

(1931) 10 MAD CK 0027
In the Madras High Court

S.P.R.M. Ramasami Chettiar

APPELLANT

Vs

(Raja Sreemathu) Muthu Vijaya Ragunatha Doraisingam

RESPONDENT

Date of Decision : 15-10-1931

Acts Referred:

Citation : AIR 1932 Mad 224 : 137 Ind. Cas. 564 : (1932) 35 LW 144

Hon'ble Judges : Curgenvén, J

Bench : Division Bench

Judgement

Curgenvén, J.—The suit was for poruppu and cesses, and the only question here is whether it was cognizable by a Small Cause Court. The

learned Subordinate Judge who tried it as a small cause has answered the question in the affirmative and I can find no reason to differ from his

conclusion. He is obviously right in saying that the so-called cesses were not collected by the zamindar as cesses but it was really money with

which he reimbursed himself for payment of cesses on behalf of the defendants. I do not think that poruppu is a class of allowance or foe

contemplated by Article 13, Schedule 2, Provincial Small Causes Courts Act. There is very little doubt that its equivalent in other parts of the

Presidency is jodi or kattubadi, being a favourable quit rent charged upon lands granted for various reasons [see Sundararaja Ayyangar's Land

Tenures in the Madras Presidency, Edn. 2, p. 206], and there is direct authority in Venkatagiri Rajah v. Venkat Rau [1898] 21 Mad 243, that a

suit for jodi is cognizable by a Small Cause Court. There are other cases, such as Musafkanni Ravuthar and Others Vs. Doraisingam and Others,

and Seetharama Ayyar v. Fischer [1907] 17 M.L.J. 487, which related to small cause suits for such claims in which the matter was not even raised

but seems to have been taken for granted. I think accordingly that the finding is correct and I dismiss the civil revision petition with costs.