

(1923) 09 MAD CK 0057
In the Madras High Court
Punya Syamalo

Date of Decision : 19-09-1923

Acts Referred:

Citation : (1924) ILR (Mad) 381

Hon'ble Judges : Odgers, J;Krishnan, J

Bench : Division Bench

Judgement

1. We think the reasons stated in the Order of the learned Sessions Judge are correct and we accept the same. The amount due under a contract of lease though of the toll cannot be treated as falling within the words of Section 221 of the Local Boards Act. The words "other sums" in the section should be read ejusdem generis with what precedes them. Then again the sum in question here, is not payable "under or by virtue of this Act," but is payable under the contract between the parties. Section 106 has no bearing on this question; it merely authorizes the leasing out of the tolls but does not make the money payable under the contract of lease, money payable under the Act.

2. We, therefore, set aside the order of the Town Sub-Magistrate of Berhampur in M.C. No. 44 of 1922 as made without jurisdiction.