

(1903) 10 MAD CK 0005
In the Madras High Court

Ponnusami Mudali

APPELLANT

Vs

Mandi Sundara Mudali

RESPONDENT

Date of Decision : 15-10-1903

Acts Referred:

Citation : (1904) ILR (Mad) 255 : (1904) 14 MLJ 356

Judgement

1. We think that the matter is practically concluded by the dictum of the Privy Council in the recent case of Ghulam Jilani v. Muhammed Hassan

L.R. 29 IndAp 51, that an order made on an application to file an award u/s 525 of the CPC "" would seem to be a decree within the meaning of

that expression as denned in the Civil Procedure Code."" This is a considered dictum and is, we think, fully in accordance with the scheme and

policy of the Code.

2. The decision of the Privy Council in Muhammad Nawaz Khan v. Alam Khan ILR 18 C. 414 is not at variance with the above view. We think

that the contrary view taken in Mana Vihrama v. Krishnan Nambudri ILR 3 M. 68 is erroneous.

3. Our answer to the reference made to us is (1) that the order of the District Munsif refusing to file the award and setting it aside is a decree and

(2) that an appeal lay against that decree.