
(1940) 03 MAD CK 0015
In the Madras High Court

Soundararajappa Mudaliar

APPELLANT

Vs

Krishna Aiyar, by guardian Raghavendra Rao and Another

RESPONDENT

Date of Decision : 06-03-1940

Acts Referred:

Madras Hereditary Village Offices Act, 1895 — Section 13(1), 21

Citation : (1940) 1 MLJ 912

Hon'ble Judges : Burn, J

Bench : Division Bench

Judgement

Burn, J.—The decisions of the lower Courts are clearly wrong. The suit in this case was one in which the plaintiff claimed two reliefs (1) a

declaration that the first defendant's appointment as karnam of Kondampatti was illegal and (2) registry of his own name as holder of the office of

karnam. The office of karnam in Kondampatti is hereditary and the plaintiff's case was based on the allegation that he was the nearest heir to one

Krishnamurthi the last registered office-holder. This suit was exactly a suit of the kind described in Section 13(1) of the Madras Hereditary Village

Offices Act (III of 1895). Consequently the jurisdiction of the Civil Courts was barred by Section 21 of the Act (III of 1895).

2. It makes no difference that the first defendant is a stranger to the family of the plaintiff. The lower courts have been led astray by the decision in

Narla Ramakrishnayya Vs. Myneni Venkataranga Rao and Another, . That was a case in which a certain hereditary office had been abolished u/s

6(1) of the Act. The section itself provides that where villages are grouped etc., the hereditary offices in them shall cease to exist and new

hereditary offices shall be created. Hence, in such a case, as Ananthakrishna Ayyar, J. pointed out, no suit could possibly be filed u/s 13 for any of

the new offices. That is the distinction between that case and this. Here a suit can be filed u/s 13 of the Act and such a suit was filed in the Revenue

Court and pursued up to the Board of Revenue.

3. I am quite clear that the Civil Courts had no jurisdiction in this case. The decrees of the lower Courts are set aside and the plaintiff's suit is

dismissed. The plaintiff (first respondent) must pay the costs of the appellant (first defendant) throughout.

4. Leave refused.