

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT PORT BLAIR
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

BEFORE :-

THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA
THE HON'BLE JUSTICE RAJARSHI BHARADWAJ
THE HON'BLE JUSTICE SHAMPA SARKAR

FAT No. 4 of 2025
CAN No. 1 of 2025

Andaman Plantations and
Development Corporation
Pvt. Ltd.

vs.

Union of India & Ors.

With

FAT 3 of 2022

Robin Bagchi

vs.

Dr. M Joy and Ors.

For the Appellant : Mr. Aniruddha Chatterjee, Sr. Adv.,
In FAT 4 of 2025 : Mr. Asif Hussain, Adv.
Ms. Jyoti Singh, Adv.

For the Respondents : Mr. Sumit Kumar Karmakar, Adv.
In FAT 4 of 2025

For the Appellant in : Mr. V.D. Sivabalan, Adv.
FAT 3 of 2022

For the Respondents in : Mr. Satish Chandra Mishra, Adv.
Both FAT 4 of 2025 and
FAT 3 of 2022

Amicus Curiae : Mr. Shatadru Chakraborty, Sr. Adv.

Judgment Reserved on : 17.12.2025

Judgment Delivered on : 09.03.2026

Judgment Uploaded on : 09.03.2026

Shampa Sarkar, J.

1. This bench was constituted by the Hon'ble Chief Justice by an administrative order dated June 9, 2025, to answer the following reference :-

“Whether the learned District Judge at Port Blair, Andaman and Nicobar Islands has unlimited pecuniary and territorial jurisdiction to hear appeals from all judgments, decrees and final orders of all subordinate courts within the Andaman Islands by virtue of Notification No. 78/54 dated August 8, 1954 issued by the Chief Commissioner, A&N Islands, since the operation of the Bengal, Agra and Assam Civil Courts Act, 1887 does not extend to the Union Territory of the Andaman and Nicobar Islands.”

2. The reference was made by a Division Bench of this court, at the Circuit Bench at Port Blair, in **FAT 4 of 2025(Andaman Plantations and Development Corporation Pvt. Ltd. vs. Union of India and Ors.)**. The Division Bench disagreed with a decision of a coordinate bench in **FAT No. 3 of 2022 (Robin Bagchi vs. Dr. M. Joy and Ors.)**. Despite the reference, the Division Bench, considering the extreme urgency pleaded by the appellant in **FAT 4 of 2025**, directed that the case records be sent to the District Judges' Court at Port Blair. It is also pertinent to note that the decision in **FAT 3 of 2022**, is under challenge before the Hon'ble Apex Court, and the Hon'ble Apex Court upon noting that the issue was referred to a larger bench, at the High Court at Calcutta on account of conflicting views, stayed the order impugned but, requested the High Court to decide the reference. All the learned advocates for the respective parties in **FAT 3 of 2022** and **FAT 4 of 2025** were heard and the learned *amicus curiae* also submitted a compilation and a short note.

3. In **FAT 3 of 2022**, the Division Bench held that by virtue of Calcutta High Court (Extension of Jurisdiction) Act, 1953 (hereinafter referred to as the

'1953 Act') Andaman and Nicobar Islands came within the extended jurisdiction of the Calcutta High Court. Chapter XVIII of the Appellate Side Rules of the High Court at Calcutta provided rules for cases arising in the Andaman and Nicobar Islands framed by the court in exercise of power conferred on it under Section 4 of the 1953 Act, amended by Notification No. 7087/G, Dated October 14, 1991. According to the Division Bench, Rule 2 of Chapter XVIII of the said Rules provided that one or more judges of the High Court shall visit the islands by way of circuit, whenever the Hon'ble the Chief Justice, High Court at Calcutta, from time to time, may appoint, in order to exercise the jurisdiction and powers vested in the High Court by the Constitution. It was further held that, the 1953 Act also provided that such visits shall be made at least once a month, unless the Hon'ble the Chief Justice otherwise directed. Rule 3 of the said Chapter provided that all cases, including applications under Article 226 and 227 of Constitution of India, which were initiated in the islands, should be heard by the circuit bench. The term 'case' as per Rule 1 (a) of the said Chapter, included suits, appeals, applications, petitions and reference. It was observed that Section 2 (7 - A) of the Civil Procedure Code, 1908 defined High Court in relation to Andaman and Nicobar Islands, as the High Court at Calcutta. Therefore, according to the Division Bench, rules applicable to the High Court at Calcutta also applied to the circuit bench of the High Court in Andaman and Nicobar Islands. A conjoint reading of Rules 1(a) and 3 would manifest that judges sitting in the circuit could hear all cases, which included suits, appeals, applications, petitions and references, including applications under Article 226 and 227 of the Constitution of India. It was held that, the High Court in Circuit should entertain and hear first appeals from the judgments and

