

(1923) 02 MAD CK 0005
In the Madras High Court

Polimati Mungadu and Others

APPELLANT

Vs

Nalla Bapadu and Others

RESPONDENT

Date of Decision : 28-02-1923

Acts Referred:

Citation : AIR 1924 Mad 80

Hon'ble Judges : Krishnan, J

Bench : Division Bench

Judgement

Krishnan, J.—The order of the District Munsif is clearly opposed to the ruling in Govindasamy Pillai v. Municipal Council, Kumbakonam

[1918] 41 Mad. 620. The learned Munsif has found that the petitioners are paupers, but has travelled beyond the four corners of the plaint and

relied on evidence to hold that the petitioners have "no cause of action". The plaint certainly discloses a cause of action; and it was not open to the

Court to go beyond it and come to a finding which, in reality, is a finding that the petitioners are not likely to succeed on the cause of action alleged.

The Civil Revision Petition is allowed and the order of the Lower Court is set aside; and the petitioners are given leave to sue in forma pauperis.

Costs will abide and follow the result of the suit.