

(1909) 10 MAD CK 0047
In the Madras High Court

Kadari Bhagavanulu

APPELLANT

Vs

Kokanada Narayanasawmy and Another

RESPONDENT

Date of Decision : 14-10-1909

Acts Referred:

Citation : 4 Ind. Cas. 1072

Hon'ble Judges : Wallis, J;Krishnasawmy Iyer, J

Bench : Division Bench

Judgement

1. It is argued that a memorandum of objections by a respondent cannot be of avail against a co-respondent. This question is concluded by a

series of decisions in Kulaikoda Pillai v. Viswanatha Pillai 28 M.k 229 and C.R.P. No. 322 of 1903 and Krishna Aiyengar v. Appanayangar 17

M.L.J. 62 The new Code has made the matter abundantly clear, Rule 22 of Order 41--and we are not inclined to re-open a course of decisions in

this Presidency on a rule of procedure which has since been expressly accepted by the legislature even if there should be any ground to doubt its

correctness.

2. On the finding, the decision of the District Judge is right; we dismiss the Second Appeal with costs--two sets.