

(1903) 09 MAD CK 0006
In the Madras High Court

Muthuvaian represented by his Agent, Venkataramier	APPELLANT
Vs	
Periasami Iyen and Others	RESPONDENT

Date of Decision : 11-09-1903

Acts Referred:

Citation : (1903) 13 MLJ 497

Judgement

1. Although the matter immediately dealt with by the Privy Council in Hurrish Chunder Chowdhry v. Kalisundari Debi L.R. 9 C. 482 and by this

Court in Sabapathi v. Narayanasami ILR 25 M. 555 related to the opening sentence of Section 588, Civil Procedure Code, and it was held that

Section 585, does not operate to control Section 15 of the Letters Patent which provides for an appeal from the Judgment of single judge of the

High Court, to the High Court yet the reasoning open which the decisions proceed and particularly the decision in Subapathi v. Narayasami ILR

25 M. 555 are equally applicable to the construction to be placed on the concluding sentence of Section 585, Civil Procedure Code, declaring that

orders passed in appeals under that section shall be final,

2. It is clear that the word "final" is not used in the sense that it is not subject to review by the same Court or to revision by the High Court or to

appeal to His Majesty in Council u/s 595 Civil Procedure Code.

3. The word "final" is used in the section simply in the sense that there shall be no second appeal to a court of a higher grade, and in this view it is

not inconsistent with the provision made by Section 15 of the Letters Patent in appeals from the judgment of one judge of the High Court to the

High Court.

4. We, therefore, overrule the preliminary objection. On the merits there is no

ground for this appeal.

5. This appeal is dismissed with costs.