

(1913) 04 MAD CK 0028

Madras High Court

Case No: None

The Receiver of the
Nidadavole and Medur
Estates

APPELLANT

Vs

K. Suraparazu and
Others

RESPONDENT

Date of Decision: April 15, 1913

Citation: (1915) ILR (Mad) 295 : 29 Ind. Cas. 449

Hon'ble Judges: Charles Arnold White, C.J; Sankaran Nair, J; Miller, J

Bench: Full Bench

Judgement

1. We think the words "all suits, appeals and other proceedings under this Act," in Section 192 of the Madras Estates Land Act, 1908, may be construed as including the institution of a suit by the presentation of a plaint. The result is that the provisions of the CPC apply to the presentation of a plaint in a suit under the Estates Land Act. u/s 121 of the Code of Civil Procedure, the rules in the first Schedule have effect as if enacted in the body of the Act. Order IV, Rule 1, provides that every suit shall be instituted by presenting a plaint to the Court or such officer as it appoints in this behalf. It is, therefore, open to the Collector to appoint an officer to whom plaints may be presented, but this, we understand, has not been done.

2. It is clear that Rule 14 of the Civil Rules of Practice does not apply to proceedings before a Revenue Court, and we cannot accept the contention that, when the plaintiff sought to present his plaint in this case, the Court was closed within the meaning of Section 4 of the Limitation Act.

3. We must accordingly answer the question in the affirmative.