

(1912) 05 MAD CK 0001
In the Madras High Court

Chikkanna Chetty

APPELLANT

Vs

Chinnathoyeeammal

RESPONDENT

Date of Decision : 03-05-1912

Acts Referred:

Citation : 16 Ind. Cas. 354

Hon'ble Judges : Sadasiva Aiyar, J;Abdur Rahim, J

Bench : Division Bench

Judgement

1. We do not think that the judgment of the District Judge in the case answers the requirements of the law. The District Munsif was called upon to submit findings on two questions, i.e. (1) whether the suit bond is genuine and valid as against 5th defendant? and (2) whether the suit bond is not supported by consideration and evidences only a nominal transaction as alleged by the 5th defendant? The District Munsif returned his findings but objections were taken to those findings by the appellant before the learned District Judge. He does not state what those objections are, nor, does he deal with them. He simply says that he has perused the findings of the District Munsif on the issues remitted to him and heard both sides and accepts the findings. This is not a judgment within the meaning of the law. We set aside the decree of the lower Appellate Court and remand the appeal for disposal according to law. Costs will abide and follow the result.