

(1909) 03 MAD CK 0013

Madras High Court

Case No: None

Kollipara Seetapaty

APPELLANT

Vs

Kantipati Subbayya

RESPONDENT

Date of Decision: March 5, 1909

Citation: (1910) 20 MLJ 718

Judgement

1. We are unable to agree with the view taken by the learned Judges in Parameshwaran Nambudri v. Vishnu Embrandari ILR (1904) M. 479 as

regards the appellate decision in that case. As the decision of the appellate Court in the case before us was made without jurisdiction we think this

Court is bound to set it aside. As regards the decision of the appellate Court we think the cases Ramasami Chettiar v. R.G. Orr I.L.R (1903) M.

176 and Shankarbhai v. Sonabhai ILR (1900) B 317 were rightly decided.

2. We would answer the question which has been referred to us in the affirmative.