

(1909) 07 MAD CK 0006
In the Madras High Court

Karumbar Pandrapantdaram and Another	APPELLANT
Vs	
Audimula Ponnappandaram and Others	RESPONDENT

Date of Decision : 22-07-1909

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 53, 54, 57

Citation : (1910) ILR (Mad) 262 : 3 Ind. Cas. 725

Hon'ble Judges : Abdur Rahim, J

Bench : Single Bench

Judgement

Abdur Rahim, J.—In this case the Munsif having found on the trial of an issue to the effect that the subject-matter of the suit was

undervalued and that if properly valued it would exceed the pecuniary jurisdiction of his Court returned the plaint for presentation to the proper

Court after the valuation had been corrected in accordance with this finding. The plaintiff amended the plaint by correcting the valuation and also

struck off some of the properties from the plaint so as to bring the rest of the claim within the jurisdiction of the Munsif. He then re-presented the

plaint so amended in the same Courts and put in a petition stating that he relinquished his claim, to the properties which he had struck out. The

Munsif thereupon admitted the plaint, and the question is, had he the power to do so? The Vakil for neither party has been able to refer me to any

authority, which, covers the exact point, nor does the CPC afford a clear answer. But, I think, in dealing with a question of this nature, I ought to

act upon the principle that unless there is anything in the nature of a definite enactment which curtails its powers a Court has inherent power to

adopt a course of procedure which obviously tends to facilitate justice in preference to one, which, though it may have the appearance of being

more technically correct, is likely to result in many cases to unmerited hardship and even to denial of justice to a litigant. Besides I do not see why

the action of the Munsif should not be held to fall within the letter of Section 57, Civil Procedure Code, read with Section 54, Civil Procedure

Code. And since u/s 53, Civil Procedure, Code, Clause (c), the Court itself may at any time before judgment amend the plaint, I do not think that

when an amendment is made by the plaintiff and is sanctioned by the Court, it, can be said that the Court had no power to allow or accept the

amendment.

2. I hold, therefore, that the order of the Munsif is right and dismiss the petition with costs.