

(1895) 04 MAD CK 0017
In the Madras High Court

Chidamabara Mudali and Another

APPELLANT

Vs

Ramaswami Udayan

RESPONDENT

Date of Decision : 03-04-1895

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 2

Citation : (1895) 5 MLJ 91

Judgement

1. It is objected that no appeal lies in this case. I think the objection is well-founded. The order passed u/s 40 of Act II of 1864 by the District

Munsiff directing that possession be given to the holder of the Collector's certificate is clearly not a decree within the meaning of Section 2 of the

Civil Procedure Code. No appeal or second appeal lies against that order under the Code. Nor is any appeal given by the Revenue Recovery Act.

I must therefore reject the appeal on the preliminary ground taken for the respondent.

2. The appellants will pay the respondent's costs.