

(1940) 11 MAD CK 0051

In the Madras High Court

In Re: Kadiyala Venkata Satyanarayanamurti

Date of Decision : 25-11-1940

Acts Referred:

Citation : AIR 1941 Mad 413 : (1941) 53 LW 108 : (1941) 1 MLJ 185

Judgement

1. The contention in these appeals is that for the purpose of proviso C to Section 3(iii) of Act IV of 1938 the Court can go into evidence not merely as to the correctness of the certificate u/s 27(as was held in Kamakshi Chetti v. Alaganan Chettiar (1940) 2 M.L.J. 468) but also as to the propriety of the assessment on the basis of which the person is to be qualified or disqualified as an agriculturist. We cannot accept this contention. If in fact there has been an assessment at a certain date it is this assessment which must govern the application of the proviso and not some theoretical figure which might have been, but was not, adopted. The appeals are dismissed under Order 41, Rule 11 of the Code of Civil Procedure.