

(1926) 03 MAD CK 0036
In the Madras High Court

S. Ramachandra Iyer

APPELLANT

Vs

T.S. Narayanasami Aiyar

RESPONDENT

Date of Decision : 17-03-1926

Acts Referred:

Citation : AIR 1927 Mad 426

Hon'ble Judges : Ramesam, J

Bench : Division Bench

Judgement

Ramesam, J.—The defendant is the petitioner before me. The plaintiff brought the suit to recover Rs. 289 as due to him on account of

dealings between the parties. The defendant denied the plaintiff's account and also said that the disputes between him and the plaintiff were settled

by Ramachandra Iyer, Subramania Iyer and Natesa Iyer and it was decided by them in June 1922, that the defendant should discharge the

promissory note for Rs. 400 executed by plaintiff to Ramachandra Iyer ou his behalf and that the plaintiff should deliver to the defendant certain

articles and receive Rs. 90 from the defendant and that the articles were not so delivered. The District Munsif has set out two points for decision

(1); whether the entries in the plaintiff's account are true and (2) what amount is the plaintiff entitled to recover? At p. 5 he also says that the

question of mediation is irrelevant for the purpose of the suit. If there are disputes between two parties and if they agree to refer the matter to

mediators also agreeing beforehand that they should abide by the decision of the mediators, I think if such a mediation is completed, i. e., ended in

a decision that so much be paid by one party to the other, that decision is binding on the parties and is not irrelevant. Therefore the District Munsif

ought to have framed an issue as regards the mediation and recorded a finding thereon. Seeing he has not taken such a course, strictly speaking, I ought to call for a finding. But, though there is no issue, the parties seem to have adduced a good deal of evidence on this mediation. [His Lordship examined the evidence and dismissed the petition.]