

(1915) 09 MAD CK 0050
In the Madras High Court

Subraya Acharya

APPELLANT

Vs

Kesava Upadhaya

RESPONDENT

Date of Decision : 24-09-1915

Acts Referred:

Citation : AIR 1916 Mad 691 : 31 Ind. Cas. 206

Hon'ble Judges : Srinivasa Aiyangar, J

Bench : Single Bench

Judgement

Srinivasa Aiyangar, J.—In this case the petitioner takes the objection that the Small Cause Court had no jurisdiction. The suit was one by a

hereditary archaka of a temple to recover from the defendant, the trustee, an amount which was alleged to be due to the plaintiff as the dues of his

office, which he says is a hereditary office. The defendant admitted that the plaintiff was entitled to the sum which he sued for, but claimed to make

a reduction of Rs. 4 on account of a fine which he said he had imposed on the plaintiff. The lower Court found that this fine was not proved to have

been properly imposed on the plaintiff. I am obliged to allow the objection taken here, that the suit was one which a Small Cause Court had no

jurisdiction to try. Article 13 of the second Schedule to the Provincial Small Cause Courts Act includes a case of this kind. I, therefore, reverse the

decree of the lower Court to the extent of Rs. 4; but inasmuch as this objection was not taken in the first Court, I give petitioner no costs either

here or in the lower Court.