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(1897) 04 MAD CK 0017

In the Madras High Court

Sitapati — APPELLANT

Vs

Narasimham — RESPONDENT

Date of Decision : 01-04-1897

Acts Referred:

Citation : (1897) 7 MLJ 248

Judgement

1. The decided case to which the District Judge refers is said to be the case reported in ILR 15 M., 285. According to the respondent''s

contention the office"" of Karnam belonged to the family of which plaintiff and 1st defendant are members, and it is found that'' the enfranchisement

took place when 1st defendant was actual holder the office. If these are the real facts, we do not think the case. of Yenkatarayaduy.

Venkataramayya,! applies, for the judgment shows that there was no intention to go beyond the decision in Venkata v. Rama I.L.R., M., 349 and

the facts in the latter ease are clearly distinguishable from those, in the present. There is no sufficient finding by either Court of the fact. We must,

therefore, ask the District Judge to return a finding on the issue :--Whether the family of the parties were the holders of the office of karnam up to

the date of the enfranchise mant of the lands. The finding is to be returned within a month after the reopening of the Court, and seven days will be

allowed for filing objections after the finding has been posted up in this Court. The finding having been submitted, the Court dismissed the second

appeal appeal with costs, stating that no additional evidence was given.

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