
(1929) 10 MAD CK 0047
In the Madras High Court

Renganatha Aiyangar through his next friend Krishna Aiyangar APPELLANT
Vs
Sundararaja Aiyangar and Others RESPONDENT

Date of Decision : 07-10-1929

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 7 Rule 11

Citation : (1930) 31 LW 831 : (1930) 58 MLJ 651

Hon'ble Judges : Jackson, J

Bench : Division Bench

Judgement

Jackson, J.—In this case the District Munsif of Devakotta found that the petitioner's suit on revaluation was beyond his jurisdiction. He

ordered him to pay the deficient Court-fee within 15 days and when that was not done he rejected the plaint under Order 7, Rule 11 of the Code

of Civil Procedure.

2. There is some divergence of opinion as to what is the proper course in these circumstances, but the only case in the authorised reports is

Kannusami Pillai and Another Vs. Jagathambal, which in my opinion accords with the plain reading of the statute. If a Court finds a suit beyond its

jurisdiction it cannot do more than order it to be presented in the proper Court.

3. The District Munsif in this case had no jurisdiction to reject the plaint and I cancel the order. He is directed to return the plaint. The petition is

allowed with costs.