in the strict sense of the term, an essential condition is that the court should have, apart from having some of theappings of a judicial tribunal, power to give a decision or a definitive judgment which has finality, authoritativeness which are the essential tests of a judicial pronouncement. A Sarpanch under the U.

P. Panchayat Raj Act while sitting for deciding cases is a Judge within the meaning of Section 19 of the Code. A member of the Panchayati Adalat under the U. P. Panchayat Raj Act is also a Judge within the meaning of Section 19 of the Code.

The Sarpanch of a Nyaya Panchayat can certainly be said to be one of a body of persons which body is empowered by law to give a judgment. Something's or objects defined: (i) Movable property, (Section 22) (ii) Property in possession of wife, clerk or servant, (Section 27) (iii) Document, (Section 29) (iv) Valuable Security, (Section 30) (v) Will, (Section 31)(vi) Vessel, (Section 48).