

(1897) 09 MAD CK 0016
In the Madras High Court

Musaliyam Kunhi

APPELLANT

Vs

Valiyakath Periyattail

RESPONDENT

Date of Decision : 01-09-1897

Acts Referred:

Citation : (1897) 7 MLJ 236

Judgement

1. Albeit there may have been no memo 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 parties 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 Ali v. Salinia Bibi ILR 383 Bhagvan v. Kesur Kiwerji ILR B. 428 and Barnar chandra Govind Sono Sadashiv ILR B. 551. Costs to abide and follow the result.