

(1910) 03 MAD CK 0062
In the Madras High Court

Audirazu Veerayya

APPELLANT

Vs

Audirazu Sangayya

RESPONDENT

Date of Decision : 14-03-1910

Acts Referred:

Citation : (1911) ILR (Mad) 177 : (1910) 20 MLJ 281

Hon'ble Judges : Krishnaswami Ayyar, J;Benson, J

Bench : Division Bench

Judgement

1. The suit is for the recovery of the karnam's office in an inam village in the Kistna district and of certain emoluments attached to that office. The Munsif decreed the claim to the office. The District Judge on appeal has dismissed the suit, holding that the Civil Courts have no jurisdiction. It is to be regretted that he has not pointed out the particular provision of the law under which the jurisdiction is ousted. But we think he has arrived at the right conclusion. We have had the case twice argued before us on the first occasion it appeared to us that the case fell within Clause 1 of Section 3 of Act III of 1895. But on a closer examination, we are satisfied that that clause does not apply. Madras Act IV of 1864 had no application to inam villages which were not for purposes of village administration grouped with ryotwari villages. The Government notification dated the 25th of July 1878 did not therefore extend to the agraharam we have to deal with, Madras Act IV of 1893 which applied to local areas to which Act IV of 18,64 was extended did not touch the suit agraharam. It is therefore clear that the office now in question does not fall within Clause (1). This result is also made clear by the amendment made by Act IV of 1907 which repeals Madras Act IV of 1893 altogether, and modifies the language

of Clause (1) of Section 3 of Act III of 1895. The suit, however, is governed by the Act as it stood before the amendment; but that the meaning

was the same is borne out by the history of the" enactment. Although we are clear that Clause (1) does not apply, we think Clause (3) does. It

deals with other hereditary village offices in proprietary estates. The agrapharam is a proprietary estate according to the provision in Section 4 of

Act III of 1895 read with Section 4 of Act II of 1894.

2. We have been somewhat exercised over the word ""other."" Clauses (1) and (2) deal with the office of village accountant among others Is that

office excluded from the purview of Clause (3) by the word ""other""? We think not. If the office of karnam were excluded by the word ""other,

there would be no meaning in excepting it from the offices in Clause (3) by the further words ""in proprietary estates wherein Regulation 29 of 1802

remains in force the office of village accountant."" We ought therefore to put a construction on the phrase other hereditary village offices"" which

does not render the exception meaningless if we can possibly do so. By ""other hereditary village offices"" we may understand, not necessarily

offices of a different description, but offices other than those in the localities dealt with by clauses 1 and 2. This construction will not exclude the

office of karnam or village accountant from the ""other hereditary village offices"" in Clause 3. We think this interpretation produces a result in

accordance with the policy of the legislature as regards the determination of the tribunal which should deal with the succession to the office of

karnams in inam villages. We are of opinion that the conclusion of the District Judge is right, and we dismiss the second appeal with costs.