

(1906) 02 MAD CK 0003
In the Madras High Court

Peria Muthirian and Others

APPELLANT

Vs

Karappanna Muthirian and Another

RESPONDENT

Date of Decision : 15-02-1906

Acts Referred:

Citation : (1906) ILR (Mad) 370

Hon'ble Judges : Subrahmania Ayyar, J; Moore, J

Bench : Division Bench

Judgement

1. The order of the District Munsif was that costs were to be paid on or before the 24th June 1904. It was not however till the 11th July that the

amount of the costs was ascertained and even then the amount was incorrect and it was not till the 29th July that the correct figures were given.

Application for extension of time in which to pay was made on the 30th July. We must hold that the District Munsif exercised a sound discretion in

extending the time for payment inasmuch as it was absolutely impossible for the plaintiffs to pay the amount of costs into Court on or before the

date originally fixed, i.e., the 24th June We allow this appeal, set aside the order of the learned Judge and restore that of the District Munsif with

costs before Mr. Justice Boddam and in this Court.