

**(1901) 08 MAD CK 0012**  
**In the Madras High Court**

Amdoo Miyan and Another

APPELLANT

Vs

Mahamed Davood Khan Bahadur

RESPONDENT

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**Date of Decision :** 02-08-1901

**Acts Referred:**

**Citation :** (1901) 11 MLJ 326

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**Judgement**

1. We concur in the decision of this Court in Appeal No. 230 of 1895 and must therefore hold that the fact that no notice of the petition was given

to the defendants (the present petitioners) by the District Judge does not render his order granting leave to sue liable to be set aside--if the order

was in accordance with law in other respects. We, however, find that leave was granted on an unverified letter apparently not presented in Court

enclosing a Mahazarnamah purporting to be from certain persons of the Mussalman community of Kurnool. We think that the District Judge acted

with material irregularity within the meaning of Section 622 of the Code of Civil Procedure, in treating such a letter as an application u/s 18 of Act

XX of 1863. Section 647 of the CPC contemplates that 2nd August 1001 certain formalities of procedure be observed even in miscellaneous

applications like the present, which are not suits. We think that an application u/s 18 of the Act XX of 1863 should be duly verified and presented

either in person or by pleader as in the case of complaints.

2. We must, therefore, set aside the order of the District Judge with costs in this Court.