
(1901) 01 MAD CK 0006
In the Madras High Court

Raman

APPELLANT

Vs

The Secretary of State for India in Council

RESPONDENT

Date of Decision : 29-01-1901

Acts Referred:

Suits Valuation Act, 1887 — Section 11

Citation : (1901) 11 MLJ 315

Judgement

1. It has been objected on behalf of the respondent that the order of the 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 hi" pursuance of that order must be treated as a nullity. The

objection is based on under-valuation 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. This objection must be overruled.

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[In dismissing the suit on the evidence as barred by limitation, their Lordships discussed the admissibility of a report of the District Officer as

follows.]

2. That so far back as June 1884, special precautions were taken on behalf of the Government to prevent the plaintiff's family from interfering with

the properties in dispute in any way appears from Exhibit RR, the report of the then District Officer Mr. Morgan bearing date the 19th July 1884.

On behalf of the plaintiff it was urged that this document cannot be relied on as evidence in favour of the Government. The plaintiff himself having

caused it to be produced and filed as an Exhibit on his behalf, it is difficult to see how he can now object to its being used by the other side. Apart

from this, it is clearly a public record containing evidence relevant to the case and therefore admissible in evidence u/s 35 of the Indian Evidence

Act. The argument that the exhibit, being but a single official document, is not a record within the meaning of Section 35 and the dicta cited in

support of that argument are inconsistent with the ruling of the Judicial Committee as well as with the rulings of all the High Courts,--that a

judgment is admissible? as a record u/s 35. The defendant, therefore, is clearly entitled to rely on the report in question.