

(1910) 02 MAD CK 0059
In the Madras High Court

Mukkattum Prath Poovatham Kandi Ummacha

APPELLANT

Vs

Purushothamma Doss Pragji Sait and Others

RESPONDENT

Date of Decision : 16-02-1910

Acts Referred:

Citation : 6 Ind. Cas. 682(1)

Hon'ble Judges : Miller, J

Bench : Single Bench

Judgement

Miller, J.—It does not appear that the 1st defendant denied that the property was tarwad property, and it is impossible now to say what questions were raised as the District Munsif neither sets out the defence nor the points for determination. If, as alleged in the plaint, the property was tarwad property when it was assigned to the plaintiff that would be strong evidence (unless it was also found that the debt due to the 1st defendant was binding on the tarwad) that the transfer was not in fraud of the creditors of the 2nd defendant. The District Munsif has not considered these questions and it is impossible to say whether or not they were raised.

2. The law requires that he should set out in his judgment the points for determination and in the present case his failure to do so has rendered it impossible to form an opinion whether he has considered all the questions raised before him.

3. I, therefore, reverse his decree and remand the suit for disposal according to law.

4. The costs will abide the result.