

**(1921) 09 MAD CK 0030**  
**In the Madras High Court**

Rajah of Ramnad

APPELLANT

Vs

Kamith Ravuthan and Others

RESPONDENT

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**Date of Decision :** 09-09-1921

**Acts Referred:**

**Citation :** 66 Ind. Cas. 686

**Hon'ble Judges :** Spancer, J;Knmarawarai Sastri, J

**Bench :** Division Bench

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### Judgement

1. These are pensions for leave to appeal to His Majesty in Council from an order passed u/s 25 of Act IX of 1887 in exercise of the High Court's powers of revision over the judgment given by the District Munsif of Manamadura in certain Small Cause suits.

2. Those suits were brought by the Rajah of Ramnad in a Small Cause Court to recover damages for the Putting of trees in the defendants holdings. The damages claimed amounted to no more than a few rupees in each case. It is now alleged in an affidavit sworn to by a subordinate of the Rajah that the effect of our order will be to deprive the plaintiff of tirva to the extent of Rs. 30,000 when the whole Zamindari is considered. There is no counter affidavit and this statement, therefore, is not challenged. It is, therefore, urged that the order involves, directly or indirectly, a claim or question of upwards of Rs, 10,000 in value.

3. The reference in the CPC is evidently to questions arising between the parties to the suit and not to questions affecting the title of one of the parties to the suit in suits that may hereafter be brought but are not now pending. Vide Hanuman Prasad v. Bhagwati Prasad 24 A. 286 . which follows a decision of the Privy Council in Moofti Mohummud Ubdoollah v. Baboo Mootichund I Suth, P. C. J. 56 . and must, therefore, be preferred to the decision of a Single Judge in Ananda Chandra Bose v. Broughton 91B. L. R. 423.

4. As the value of the subject-matter involved is less than Rs. 10,000 no appeal

can lie from our final order unless we certify under Clause 39 of the Latters Patent that the case is a fit one for appeal to the Privy Council.

5. We think it must be conceded that our decision, being one on the meaning of Section 12 of the Madras Estates Land Act, involved a substantial question of law and that it is likely to have very serious and far-reaching consequences in the Ramnad Zamindari, seeing that: other Courts in that District will follow it in dealing with disputes as to the rent payable for trees and as to the right of raiyats to take the timber of growing trees. Looked at from this point of view, the right in dispute is not exactly measurable in money, but is of great private importance and, in sash cases, leave to appeal has been granted in Joykishen Mookerjee v. Collector of East Burdwan 1 Suth. P. C. J. 542 . and by the Allahabad and Bombay High Courts respectively in Anant Ram v. Sheorai Singh 18 Ind. Cas. 305. and Harjibhai v. Jamshedii 21 Ind. Cas. 783 .

6. We, therefore, certify under Clause 39 that these cases are fit cases for appeal. The appeals may be consolidated for purposes of security.

M. C. P. J. P. & W. C. A. Leave granted.