

(1894) 01 MAD CK 0017

In the Madras High Court

In Re: Reference under Court fees Act, Section 5

Date of Decision : 26-01-1894

Acts Referred:

Citation : (1894) 4 MLJ 98

Hon'ble Judges : Muthusami Aiyar, J

Bench : Division Bench

Judgement

Muthusami Aiyar, J.—I consider that it is competent to the judge to make an order under Sections 411 and 412 of the CPC as to the payment of the court fee. It is contended for the plaintiff that the sections are not applicable to cases in which a decision is passed in terms of a compromise. The words in the sections are "succeeds" and "fails in the suit" and they refer to the ultimate decision or the result of the suit and not to the mode in which the decision is arrived at. I should be doing violence to the language of the section if I introduced into them the words "after contest" which I do not find in them, and on this ground, I am not prepared to follow the decision reported in *The Collector of Kanara v. Krishnappa Hegde* I. L. R 15 B 78 Costs of this reference will be costs in the cause.