decrees, passed by the learned Joint Civil Judge (Senior Division), South Andaman District at Port Blair in other Suit No. 51 of 2015, as the valuation of the appeal was above Rs. 1,50,000/-.

4. It was observed that the Andaman and Nicobar Islands Civil Courts Regulation, 1940 (herein after referred to as the '1940 Regulations'), issued by the Governor General for the Administration of Civil Justice in the Andaman and Nicobar Islands or the subsequent notifications of November 8, 1954 and Notification dated September 10, 2012, did not provide that first appeals arising from the order of a trial court could not be heard by the High Court. On the other hand, Section 21(1) of the Bengal, Agra and Assam Civil Courts Act, 1887 (hereinafter referred to as the '1887 Act') provided that an appeal from a decree or an order of a subordinate judge would lie to the District Judge, if the value of the original suit or the proceeding in which the decree or order was made, did not exceed Rs.1,50,000/-. In any other case, the appeal would be before the High Court.

5. In the case before their Lordships, undisputedly, the original suit was valued at Rs. 5,00,000/-. Therefore, it was held that the learned District Judge, Andaman and Nicobar Islands did not have the pecuniary jurisdiction to entertain the appeal.

6. In the light of the above observations, the Division Bench held that **FAT 3 of 2022** was maintainable before the Circuit Bench of the High Court at Port Blair. The objection with regard to the maintainability of the appeal which was raised by the respondents, was negated.

7. **FAT 4 of 2025** was preferred against the judgment and decree dated April 24, 2025, passed by the learned Joint Civil Judge (Senior Division) at Port Blair, South Andaman in Title Suit No. 157 of 2016, which was valued at

Rs. 10,10,000/-. A preliminary objection was raised by the respondents Nos. 2 to 5 in the said appeal, on the maintainability of the appeal. It was urged that the 1887 Act fixed the upper pecuniary limit of the appellate jurisdiction of the District Judge at Rs. 1,50,000/-, but the 1887 Act was not applicable in respect of the Union Territory of Andaman and Nicobar Islands. According to the respondents in the appeal, the operation of the 1887 Act was not extended to Andaman and Nicobar Islands. It extended to the territories under the governance of the Lieutenant Governor of Lower and Northwestern Provinces of the Presidency of Fort William in Bengal. Referring to the preamble of the Scheduled Districts Act, 1874 (hereinafter referred to as the '1874 Act') it was urged that, as doubts had arisen in some cases as to the Acts or Regulations that were in force in various parts of British India and the boundaries of such parts, the 1874 Act had been promulgated. The preamble referred to the First Schedule appended to the Act for ascertainment of the enactments which were in force in such territories and the boundaries thereof. Part VIII of the First Schedule was referred to in support of the contention that the Andaman and Nicobar Islands was under the Chief Commissioner. Thus, it was contended that the statute clearly distinguished between territorial jurisdiction of Bengal and the Andaman and Nicobar Islands. By the time the 1887 Act was enacted, the distinction between the jurisdictions of Bengal and the Andaman and Nicobar Islands was already in place in terms of the Schedule of the 1874 Act. The 1887 Act was applicable only to the territories administered by the Lieutenant Governor of Bengal and not to those administered by the Chief Commissionership of the Andaman and Nicobar Islands. Reliance was placed on Section 94(3) of the Government of India Act, 1935, which further cemented the position that, a Chief

