

AIYAR'S

Judicial Dictionary

9th Edition



LAW BOOK COMPANY

K. J. AIYAR'S

Judicial Dictionary

[POPULARLY KNOWN AS
MANUAL OF LAW TERMS & PHRASES]

Thoroughly Revised

By

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Ninth Edition

1984



LAW BOOK COMPANY

SARDAR PATEL MARG

ALLAHABAD—211001

POST BOX No. 4



LAW BOOK COMPANY (PUBLICATIONS), ALLAHABAD

First	Edition	...	1927
Second	Edition	...	1934
Third	Edition	...	1944
Fourth	Edition	...	1958
Fifth	Edition	...	1964
Sixth	Edition	...	1969
Seventh	Edition	...	1973
Eighth	Edition	...	1980
Ninth	Edition	...	1984

INDIAN	Rs.	180·00
U. K.	£	15·00
U. S.	\$	36·00
MALAYSIAN	\$	90·00
PAKISTANI	Rs.	315·00
NEPALI	Rs.	262·50
BANGALADESH	TAKKA	450·00

Published by J. N. Bagga for the Law Book Co. (Pub.), Allahabad

Printed at the Rising Sun Printers, Allahabad

JUDICIAL DICTIONARY

Distributors

INDIA

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CALCUTTA PROPER :

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FOREWORD

I am glad to be able to readily comply with Mr. K. Jagadisa Aiyar's request to write a Foreword to the second edition. When Mr. K. Jagadisa Aiyar showed me, a few years ago, the first edition of his work, I drew his attention to the fact that I found it indispensable to keep in the revolving book-shelf by my side, the following reference books relating to the matters dealt with by him, *viz.*, Stroud's Judicial Dictionary, Wharton's Law Lexicon, Wilson's Glossary, Glossary attached to the Fifth Report, Dr. Maclean's Manual and Desai's Legal Maxims.

Frequent reference to similar books was found necessary to clear up matters as and when doubts arose. I told him that his book was a useful one and that when a further edition was called for, he might as well consider the advisability of adding more materials relevant to subjects dealt with by him. I am glad that Mr. K. Jagadisa Aiyar has been called upon to bring out a second edition of his work, and that he has taken advantage of the suggestion. The book is very handy and useful, the additions made to the first edition will undoubtedly enhance the usefulness of the publication. Frequent reference to the original authorities further adds to the value of the book. The nature of the subjects dealt with is such that more matter could still be usefully added to the book when further edition is called for. The price is comparatively very low, and I have no doubt that the present edition will even be more welcomed by the profession than its predecessor, as the author has added several hundreds of useful items of information to this book of everyday reference.

Rao Bahadur

CHITTUR, COCHIN :

5th May, 1934

SIR C. V. ANANTHAKRISHNA AIYER

Retired Judge, High Court, Madras

PREFACE TO THE NINTH EDITION

On account of its great popularity, K. J. Aiyar's famous work "Manual of Law Terms and Phrases" earned a new name, "Judicial Dictionary", when in its eighth edition. The edition now in the hands of esteemed readers is its ninth edition. This ninth edition is a thoroughly revised edition of the Judicial Dictionary.

With the spate of Legislation and a consequent flood of their Judicial interpretations the Law Reports have also given numerically and in volumes—almost like trees in a jungle. As each new edition is prepared, the author has not only to reckon with a large influx of new terms and phrases, but also with a large number of Law Reports, published from seats of High Courts, their Benches and of the Supreme Court from which these have to be harvested. The task of the author thus also becomes increasingly stupendous. However, no pains have been spared to consult and use all extant Law Reports, All India and of States, a bibliography of which is given in the beginning of this book which show the extensive range of reference made to innumerable Law Reports. This work has thus been considerably enriched with new matter, and is now up to date in case-law.

The present edition retains all the features of the earlier editions which made this work of daily reference exceedingly popular. As far as possible the exposition of legal terms and phrases in this book has been given in the Judges' language. In short it is the only complete Law Lexicon on the subject.

Many thanks are due to M/s. Law Book Company for making available to me almost all the State Law Reports besides All India Journals for bringing the case-law up to date.

It is hoped that this Ninth Edition of Judicial Dictionary will be received with the same warmth as the preceding ones and will prove to be a very useful practical companion and guide of daily use to the busy Lawyers and the Judges and also to those who are interested to know the legal interpretation given thousands of Terms and Phrases.

