

(1897) 09 MAD CK 0027
In the Madras High Court

Kunhi Marakkar Haji

APPELLANT

Vs

Kutti Umma

RESPONDENT

Date of Decision : 01-09-1897

Acts Referred:

Citation : (1898) ILR (Mad) 496 : (1897) ILR (Mad) 496

Hon'ble Judges : Subramania Ayyar, J; Davies, J

Bench : Division Bench

Judgement

1. Albeit there may have been no memorandum of objections, it was incumbent on the Judge to examine into the correctness of the finding and come to a conclusion whether he accepted it or not, unless its correctness had been admitted by the party to whom it was adverse, viz., the defendant in this case. There is nothing to show there was such admission, and the Judge has not expressed any opinion on the matter in question. There is therefore no judgment as prescribed by the Code. We must, therefore, reverse the decree and remand the appeal to be disposed of according to law. See Umed Ah v. Salima Bibi ILR 6 All. 383 Mumtaz Begam v. Fateh Husain ILR 6 All. 391 Bhagvan v. Kesur Kuverji ILR 17 Bom. 428 and see also Ramachandra Goivind Manik v. Sono Sadashiv Sarkhot ILR 19 Bom. 551. Costs will abide and follow the result.