Commissioner's province would be administered by the Governor General to such extent as he thought fit, through a Chief Commissioner to be appointed by him in his discretion. Although the seat of the Governor General was in Bengal, the distinction between the territorial jurisdiction of Andaman and Nicobar Islands and Bengal had been well defined. Accordingly, the jurisdiction of the District Courts and Subordinate Courts under the District Judgeship in the Andaman and Nicobar Islands was governed by the notifications issued from time to time by the Chief Commissioner, Andaman and Nicobar Islands, whose powers were later vested in the Lieutenant Governor of the said islands.

8. Section 2 of 1940 Regulations provided that the Chief Commissioner could establish civil courts within the Andaman and Nicobar Islands and could define their jurisdictions both original and appellate. By Notification No. 78/54 dated November 8, 1954, in exercise of powers conferred by Section 2 of the 1940 Regulations issued by the Chief Commissioner, the court of the District Judge was established for the islands as the principal civil court of original jurisdiction within the said islands. The said court had the jurisdiction to hear appeals from judgments, decrees and final orders of the subordinate civil courts within the islands. By another notification dated December 23, 2009, the Lieutenant Governor (Administrator), Andaman and Nicobar Islands, established a court of the Additional District Judge for exercising civil jurisdiction under the 1940 Regulations. Thus, it was argued that the 1954 notification conferred unlimited appellate jurisdiction on the learned District Judge, Port Blair, to take up all appeals from courts subordinate to it. As such, it was contended that the appeal ought to have been preferred before the learned District Judge.

9. The Division Bench, before which the maintainability of **FAT 4 of 2025** was raised, noted that a Special Leave Petition from the order passed on the maintainability of **FAT 3 of 2022**, before the High Court, was already pending before the Hon'ble Apex Court and the decision of the Hon'ble Apex Court in this regard would be final.

10. However, the point of maintainability of the appeal was taken up by their Lordships, considering the urgency involved. The appellant prayed for interim orders. Their Lordships were of the view that unless the interlocutory application filed in the appeal was taken up, interim reliefs sought in the appeal, may be rendered infructuous. As the grant of interim orders was entirely dependent on the question of jurisdiction, their Lordships took up the matter for adjudication. Their Lordships were of the view that the territorial limits of operation of the 1887 Act was governed by the expression 'territories administered by the Lieutenant Governor of Bengal' used in Section 1(2) of the 1887 Act itself, which was in turn circumscribed by the delineation and demarcation of territories under the 1874 Act. Section 94(3) of the Government of India Act, 1955, strengthened the said position by stipulating that the province of the Chief Commissioner shall be administered by the Governor General acting through the Chief Commissioner. Thus, in case of Andaman and Nicobar Islands, it was the Lieutenant Governor of the said islands through the Chief Commissioner, who had supreme authority to constitute courts as well as to delineate the hierarchy of the jurisdiction of the District Court and subordinate courts. The 1940 Regulations empowered the Chief Commissioner to establish civil courts within the Andaman and Nicobar Islands and to define their jurisdictions, both appellate and original. The said Regulation also empowered the Chief Commissioner to prescribe the local

limits of the courts and subordination of one to the other for the appellate or administrative purposes. The Notification dated November 8, 1954 bearing No. 78/54, thereby established the Court of the District Judge for the Islands not only as the principal civil court of original jurisdiction within the Islands, but also as the court of appeal from judgments and decrees and final orders of all subordinate civil courts within the Andaman and Nicobar Islands. It was held that the 1887 Act, did not extend beyond the territorial limits of West Bengal. The notification of 1954 issued by the Chief Commissioner which derived its authority from the 1940 Regulations, read with the Act of 1874 and the Government of India Act, 1935, still held the field and the territorial and the appellate jurisdiction in the Andaman and Nicobar Islands was conferred to the District Judge. It was held that the 1953 Act did not either create or alter the hierarchy of appellate jurisdiction in respect of the district courts and the courts subordinate thereto, within the Andaman and Nicobar Islands. The 1953 Act was merely an enabling statute extending the powers of the Calcutta High Court to the Union Territory of Andaman and Nicobar Islands. The hierarchy of the courts was not governed by the 1953 Act.