YUDHISHTHIRA

1st January, 1984

Bar-at-Law (C)

PREFACE TO THE EIGHTH EDITION

Rejoicing, indeed, it is to place in the hands of our esteemed readers, whether in the Bar, on the Bench, at the campus or around the commercial world, the thoroughly revised eighth edition, acclaiming the imposing success of this illuminating treatise hithertobefore denominated as "Manual of Law Terms and Phrases", henceforth phenomenised into the altered nomenclature of "JUDICIAL DICTIONARY". The quick succession exhausting the previous editions has now built for this work a room among the classics.

Entries already in the body of the book have been thoroughly revised, and a large number of new entries being an incident of continually growing case-law on Law Terms and Phrases, have been collected thereby making the book up-to-date and adding to its efficiency. While retaining the features which so far accelerated the popularity of the book, efforts and resources have both been exploited in revising, rewriting, where necessary, and enlarging the scope of the book with the avowed aim to give it a garb of *par excellence* and with the cherished hope that the work will evoke more fruitful appreciation and a more generous reception than that accorded to it hithertobefore.

May 25, 1980

Dr. R. G. CHATURVEDI

Advocate

PREFACE TO THE SEVENTH EDITION

More than two score years ago, Mr. Aiyer's Manual of Law Terms and Phrases saw the light of day. At one bound the work leapt to fame and new editions have been regularly called for. This book of everyday reference as Sir C. V. Ananthakrishna Aiyar, a distinguished Judge of the Madras High Court, described it, now goes into its seventh edition. It is gratifying to note that its popularity has been steadily growing with each Edition.

The number of Law Terms and Phrases is continually growing and each edition has admitted new entries, **making** the work up to date and useful. The present edition registers an addition of newly hundred pages. Great care has been taken to prune the work of errors, of omission or commission and to maintain the standard of previous editions. The aim has been to produce a flawless and complete work deserving the approbation of all its readers, students, lawyers and laymen and the Bench.

15th March, 1973

M. L. CHANDAK

PREFACE TO THE SIXTH EDITION

K. J. Aiyar's Manual of Law Terms and Phrases has spanned more than four decades during which it has been acclaimed as an admirable work covering the entire spectrum of Law Terms and Phrases, Indian and foreign. The Manual now goes into its sixth edition.

Conceived to be a book of everyday reference, each edition succeeding the first has striven to impress the quality of a dependable and authoritative reference book on the work. The tide of Law Terms and Phrases flows, never ebbs. The endless proliferation of statutes yields a rich crop of these in the course of judicial decisions expounding new Law Terms and Phrases. The Sixth Edition, like the preceding ones, brings the work up to date in terms of the latest statutory and case-law. Errors of commission and omission, if any, have been rectified. As before, wherever possible, the provenance of each entry has been given. It is noteworthy that every decision of the Supreme Court has been used. The result is a work of outstanding quality and an excellent daily reference book.

It is, therefore, hoped that the present edition will not only commend itself to Students, Practitioners, Judges and Magistrates but also to laymen and that it will sustain the reputation of the previous editions.

15th July, 1969

R. MITRA

PREFACE TO THE FIFTH EDITION

The Manual of Law Terms and Phrases, current in India, saw the light of day more than three decades ago and is now in its fifth edition. It is gratifying to note its increasing popularity down the years and the number of editions shows that it has, so to speak, received the accolade of its enlightened readers as well as the layman.

Ever since India became a Sovereign Democratic Republic, the mills of legislation have been grinding fast and the industrial advancement has been at a speed undreamt of in the annals of any country. In consequence, Law Terms and Phrases range over a wider field than ever before. Their number has grown so large as to constitute *embarras de richesse*.

The present edition retains all the features which made the preceding ones popular, besides revising, rewriting and enlarging the last edition. The aim has been, as always, to provide a book of ready reference, *par excellence*, useful alike to the lawyer and the layman.

In conclusion, it is hoped that the Bench and the Bar, as well as the general public, will accord to the latest edition the same generous appreciation that they had accorded to the previous ones and that every user of Manual will find it rewarding.

4th September, 1964

R. MITRA

PREFACE TO THE FOURTH EDITION

A book on the lines of Stroud's Judicial Dictionary or Wharton's Law Lexicon, acclaimed as classics in the field covered by them was for long desideratum in India and the author endeavoured to supply the want by launching the first edition of his Manual of Law Terms and Phrases three decades ago. The fact that the work is now in its fourth edition testifies to its growing popularity.

Margot Asquith in her Memoirs said of Jowett Master of Ball College, Oxford, that "*Knowledge was his forte, omniscience his foible*". This may well be the motto of every lawyer for he has in the exercise of his profession to take all knowledge for his province and frequently it falls to him to settle the Pretensions of people who set up as experts. Certainly, a miscellany of Law Terms and Phrases, adapted to conditions in India, must be on the shelf of every busy lawyer in our country.

