

**Appa Rao Vs. Sobhanadri Rao**

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**SooperKanoon Citation :** [sooperkanoon.com/776426](http://sooperkanoon.com/776426)

**Court :** Chennai

**Decided On :** Jan-31-1899

**Reported in :** (1901)ILR24Mad158

**Judge :** Arthur J.H. Collins, C.J. and ;Benson, J.

**Appellant :** Appa Rao

**Respondent :** Sobhanadri Rao

**Judgement :**

1. As the District Munsif thinks that the allegation in the plaint that the kattubadi is a charge on the land is a false allegation made for the purpose of avoiding the jurisdiction of the Small Cause Court, we think that the proper course is to require the plaintiff to satisfy that Court that the allegation is bona fide and not merely colourable in order to change the venue. The plaintiff may be required to adduce some decision of the Courts, or some orders or reports of Government or public authorities in which such a charge has been recognized, or, if the charge is a matter of contract, he may be required to produce any written or other evidence in support of the contract. If the Court then thinks the allegation is made bona fide even though the Court may not hold it to be actually proved, it should register the plaint on the Original Side and proceed to dispose of it according to law. Otherwise the plaint should be registered by the District Munsif and disposed of on the Small Cause side or returned to the party to be filed in the proper Court as may be appropriate.

