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(1912) 04 MAD CK 0012

In the Madras High Court

Aiyya Pillay — APPELLANT

Vs

Vrithachellam Pillay — RESPONDENT

Date of Decision : 11-04-1912

Acts Referred:

Citation : 15 Ind. Cas. 273

Hon'ble Judges : Sadasiva Aiyar, J;Miller, J

Bench : Division Bench

Judgement

1. No one appears on either side. We are of opinion that the suit is cognizable by the Small Cause Court. The only reason suggested by the

Subordinate Judge for his contrary view is the fact that the plaintiff is a trustee; and that is clearly not a sufficient reason. Vide Sundaralingam Chetti

v. Mariyappa Chetty 26 M.K 200 and Venkatachelapathy v. Kanahasabapathi Pillay 20 M.L.J. 146 : 5 Ind. Cas. 912 : 8 M.L.T. 67. These

authorities support the view that the present case is not a suit relating to a trust within the meaning of Article 18 of the second Schedule of the

Provincial Small Cause Courts Act and is cognizable by the Subordinate Judge.

2. We set aside the order of the Subordinate Judge and direct him to receive the plaint and dispose of the suit according to law.

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