

(1893) 10 MAD CK 0023
In the Madras High Court

Venkatanarasimha Naidu

APPELLANT

Vs

Suranna

RESPONDENT

Date of Decision : 12-10-1893

Acts Referred:

Citation : (1894) ILR (Mad) 298

Hon'ble Judges : Muttusami Ayyar, J; Best, J

Bench : Division Bench

Judgement

1. The preliminary point in this case is whether orders passed under Madras Act VIII of 1865 by a Collector are open to revision u/s 622 of the

Code of Civil Procedure.

2. The question was answered in the negative in Velli Periya Mira v. Moidin Padsha ILR 9 Mad. 332 which was followed in Appandai V. Srihari

Joishi ILR 16 Mad. 451

3. It has now been contended that the revision mentioned in Section 76 of Act VIII of 1865 (Madras) means revision by the Court which made

the order and not revision by a superior Court. We are unable thus to limit the scope of the word by introducing words which are not to be found

in the section.

4. As to the contention that Act VIII of 1865 is a local Act and cannot override the provisions of Section 622 of the CPC by the powers

conferred on this Court under the Letters Patent, we need only refer to Section 4 of the Code of Civil Procedure.

5. We do not see sufficient ground for dissenting from the decision in Velli Periya Mira v. Moidin Padsha ILR 9 Mad. 332

6. This petition is dismissed, with costs.