

(1898) 08 MAD CK 0004
In the Madras High Court

Muruga Pillai

APPELLANT

Vs

Subrahmania Aiyar

RESPONDENT

Date of Decision : 07-08-1898

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 13

Citation : (1898) 8 MLJ 197

Judgement

1. I think the Judge is wrong. The two claims, the one on the note, the other on the settlement of accounts, are so closely connected that I do not

think it can possibly be said that the plaintiff ought not to have joined the two claims. He might have joined them and I think he ought to have done

so. The evidence in support of the two claims would be in great part the same. In both cases, proof of entries in the books would be necessary.

Having regard to the terms of Section 13, Civil Procedure Code, as construed by the Privy Council and in this Court, *Arunachalam Chetty v.*

Meyyappa Chetty, I.L.R., 21 M., 91 I think the suit was rightly dismissed.

2. The order of remand is set aside with all costs.