

(1890) 12 MAD CK 0001
In the Madras High Court

Kanaran and Others

APPELLANT

Vs

Komappan and Others

RESPONDENT

Date of Decision : 15-12-1890

Acts Referred:

Court Fees Act, 1870 — Section 12

Citation : (1891) ILR (Mad) 169

Hon'ble Judges : Shephard, J; Arthur J.H. Collins, J

Bench : Division Bench

Judgement

1. In our opinion, the Subordinate Judge was wrong in valuing the plaint according to the value of the whole tarwad property. It is clear that the plaintiffs will not be gainers to that extent if they obtain a decree.

2. It was argued for on behalf of the respondents that Section 12 of the Court Fees Act prevented our revising the decision of the Subordinate

Judge, but it has been held by this Court that where it is not a mere question of amount or arithmetical calculation the section does not apply--

Chandu v. Kombi ILR 9 Mad. 208), Ajoodhya Pershad v. Gunga Pershad I.L.R., 6 Cal., 249). We reverse the decree and remand the case to be

dealt with according to law. Appellants must have the costs of this appeal.