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Ponnusami Chetti Vs. Krishna Ayyan

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Court : Chennai

Decided On : May-05-1882

Reported in : (1882)ILR5Mad222

Judge : Charles A. Turner, Kt., C.J., ;Innes, ;Kernan, ;Kindersley and ;Muttusami Ayyar, JJ.

Appellant : Ponnusami Chetti

Respondent : Krishna Ayyan

Judgement :

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

1. The point of law raised in this petition is one on which we arrive at a conclusion not without some hesitation.

2. The power conferred on the then existing Zila Courts by Madras Regulation III of 1802 was, on the abolition of those Courts, transferred by Act VII of 1843 to the Subordinate Judges and Principal Sadr Amins appointed under Regulations I and II and VII and VIII of 1827.

3. Subordinate Judges appointed under The Madras Civil Courts' Act, 1873, are empowered by that Act to exercise jurisdiction in all suits and proceedings of a civil nature. These terms appear sufficiently large to confer on them not only the general jurisdiction but also any special jurisdiction which had theretofore been

exercised by the Subordinate Judges and Principal Sadr Amins whom they superseded, and which, at the time of the passing of the Civil Courts' Act, was still subsisting. The remedy was not taken away, and it is reasonable to infer an intention that the jurisdiction should be administered by the same class of Courts as had theretofore exercised it.

4. The objection that the Subordinate Judge had no jurisdiction to entertain the complaint is unsustainable, and we cannot question the propriety of his order on the merits, there being evidence to support it.

5. We must, therefore, reject this application.

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