11. On the above reasoning, the Division Bench differed with the findings made in the matter of **Robin Bagchi** (Supra). It was held that, the decision in **Robin Bagchi** (supra) was based primarily on Chapter XVIII of the Appellate Side Rules. The said rules would not govern either the hierarchy or the appellate jurisdiction of the District Judge.

12. It was further held that Section 2 (7-A) of the Code of Civil Procedure which defined High Court in relation to Andaman and Nicobar Islands to mean the High Court at Calcutta, was also confined to the powers which the High Court at Calcutta already had in the first place. The provision did not

have any bearing on the hierarchy of the appellate jurisdiction of the District Court in the Union Territory of the Andaman and Nicobar Islands. The Division Bench was of the opinion that the Notification bearing No. 78/54 dated November 8, 1954 issued by the Chief Commissioner of Andaman and Nicobar Islands would prevail. The Division Bench was also of the opinion that the appeal was not maintainable before the High Court in view of the 1954 notification, which vested unlimited pecuniary jurisdiction on the District Judge at Port Blair to hear such appeals. However, as both the Benches were of equal strength, the question under reference was formulated and referred to a larger bench to be constituted by the Hon'ble Chief Justice. Thus, this Bench was constituted. The parties were heard.

13. The extent of the applicability of the 1887 Act has been provided under Section 1(2) of the said Act, which is quoted below:-

“1. Title, extent and commencement.-

(2) It extends to the territories [which were on the 11th March, 1887,] respectively administered by the Lieutenant-Governor of Bengal, the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Assam, except such portions of those territories as for the time being are not subject to the ordinary civil jurisdiction of the High Courts.”

14. The Bengal Civil Court Act, 1871 (hereinafter referred to as the ‘1871 Act’) stood repealed and substituted by Section 2(2) of the 1887 Act. Section 2(2) provided as follows:-

“2. Repeal of Acts 6 of 1871 and 9 of 1187.-

(2) All courts constituted, appointments, nominations, rules and orders made, jurisdiction and powers conferred and lists published under the Bengal Civil Courts Act, 1871 (6 of 1871), or any enactment thereby repealed, or purporting expressly or impliedly to have been so constituted, made conferred and published, shall be deemed to have

been respectively constituted, made, conferred and published under this Act;”

15. The 1871 Act extended to territories which were under the governorship of the Lieutenant Governor, except such portions which were not subject to the ordinary jurisdiction of the High Courts and except the Jhansi Division. The Scheduled Districts Act, 1874 defined the territorial extent of Bengal, north-western provinces and other parts of the country, in terms of districts.

16. The preamble to the 1874 Act indicates that the Act was promulgated to ascertain the enactments in force in various parts of British India and for other purposes. The preamble is quoted below:-

“PREAMBLE

An Act to ascertain the enactments in force in various parts of British India, and for other purposes.

Whereas various parts of British India have never been brought within, or have from time to time been removed from, the operation of the general Acts and Regulations and the jurisdiction of the ordinary Courts of Judicature;

And whereas doubts have arisen in some cases as to which Acts or Regulations are in force in such parts, and in other cases as to what are the boundaries of such parts;

And whereas among such parts are the territories specified in the first Schedule hereto annexed, and it is expedient to provide readier means than now exist for ascertaining the enactments in force in such territories and the boundaries thereof, and for administering the law therein;

And whereas it is expedient to declare that certain Acts are in force in a tract of land lying between the Railway Station at Satnand the eastern boundary of the Jabalpur Division;”

17. Section 1 deals with the short title, which is quoted below:-

“SECTION 1- SHORT TITLE

This Act may be called “The Scheduled Districts Act, 1874” Local extent.- This Act extends in the first instance to the whole of British India other than the territories mentioned in the first Schedule (here to) annexed,

and it shall come into force in each of the Scheduled District on the issue of a notification under Section 3 relating to such District.

