

(1923) 02 MAD CK 0001
In the Madras High Court

Bolimati Murigadu and Others

APPELLANT

Vs

Nalla Bapadu and Others

RESPONDENT

Date of Decision : 28-02-1923

Acts Referred:

Citation : 73 Ind. Cas. 946 : (1923) 18 LW 53

Hon'ble Judges : Krishnan, J

Bench : Single Bench

Judgement

Krishnan, J.—The order of the District Munsif is clearly opposed to the ruling in Govindasami Pillai v. Municipal Council, Kumbakonam 45

Ind. Cas. 95 : 41 M. 620 : 34 M.L.J 399. The learned Munsif has found that the petitioners are paupers but has travelled beyond the four corners

of the plaint and relied on evidence to hold that the petitioners have ""no cause of action."" The plaint certainly discloses a cause of action and it was

not open to the Court to go beyond it and. come to a finding which, in reality, is a finding that the petitioners are not likely to succeed en the cause

of action alleged. The civil revision petition is allowed and the order of the lower Court is set aside and the petitioners are given leave to sue in

forma pauperis. Costs will abide and follow the result of the suit.