
(1914) 02 MAD CK 0017
In the Madras High Court

Bila Sanyasi Naidu

APPELLANT

Vs

Agnihotram Venkatacharyulu and Others

RESPONDENT

Date of Decision : 06-02-1914

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 115

Citation : AIR 1914 Mad 368 : (1914) 1 LW 241 : (1914) 26 MLJ 258

Hon'ble Judges : Sadasiva Aiyar, J

Bench : Division Bench

Judgement

Sadasiva Aiyar, J.—This is a petition u/s 115 of C.P.C. to revise the decree of the District Judge of Vizagapatam in A.S. No. 174 of 1911.

The suit out of which that appeal arose was brought by some inamdars against their tenant to recover rent due for the first two instalments of the

year soumya. The plaintiffs' suit was decreed on certain findings of fact and of law. There are nine grounds in the Memorandum of Civil Revision

Petition presented to this Court. The phrase "" The Court below acted illegally and with material irregularity "" occurs in several of these grounds but

I am satisfied that it only means that the Court committed some error of law or other in arriving at certain findings of fact or of law. Section 115

therefore has no application and the contentions raised in these grounds must be rejected. The only contention which really relates to the question

of jurisdiction is that raised in the 6th ground of the memorandum, namely, "" that a suit for rent of this land ought to have been preferred before the

Revenue Court,"" though the reason why the jurisdiction of the ordinary Civil Courts is ousted is not expressly mentioned even in this ground.

2. It is argued that the inam falls under the definition of an ""estate"" within Section 3 of the Estates Land Act, that therefore the plaintiffs are "" land-

holders "" and that the suit for rent against a tenant holding under a land-holder ought to be brought in the Revenue Courts and not in the Civil

Courts. It appears in this case that the inam had been granted by a former Maharajah before the issue of the Permanent Settlement sannad to the

Maharajah of Vizianagaram, and following Tadikonda Buchi Virabhadrayya Iyyavaru and Others Vs. Sonti Venkanna alias Venkata Ramudu and

Others, . I must hold that the inam is not an "" estate "" or part of an estate nor are the inamdars ""landholders within the definitions of those terms

contained in the Estates Land Act. The Jurisdiction of the Civil Courts has, therefore, not been lost over a suit for rent by such an Inamdar.

3. I dismiss the petition with costs.