

(1924) 07 MAD CK 0038
In the Madras High Court

Mu. Chidambaram Chettiar

APPELLANT

Vs

C.K. Kadar Mohideen Rowther and Others

RESPONDENT

Date of Decision : 23-07-1924

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 33 Rule 3

Citation : AIR 1925 Mad 791 : 84 Ind. Cas. 968 : (1924) 20 LW 622 : (1924) 47 MLJ 522

Hon'ble Judges : Jackson, J

Bench : Division Bench

Judgement

Jackson, J.—The petitioner's pauper petition was rejected merely because it was presented in person to the Sheristadar and not to the

Court.

2. There is no reason to hold that Rule 14 of the Civil Rules of Practice is ultra vires. "Court" is nowhere defined in the CPC (1908) and the

Court or such officer as it appoints in this behalf "is the Court for purposes of receiving suits, and, by analogy, applications. The insistence in

Order 33, Rule 3, Civil Procedure Code, is on "in person" not on Court as meaning "Judge himself." If necessary the learned Subordinate Judge

may take up the petition again in the light of these remarks; but possibly subsequent circumstances have rendered further action unnecessary.