
(1954) 07 AHC CK 0032
In the Allahabad High Court
Case No : F.C.A. No. 36 of 1953

Baba Baij Nath Das

APPELLANT

Vs

Sri Ram Charan Das

RESPONDENT

Date of Decision : 20-07-1954

Acts Referred:

Citation : (1954) 24 AWR 553

Hon'ble Judges : Kidwai, J; Hari Shanker, J

Bench : Division Bench

Advocate : R.B. Lal and R.B. Chaudhari, for the Appellant;

Final Decision : Allowed

Judgement

Kidwal J.

1. In anticipation of the expiry of the time allowed by the Rules of the Court for the making of an application for the translation and printing of the record and for making an initial deposit the Appellant applied to the Deputy Registrar for extension of time. The Office has raised two objections to this application:

1. That the application has been made before the time allowed for an application for printing had expired; and,

2. That it should be stamped.

2. No doubt the application was premature but this does not justify its rejection and it can be considered when the necessity arises. The time has now expired and orders can be passed upon the application by the Deputy Registrar.

3. Secondly, applications relating to the preparation of the record made to the Registrar (or, at Lucknow, to the Deputy Registrar) are not applications for the exercise of the judicial functions of that Officer. The preparation of the record is a ministerial function and not a judicial function. It is for this reason that all the work is done by the office and the application for translation and printing is not

stamped. Such matters have to be placed before the Court only when owing to steps not being taken, the appeal might be dismissed, i.e. the judicial function of passing a decree has to be performed. They also come before the Court when an order of the Registrar is objected to and then they assume the form of an appeal to the Court against the order of the Registrar. It is only an application to the Court in a matter relating to the printing of the record that requires to be stamped and not applications to the Registrar (or the Deputy Registrar).

4. The application is, therefore, entertainable and it will be laid before the Deputy Registrar for his orders.