Interpretation clause.-

In this Act the term “Scheduled Districts” means the territories mentioned in the First Schedule hereto annexed; and, from the date fixed in the resolution next hereinafter mentioned, it shall also include any other territory to which the Secretary of State for India, by resolution in Council, may declare the provisions of the thirty-third of Victoria, Chapter III, Section 1, to be applicable.”

18. The scheduled districts of Bengal, north-western provinces and the Chief Commissionership of the Andaman and Nicobar Islands were delineated separately, which is as follows:-

“Schedule – Schedule I

The First Schedule

Part III

Scheduled Districts, Bengal

I.- The Jalpaigori and Darjeeling Districts.] (subs. By Act 12 of 1891)

II.- The Hill Tract of Chittagong

III.- The Santhal Parganas

IV.- The Chutia Nagpur Division.

V.- The Mahal of Angul.] (subs. By Act 12 of 1891)

Part IV

Scheduled Districts, North-Western Provinces

Part VIII

The Chief Commissionership of the Andaman and Nicobar Islands. ”

19. Therefore, it is evident that in 1874, the Andaman and Nicobar Islands was neither a part of Bengal nor a part of the north-western provinces and thus not under the Lieutenant Governorship of the Bengal Presidency.

20. The fact that the provinces under the Chief Commissioner were separately governed can be also ascertained from the Government of India Act, 1935 which preceded the Constitution. In this connection, reference is

made to Section 94(3) of the Government of India Act, 1935 which reads as follows:-

“94.***

(3) A Chief Commissioner's Province shall be administered by the Governor-General acting, to such extent as he thinks fit, through a Chief Commissioner to be appointed by him in his discretion.”

21. Thus, there is no doubt that the territories of Bengal and the Andaman and Nicobar Islands had been clearly demarcated and they were distinct and separate. Section 94(3) of the Government of India Act, 1935 also provides that the Chief Commissioner's province shall be administered by the Governor General acting to such extent he thought fit, through a Chief Commissioner to be appointed by him as per his discretion. Thus, the supremacy of the Chief Commissioner with regard to the respective provinces administered by the Governor General acting through the Chief Commissioner, was specifically conferred under Section 94(3). As the Chief Commissioner of Andaman and Nicobar Islands was already granted the authority under Part VIII of the First Schedule of the 1874 Act to administer laws in the islands, there cannot be any manner of doubt that, it was the Chief Commissioner, who had the power in respect of administration of law within the Union Territory of Andaman and Nicobar Islands.

22. Section 1(2) of the 1887 Act made the Act extendable only to territories administered by the Lieutenant Governor of Bengal, the Lieutenant Governor of the North-Western Provinces and the Chief Commissioner of Assam except such portions of those territories which were not subjected to the ordinary civil jurisdiction of the High Court. Under Section 2(2) of the said Act, all courts constituted, appointments, nominations, rules and orders, jurisdiction and powers conferred and lists published under the 1871 Act or any

enactment thereby, stood repealed. Thus, Sections 1, 2 and 2(2) of the 1887 Act read in conjunction with 1874 Act clearly indicate that the Lieutenant Governor of Bengal had the power in respect of areas under Part III of the First Schedule of the 1874 Act, which was restricted to the territorial limits of Bengal (now West Bengal), insofar as, the powers conferred under Sections 1, 2 of the 1887 Act were concerned. The expression 'administered' in Sections 1 and 2 of the 1887 Act, clearly indicate that the jurisdiction of the Lieutenant Governor of Bengal was restricted to Bengal itself. Under Part III of the First Schedule of the 1874 Act, the administration of law by the Lieutenant Governor of Bengal was restricted to the Scheduled districts of Bengal and was never extended to the Andaman and Nicobar islands. The administration of law in the Andaman and Nicobar islands was exercised by the Chief Commissionership of the said island under Part VIII. Thus, the territorial limits of operation of the 1887 Act was not extended beyond Bengal. There cannot be any manner of doubt that, insofar as, the Andaman and Nicobar islands were concerned, it was the Lieutenant Governor of the island (through the Chief Commissioner), who had supreme authority to constitute courts, as well as, to delineate the hierarchy of the jurisdiction of the District Court and subordinate courts.

