

(1915) 11 MAD CK 0081
In the Madras High Court

V. Ramaswami Iyer

APPELLANT

Vs

The Madras Times Printing and Publishing Co., Ltd.

RESPONDENT

Date of Decision : 23-11-1915

Acts Referred:

Presidency Small Cause Courts Act, 1882 — Section 69

Citation : 32 Ind. Cas. 610

Hon'ble Judges : Sadasiva Aiyar, J; Napier, J

Bench : Division Bench

Judgement

1. This is a reference u/s 69 of the Presidency Small Cause Courts Act. We regret that we cannot accept it as it stands. The section requires that the Court shall draw up a statement of the facts of the case. The reference begins with the words, "The facts of the case are as follows" but on page 33, we find that the Judges differ on the very important question whether the plaintiff did any work after Exhibit E. They also state that as regards the kind of work done the learned Trial Judge has found that it is not proved, but the Judges express no opinion on that point themselves. We would also note that the learned Judges have extracted portions of letters in their statement, thereby introducing evidence into the findings. We must return the reference and request the Court to state the facts of the case as found by them as shortly and concisely as possible, We must further ask the Courts after having found the facts to decide on what questions of law they differ on those facts and give us the benefit of their individual opinion on those facts, not on the view of the facts taken by each Judge himself.