

(1922) 12 MAD CK 0061
In the Madras High Court

Archakam Venkatapathi Deekshathulu

APPELLANT

Vs

Kathiramangalam Chenga Reddi and Another

RESPONDENT

Date of Decision : 05-12-1922

Acts Referred:

Provincial Small Cause Courts Act, 1887 — Section 17

Citation : AIR 1923 Mad 594 : 72 Ind. Cas. 900 : (1923) 17 LW 579

Hon'ble Judges : Krishnan, J

Bench : Single Bench

Judgement

Krishnan, J.—The Munsif was wrong in thinking that he could dispense with the security required by Section 17 of the Provincial Small Cause Courts Act. The provision is mandatory, as held in Assan Mahomed Sahib v. Rahiman Sahib 55 Ind. Cas. 977 :(1920) M.W.N. 375 : 27 M.L.T. 273. No doubt there is nothing in the section to prevent personal security being accepted if the Court is satisfied of its sufficiency but it would not ordinarily do so. In any case, the mere word of the defendant, against whom the decree is asked for in the suit, is no security at all. The order of the Munsif is set aside and he is directed to take the case on to his file and pass fresh orders according to law. Costs to abide and follow.