

Ramanadhan Chetti Vs. Murugappa Chetti

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SooperKanoon Citation : sooperkanoon.com/782085

Court : Chennai

Decided On : Apr-10-1900

Reported in : (1901)ILR24Mad45

Judge : Arnold White, C.J. and ;Moore, JJ.

Appellant : Ramanadhan Chetti

Respondent : Murugappa Chetti

Judgement :

1. In this case the petitioner was directed 'not to 'interfere with the management' of a certain 'kovil.' In our judgment this is a direction to 'abstain from a certain act' within the meaning of these words as used in Section 144 of the Code of Criminal Procedure. The order therefore, so far as this point is concerned, was not made without; jurisdiction. The case is distinguishable on the facts from the case of Ananda Chandra Bhattacharjee v. Carr Stephen I.L.R. 19 Calc. 127.

2. The order directed the petitioner to abstain from taking any part in the management until the counter-petitioner was duly evicted from the management by due course of law. This contravenes the provisions of Sub-section (5) of Section 144, and to this extent the order was made without jurisdiction. We accordingly set aside so much of the order as directs that the order shall remain in force until the counter-petitioner is evicted from management.

