

(1928) 12 MAD CK 0029
In the Madras High Court

Rasalingam Asari

APPELLANT

Vs

Nallayan Asari

RESPONDENT

Date of Decision : 17-12-1928

Acts Referred:

Citation : AIR 1929 Mad 295 : 118 Ind. Cas. 511

Hon'ble Judges : Devadoss, J

Bench : Division Bench

Judgement

Devadoss, J.—The first point raised in this Civil Revision Petition is that the Panchayat Court had no jurisdiction to entertain the suit for subscriptions, and reliance is placed upon the decision of my learned brother Wallace, J., in Rama Pillai v. Pulasthiam Pillai AIR 1923 Mad. 330. That case is distinguishable from the facts of this case. For a long time the defendant and his ancestors have been paying the subscription and on the strength of the subscription expenses were incurred in celebrating a festival in the temple. That being so, there is an implied contract to pay the amount from time to time. I hold that this suit is not exempted from the cognizance of the Village Panchayat Court and therefore this point cannot be sustained.

2. The next point is, the direction that the future payments should be paid regularly, is illegal. This is in the nature of a decree for maintenance directing future payments to be paid for all time. This is clearly illegal. Such a suit would not lie in the Village Panchayat Court. This portion of the decree will be deleted. With this remark I dismiss the Civil Revision Petition, but in the circumstances without costs.