

**(1896) 03 MAD CK 0008**  
**In the Madras High Court**

Krishna Panda and Another

APPELLANT

Vs

Balaram Panda

RESPONDENT

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**Date of Decision :** 07-03-1896

**Acts Referred:**

**Citation :** (1896) ILR (Mad) 290

**Hon'ble Judges :** Subramania Ayyar, J;Shephard, J

**Bench :** Division Bench

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## **Judgement**

1. The effect of an award has been entirely misunderstood. An award duly passed in accordance with a submission of the parties is equivalent to a final judgment. To give effect to it, the subsequent consent or approval of neither party is required. After an award made for a partition of joint property neither party can sue for partition any more than he could if a decree in a suit for partition had been passed, in order that the parties should be remitted to their previous rights, it is not enough that the award was not enforced or that even both parties objected to it. There must be positive evidence that both parties agreed that the former state of things should be restored. There is no such evidence in this case. The appeal must, therefore, be dismissed with costs.