Law Terms and Phrases lie embedded in Statutes and have been the subject of illuminating judicial interpretation due to the fallibility of human expression. The matter had to be harvested from the Statutes, the Law Reports and other authorities. Many vernacular terms and phrases in different parts of the country were included in the work. The main object being to expound legal terms and phrases, it was felt that a brief exposition of the law under each title should be added.

The Manual was conceived as a practical companion to the busy lawyer and even the man of business uninstructed in the law, should find it useful. The exposition, wherever possible, has been in the *ipsissima verba* of great Judges. The aim has been to present a good workmanlike edition containing as much useful information as possible.

As each new edition is prepared, the author has to reckon with an influx of new terms and phrases thrown up by unceasing legislative activity and a further crop of decisions. In this, the fourth edition, the work has been enriched with new matter and amplification of the matter given in previous editions. The result is that the book is about one-third bigger than the last edition.

In conclusion, the author hopes that the Manual of Law Terms and Phrases will continue to deserve the discriminating approbation of the Bench and the Bar.

30th June, 1958

A. S. CHAUDHARI

PREFACE TO THE THIRD EDITION

The lack of a dictionary of Indian Law Terms and Phrases after the model of the similar English and American publications in use prompted me to embark on this venture. The first edition of this book was greeted by the learned profession, and its usefulness and success can well be judged by the fact that it was out of stock within an incredibly short time. The second enlarged edition that was then brought out similarly went out of stock. The third edition, which is now brought out, has been thoroughly revised and numerous points have been added so much so that it is now more than double the original size.

It may not be out of place here to point out that during the period intervening between the earlier editions and the present edition, a great transformation has been witnessed in the political status of India in all its varied aspects, the most important of them, for the present purpose, being the unification of what in the British Raj, were individual, divergent and semi-independent units in all the fundamentals of civic life, language, citizenship and social relations. Whereas, before each of the component units of India confined itself to the consideration and elucidation of its own peculiar manners and customs to the exclusion of others, now the outlook is broad and extends to a comparative view of the manners and customs of India, considered as one whole. In bringing out this third edition, I have constantly kept before my eyes this changed outlook and have tried my best to notice the variant Law Terms and Phrases that are current in the different areas.

It should also not be forgotten that the substantial proportion of Indian Law Terms and Phrases are the English Legal Terms and Phrases, assimilated during the two centuries of British connection, and they necessarily form the basic structure of this dictionary. The difficulty of incorporating the variant forms of Indian legal terms in a dictionary, which is primarily one of English Legal Terms and Phrases is obvious, but I have spared no pains to surmount the difficulty.

I shall be thankful to the profession for any suggestions for further improvement and I shall certainly profit by them in the succeeding editions.

THE AUTHOR

PREFACE TO THE SECOND EDITION

Since the publication of the previous edition, I have had the advantage of various suggestions and criticisms received from the legal practitioners and the Judges of this country and Burma for which I am sincerely grateful to them.

In the present edition, I have in many places thoroughly revised and in some instances fully rewritten the subject-matter besides adding a very large number of expressions used in legal technical language. In almost all the cases references to the exact law reports in which the term or phrase is interpreted are given for the information of the reader. As a consequence there have been considerable additions in the Appendices also.

I express my obligations to the Eastern Law House for their valuable co-operation and sincere efforts to see this work through the press with expedition and for their neat execution.

MADRAS :

18th May, 1934

K. JAGADISA AIYAR

PREFACE TO THE FIRST EDITION

I have endeavoured to collocate together the terms and phrases under Indian and English Law of present use, and the commercial terms, Indian, Judicial and Revenue terms and also technical terms of the Hindu and Mahomedan Laws. I have given full definitions or explanations adequate for an understanding and use of them ; and wherever possible, I have added an exposition of the law bearing on the subject-matter by reference to the standard works, statutes, and Reports. No effort has been spared to render the definition of a term or word as full and informing as possible. In the preparation of the work all the up to date standard law dictionaries and encyclopaedias have been consulted, and I take this opportunity of expressing my indebtedness to their learned authors.

To the Student, this publication will serve as a compact and a classified handbook for revising the studies in the various branches of the law.

To the practitioner, this work will be a necessary *vade mecum*, showing at a glance the authoritative interpretation of a word, term or phrase for reference in his busy practice.

To the Judges, Magistrates and other Revenue Officials, this book will be a sure aid in getting at the proper meaning and application of the particular term or phrase at a moment's glance.

To the Merchants and the Commercial World, this work will be a welcome publication to understand the exact meaning of the mass of the technical terms in daily use by them, and will serve as the Dictionary of Business.

