
(1880) 05 CAL CK 0008

Calcutta High Court

Case No: None

Ram Lall Agurwallah

APPELLANT

Vs

Masoollah Khan

RESPONDENT

Date of Decision: May 7, 1880

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Section 6

Citation: (1881) ILR (Cal) 6

Hon'ble Judges: Tottenham, J; Jackson, J

Bench: Division Bench

Judgement

Jackson, J.

It is clear that there is no ground of special appeal in this case. The one point which was raised before us, but which was not raised in the lower Appellate Court, was the question of jurisdiction. It is suggested that this suit was not properly framed, inasmuch as the plaintiff joined together three different causes of action, which he had against the defendant, [8] two of which were valued at less than Rs. 1,000. As to these two, it is contended that the Subordinate Judge had no jurisdiction. Now, the old Code of Civil Procedure, under which this suit was commenced, authorized a plaintiff to join causes of action against the same parties which were cognizable by the same Court. It is contended that these two suits being below Rs. 1,000 were not cognizable by the Subordinate Judge under Act VI of 1871, but it is clear that they were, because Section 19(sic) of that Act gives the Subordinate Judge jurisdiction over all cases without reference to the value, subject only to the condition contained in Section 6 of the Code of Civil Procedure. The effect of that would be, that, if suits had been brought under these two bonds separately, they would, u/s 6, have to be filed in the Court of the Munsif, but they were cognizable by the Subordinate Judge. Therefore, the plaintiff was quite warranted in including them in one suit, and the whole cause of action united being over Rs. 1,000 was rightly tried by the Subordinate Judge. The appeal is dismissed with costs.