

(1896) 08 MAD CK 0004
In the Madras High Court

Chinna Settayya		APPELLANT
	Vs	
Krishnavanamma		RESPONDENT

Date of Decision : 07-08-1896

Acts Referred:

Citation : (1896) ILR (Mad) 435

Hon'ble Judges : Davies, J;Boddam, J

Bench : Division Bench

Judgement

1. We agree with the principle laid down in Mahadaji Karan-dikar v. Hari D. Chikne I.L.R. 7 Bom. 332 that ""the Court that-bas made a decree or

judicial order which has then been transmitted for execution to a Collector is not deprived of the judicial powers with respect to it, which may still,

at any particular time, be competent to such Court, and which it would have had had the order been placed in the hands of its own ordinary officer,

the Nazir.

2. This general power has been curtailed by special legislation so far as regards Section 320 of the CPC (see Section 30 of Act VII of 1888). The

amendments effected thereby are, however, not made applicable to Section 265 of the Code, as they should have been if it had been intended by

the Legislature to limit the natural jurisdiction of the Court in respect to this section.

3. We are, therefore, of opinion that the District Judge had power to hear objections to the divisions made by the Collector. His order declining to

interfere is, therefore, reversed, and he is directed to replace the petition on his file and dispose of it.

4. No order is required as to costs.