

(1925) 10 MAD CK 0006
In the Madras High Court

Sri Mahant Prayaga Doss Jeevaru

APPELLANT

Vs

Pachella Doraiswami Iyengar and Another

RESPONDENT

Date of Decision : 07-10-1925

Acts Referred:

Citation : 92 Ind. Cas. 899 : (1926) 23 LW 520

Hon'ble Judges : Waller, J;Devadoss, J

Bench : Division Bench

Judgement

1. The only point urged in this appeal is that the suit is of a small cause nature and no second appeal lay inasmuch as the amount of the claim was

less than Rs. 500. It is urged that when the objection was taken before the learned Judge who decided the second appeal, he overruled it. We

consider the learned Judge is perfectly right in overruling the objection as the main issue in the case related to the question of title. No doubt a

Small Cause Court is entitled to decide a question of title if it arises incidentally. But where the plaint and the written statement show that the issue

to be fought out and decided is one of title, we think the suit cannot be considered to be one of small cause nature.

2. There is no other point raised in this appeal. The appeal is dismissed with costs.