

(1915) 02 MAD CK 0006
In the Madras High Court

Kattampudi Subbiah Chetty

APPELLANT

Vs

Khan Bahadur Walji Lalji Sait

RESPONDENT

Date of Decision : 24-02-1915

Acts Referred:

Citation : AIR 1916 Mad 761 : 29 Ind. Cas. 26

Hon'ble Judges : Spencer, J; Seshagiri Aiyar, J

Bench : Division Bench

Judgement

1. We think that the mere fact that some person, who had no authority to represent a party to a certain suit, makes inquiries as to what had been

done with that suit, is not a legal ground for declaring that that party was duly served with notice of the suit.

2. We also think that the return on the first summons in the case being that the defendant had gone to Gudur, the Subordinate Judge should have

directed the plaintiff to take out fresh summons to Gudur, and in the absence of any attempt to effect service at Gudur, the service by affixture at

Santhapeta should not have been treated as sufficient service.

3. We set aside the ex parte decree and direct the District Judge to take the case on his file and dispose of it according to law.

4. Costs will be costs in the cause.