

(1897) 11 MAD CK 0023
In the Madras High Court

Marimuthu

APPELLANT

Vs

Saminatha Pillai

RESPONDENT

Date of Decision : 29-11-1897

Acts Referred:

Citation : (1898) ILR (Mad) 366

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

Bench : Division Bench

Judgement

1. All we have to say is whether, on the face of the plaint, a good cause of action is disclosed. The allegation of partnership dealings and of the settlement of accounts between the partners followed by a promise on the part of one partner to pay a liquidated sum to the other amounts to a contract supported by good consideration, and the law does not require it to be in writing. The case of Amuthu v. Muthayya ILR 16 Mad. 339 does not appear to be a case of mutual dealings. The case in Hirada Karibasappah v. Gadigi Muddappa 6 M.H.C.R. 197 is more in point.
2. We must reverse the decree and remand the suit for disposal on the merits. Costs will be provided for in the revised decree.