23. Section 2 of the 1940 Regulations empowered the Chief Commissioner to establish civil courts within the Andaman and Nicobar islands and to define their jurisdictions both original and appellate. The provision also empowered the Chief Commissioner to fix the local limits of those courts and the subordination of one to the other for the appellate or administrative purposes. The said provision is quoted below:-

“ESTABLISHMENT OF CIVIL COURTS.- The Chief Commissioner may establish civil courts within the Andaman and Nicobar Islands and may

define their jurisdiction in both original and appellate, and the local limits thereof, and their subordination one to the other for appellate or administrative purposes.”

24. By virtue of Notification No. 78/54 issued on November 8, 1954, the Chief Commissioner invoked powers under Section 2 of the 1940 Regulations while establishing the civil court of the District Judge as the principal civil court of original jurisdiction with the power to hear appeals from judgments, decrees and final orders of all subordinate courts within the said islands without any jurisdictional limitation. Relevant portion of the notification is quoted below :-

“in exercise of the power conferred by section 2 of the Andaman and Nicobar Island Civil court regulations, 1940 (regulation XI of 1940), the Chief Commissioner of the Andaman and Nicobar Islands hereby establishes court of the District Judge for the Andaman and Nicobar Islands as the principal Civil Court of original jurisdiction within the Andaman Islands with jurisdiction to hear appeals from judgments, decrees and final orders of all the subordinate Civil Courts within the Andaman Islands.”

25. In the Constitution of India, Andaman and Nicobar Islands was designated as a Union Territory in the First Schedule to the Constitution, as the second entry there under. The extent was defined as the territory, which immediately before the commencement of the Constitution was comprised in the Chief Commissioner’s province of Andaman and Nicobar Islands. The Union Territory was administered by the President through an Administrator, with such designation as would be specified in terms of Article 239 of the Constitution. On and from November 12, 1982, the Administrator came to be known as the Lieutenant Governor.

26. Neither the Parliament by legislation nor the President by any regulation under Article 240 extended the provisions of the Bengal, Agra and

Assam Civil Courts Act to the Union Territory of Andaman and Nicobar Islands. The first statute of significance i.e. the Bengal Civil Courts Act, 1871 merely provided that the Act was to consider and amend the law relating to district and subordinate civil courts in the territories governed and administered by the Lieutenant Governors of the Lower and Northwestern Provinces of the Presidency of Fort William in Bengal. The territories administered by the Lieutenant Governors were delineated for the first time in the Scheduled Districts Act, 1874. Territories of Bengal and the Andaman and Nicobar Islands had been demarcated and delineated under the Part III and Part VIII of the First Schedule of the said Act, respectively. Part VIII stipulated that the Andaman and Nicobar Islands was being administered by the Chief Commissionership of the Andaman and Nicobar Islands.

27. On December 23, 2009, the Lieutenant Governor invoked the powers under Section 2 of the 1940 Regulation to establish the court of the learned Additional District Judge for exercising civil jurisdiction under the said Regulation throughout the Andaman and Nicobar islands. Relevant portion of the notification is quoted below:-

“In exercise of powers conferred by Section 2 of the A&N Islands Civil Courts (Regulation) 1940 (XI of 1940), the Lt. Governor (Administrator), Andaman & Nicobar Islands has been pleased to establish a court of Additional District Judge, Port Blair for exercising civil jurisdiction under the said Regulation throughout the Andaman and Nicobar Islands with immediate effect.”

28. By another notification dated November 23, 2011, issued in exercise of power under Section 2 of the 1940 Regulations, the Civil Judge (Senior Division) Port Blair and Mayabunder was given unlimited pecuniary jurisdiction to hear all suits in respective of areas comprising the entire

district of South Andaman, North and Middle Andaman, respectively.

