

Venkatamma Vs. Chengalrayappa

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SooperKanoon Citation : sooperkanoon.com/778744

Court : Chennai

Decided On : Aug-08-1884

Reported in : (1883)ILR7Mad556

Judge : Charles A. Turner, Kt., C.J. and ;Hutchins, J.

Appellant : Venkatamma

Respondent : Chengalrayappa

Judgement :

Charles A. Turner, Kt., C.J. and Hutchins, J.

1. We agree with the High Court of Calcutta in Nanuk Pershad v. Lalla Nitya Lall I.L.R. 6 Cal. 40 that the Act XXVII of 1860 gives the Judge no power to cancel the certificate, though, with all respect for the learned Judges who heard that case, we cannot convince ourselves that the Judge would have power, independently of the Act, to cancel the certificate, otherwise than on review. The question then arises whether we can entertain an appeal from the order.

2. It appears that the application was presented as an appeal, but that the learned Judge, who admitted it, directed that it should be amended and received as an application under Section 622 of the Code of Civil Procedure.

3. In our judgment an appeal lay under the general provisions of the Procedure Code, and, treating this as an appeal, we set aside the order of the Judge and

direct the respondent to bear the appellant's costs.

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