
(1939) 03 MAD CK 0012
In the Madras High Court

Andra Venkatayya

APPELLANT

Vs

The Official Receiver and Another

RESPONDENT

Date of Decision : 09-03-1939

Acts Referred:

Provincial Insolvency Act, 1920 — Section 75(3)

Citation : AIR 1939 Mad 300 : (1939) 50 LW 202 : (1939) 2 MLJ 414

Hon'ble Judges : Alfred Henry Lionel Leach, C.J

Bench : Division Bench

Judgement

Alfred Henry Lionel Leach, C.J.—This is an appeal against an order of King, J., refusing to grant leave to appeal from an order which

admittedly falls within Section 75(3) of the Provincial Insolvency Act. The preliminary objection has been taken that no appeal lies and it is

abundantly clear that this objection is well founded. There are two Bench decisions of this Court which are in point - Madhava Aiyar v. Muthia

Chettiar (1916) 5 L.W. 168 and Anumanchi Ramanayya Vs. Thubati Kotayya and Another, . The first case related to an order which fell within

Section 46(3) of the Provincial Insolvency Act, 1907, which corresponds to Section 75(3) of the present Act, and in the second case the Court

held that there was no appeal from an order refusing to give leave to appeal under Clause 15 of the Letters Patent. There is no difference in

principle, here. The law does not recognise a right of appeal from a refusal to grant leave where leave is necessary and therefore this appeal does

not lie. The appeal will be dismissed with costs.