Relevant portions of it are quoted below :-

“In exercise of the powers conferred in Section 2 of the Andaman & Nicobar Civil Courts Regulation, 1940 (No. XI of 1940) and in supersession of all previous Notifications including No. 186/2007, F No. 7-4/84-Legal, dated 24.8,2007 on the subject, the Lieutenant Governor (Administrator), Andaman & Nicobar Islands, hereby constitute the Civil Courts for the territory of Andaman & Nicobar Islands specified in Column 2 of the Schedule below with pecuniary and local jurisdiction as indicated against each in Column 3 and 4 thereof respectively :-

SCHEDULE

Sl No. (1)	Court Established (2)	Pecuniary Jurisdiction (3)	Local Jurisdiction (4)
1.	Civil Judge (Senior Division) Port Blair	Unlimited	The areas comprised in the entire District of South Andaman.
2.	Civil Judge (Junior Division)-I Port Blair	Suits of every description upto the limit of Rs. 60,000/-	The areas comprised in Port Blair Tehsil of the South Andaman District.
3.	Civil Judge (Junior Division)-II Port Blair	-do-	The areas comprised in the Little Andaman and Ferrargunj Tehsil of South Andaman District.
4.	Civil Judge (Senior Division) Mayabunder	Unlimited	The areas Comprised in the Entire District of North and Middle Andaman.
5.	Civil Judge (Junior Division) Mayabunder	Suits of every description upto the limit of Rs. 60,000/-	The areas comprised in the entire District of North and Middle Andaman.
6.	Civil Judge (Senior Division) Car Nicobar	Unlimited	Whole of Nicobar Group of Islands
7.	Civil Judge (Junior Division) Campbell Bay	Suits of every description upto the limit of Rs. 60,000/-	Whole of Nicobar group of Islands.

29. It is evident that the formation of the Civil Court, in Andaman and Nicobar Islands emanates from the 1940 Regulations issued by the Chief Commissioner.

30. Under such circumstances, the decision of the Division Bench in **FAT 4 of 2025** is held to be correct. The learned District Judge, Port Blair, Andaman and Nicobar Islands has unlimited jurisdiction both pecuniary and territorial to hear all appeals irrespective of valuation, from judgments, decrees and final orders passed by every civil court under the District Court within the Andaman and Nicobar Islands. The 1887 Act does not extend beyond the territorial limits of Bengal. The notification of 1954 issued by the Chief Commissioner derived its authority from the 1940 Regulations. The said Regulation read with the 1874 Act and the 1995 Act, holds the field, insofar as, the territorial and pecuniary appellate jurisdiction of the islands is concerned. The decision of the Division Bench in **FAT 3 of 2022** is based on the 1953 Act and the Appellate Side Rules. The 1953 Act is limited in its operation and does not either create or alter the hierarchy of appellate jurisdiction of the District Court and the subordinate courts within the Andaman and Nicobar islands. By the 1953 Act, the powers of the Calcutta High Court was extended to the union territory of Andaman and Nicobar islands without any change as to the appellate hierarchy of the civil courts in the said islands. The appellate hierarchy of the civil courts in the said islands will be governed exclusively by the 1940 Regulations and the notification of 1954 and thereafter. The Appellate Side Rules, are rules of procedure which were extended to the appellate jurisdiction of the Calcutta High Court in the Circuit Bench of Andaman and Nicobar islands. The said Rules did not deal with the territorial and pecuniary jurisdiction of the appellate court of the District Judge. The 1940 Regulations and the other regulations following the same still hold the field as no law has yet been promulgated which has made

the hierarchy of courts as stipulated in the 1987 Act applicable to the hierarchy of courts in the Andaman and Nicobar islands.

31. We answer the reference as above.

Urgent photostat certified copies of this judgment, if applied for, be supplied to the respective parties upon fulfilment of requisite formalities.

Sabyasachi Bhattacharyya, J.

I agree.

(Sabyasachi Bhattacharyya, J.)

Rajarshi Bharadwaj, J.

I agree.

(Rajarshi Bharadwaj, J.)

(Shampa Sarkar, J.)