

(1901) 01 MAD CK 0003
In the Madras High Court

Raman

APPELLANT

Vs

Secretary of State for India in Council

RESPONDENT

Date of Decision : 29-01-1901

Acts Referred:

Suits Valuation Act, 1887 — Section 11

Citation : (1901) ILR (Mad) 427

Hon'ble Judges : Arnold White, C.J;Subrahmania Ayyar, J

Bench : Division Bench

Judgement

1. It has been objected on behalf of the respondent) that the order of lower Appellate Court remitting the case to the Court of First Instance for a finding on the issue as to title Was made without jurisdiction and that anything done in pursuance of that order must be treated as a nullity. The objection is based on undervaluation. In a case like this the effect of Section 11 of the Suits Valuation Act is to cure the want of jurisdiction unless the Appellate Court is satisfied that the undervaluation has prejudicially affected the cause on the merits. If the lower Appellate Court had finally disposed of the appeal on the merits, it might be said that the party against whom the decision went had been prejudicially affected, but there has been no disposal on the merits, and it is open to this Court to deal with the findings and go into the question of their correctness. We are unable to accept the respondent's suggestion that Section 11 of the Suits Valuation Act only applies when there is a final disposal by the lower Appellate Court. The objection must be overruled