To the Lay Reader, this work will be an interesting cyclopaedia with explanations of technical terms and phrases on subjects specially useful to him.

To add to the general usefulness of the compilation, (a) a list of foreign words and phrases in ordinary usage with their meanings, (b) foreign, legal maxims and their meaning, (c) a list of abbreviations used in all Law Reports and text-books with their explanations, and (d) a list of all Indian Law Reports with their modes of citation, are given as Appendices.

I desire to express my obligation to my friends in the profession who gave me valuable suggestion and to the Eastern Law House, Calcutta, for efforts in seeing the work through the press and for their neat execution.

PONNERI, CHINGLEPUT DIST., MADRAS

K. JAGADISA AIYAR

30th June, 1927

AUTHORITIES CONSULTED IN THE PREPARATION OF THIS WORK AND ABBREVIATIONS USED

Adm. Gen. Act	...	Administrator-General's Act
An. Mon. Act	...	Ancient Monuments Act
Ben. Ten. Act	...	Bengal Tenancy Act
Bigelow	...	Bigelow on Torts
Bouvier	...	Bouvier's Law Dictionary
Broom	...	Broom's Common Law
Broom	...	Broom's Legal Maxims
Brown	...	Brown's New Law Dictionary
Cat. Tr. Act	...	Cattle Trespass Act
Collett	...	Collett on Torts
C.P.C.	...	Civil Procedure Code
Cr. Law Am. Act	...	Criminal Law Amendment Act
Cr. P. C.	...	Criminal Procedure Code
Cr. Tr. Act	...	Criminal Tribes Act
Elberling	...	Elberling's Law of Inheritance, Gift, etc.
Encycl. L.	...	Encyclopaedia of the Laws of England
Expl. Act	...	Explosives Act
Ghose	...	Ghose on the Law of Mortgage
Gl. Cl. Act	...	General Clauses Act
Gn. and Wards Act	...	Guardians and Wards Act
Hac. Car. Act	...	Hackney Carriages Act
Harms	...	Harmsworth's Universal Encyclopaedia
Her. Officers Act	...	Hereditary Officers Act
H. L.	...	Hindu Law
I. T.	...	Indian Term
Ind. Comp. Act	...	Indian Companies Act
Ind. Con. Act	...	Indian Contract Act
Ind. Eas. Act	...	Indian Easements Act
Ind. Ev. Act	...	Indian Evidence Act
Ind. Lim. Act	...	Indian Limitation Act
Ind. Pat. & Des. Act	...	Indian Patent and Designs Act
Ind. St. Act	...	Indian Stamp Act
Ind. Tr. Tr. Act	...	Indian Treasure Trove Act
I.P.C.	...	Indian Penal Code
Lan. Ten	...	Sundaraja Aiyangar's Land Tenures in South India

Authorities Consulted—*concl.*

Leg. Pr. Act	...	Legal Practitioner's Act
Ld. Acq. Act	...	Land Acquisition Act
Mac. N. M. Law	...	Macnaghten's Principle and Precedents of the Maho- medan Law
Mal. Ten. Act	...	Malabar Tenancy Act
Maxwell	...	Maxwell on Interpretation of Statutes
Mer. Marks Act	...	Merchandise Marks Act
Mer. Sea Act	...	Merchants and Seamen's Act
M. L.	...	Mahomedan Law
Mozley	...	Mozley and Whitely's Concise Law Dictionary
Neg. Inst. Act	...	Negotiable Instruments Act
Pears	...	Pear's Shilling Cyclopaedia
Powell	...	Land Tenure
Prob. and Adm. Act	...	Probate and Administration Act
Prov. Ins. Act	...	Provincial Insolvency Act
Pres. Ins. Act	...	Presidency Insolvency Act
Rat.	...	Ratanlal on Torts
Ratanlal	...	Ratanlal's Law of Crimes
Rawson	...	Rawson's Pocket Law Lexi- con
Reg. Act	...	Indian Registration Act
R. T.	...	Revenue Terms
Sea Cus. Act	...	Sea Customs Act
Sen	...	Prosanto K. Sen's Law of Torts
Sp. Rel. Act	...	Specific Relief Act
Stephens	...	Stephen's Commentaries on the law of England
Stroud	...	Stroud's Judicial Dictionary
Suc. Act	...	Indian Succession Act
Tg. L. Lect.	...	Tagore Law Lectures
Tomlins	...	Tomlin's Law Dictionary
Tr. Pr. Act	...	Transfer of Property Act
Underhill	...	Underhill on Torts
Wharton	...	Wharton's Law Lexicon
Wilson	...	Wilson's Glossary

All Digests in India, Civil and Criminal