

Krishnasami Chetti Vs. the Natal Emigration Board

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SooperKanoon Citation : sooperkanoon.com/786014

Court : Chennai

Decided On : Aug-22-1893

Reported in : (1894)ILR17Mad216

Judge : Arthur J.H. Collins, C.J. and ;Shephard, J.

Appellant : Krishnasami Chetti

Respondent : The Natal Emigration Board

Judgement :

1. It appears that on 13th May 1892 there was a valid tender of rent, interest and costs, and that on 3rd November there was a payment into Court of the full amount due up to the 15th November. This being so, the defendants have brought themselves within the terms of Section 114 of the Transfer of Property Act. After the tender on the 13th May the plaintiff proceeded with the suit at his risk. The only other question is as to costs between Attorney and client given by the learned Judge. In our opinion this suit was not cognizable by the Small Cause Court and therefore Section 22 of the Act does not apply. An application under chapter VII is not a suit within the meaning of Section 22.

2. We must vary the decree accordingly. Each party will bear his own costs of this appeal.

3. Wilson and King, Attorneys for Respondents.

