

(1880) 04 AHC CK 0005

Allahabad High Court

Case No: None

Jadaun Rai

APPELLANT

Vs

Gulzari Lal

RESPONDENT

Date of Decision: April 22, 1880

Citation: (1880) ILR (All) 799

Hon'ble Judges: Straight, J; Oldfield, J

Bench: Division Bench

Judgement

Oldfield, J.

We are constrained to allow an objection taken by appellant that the Subordinate Judge had no jurisdiction to try this suit. The claim is to have declared the plaintiff's right to some grain stored in pits, by setting aside an order of the Munsif for bringing the grain to sale in execution of a decree held by defendant against a third party, his judgment-debtor. A course of decisions of this Court has held that the value of the subject-matter in dispute for determining jurisdiction will be in such cases the amount of the decree in satisfaction of which it is sought to bring the property to sale.--S.A. No. 320 of 1876, decided the 16th May 1876 (unreported). We decree the appeal and set aside the proceedings in the lower Courts, and direct that the plaint be, returned to the plaintiff in order that he may, if so advised, present it in the proper Court. Each party will bear their own costs in all Courts.