

Sengotha and anr. Vs. Ramasami

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SooperKanoon Citation : sooperkanoon.com/787628

Court : Chennai

Decided On : Oct-19-1883

Reported in : (1883)ILR7Mad241

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

Appellant : Sengotha and anr.

Respondent : Ramasami

Judgement :

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

1. An application for an order under Section 499 can only be made by a plaintiff after the summons has been served and after reasonable notice of the intention to apply for the order has been given in writing to the defendant. The term 'may' must be read with the words 'at any time,' and does not import that it is competent to a plaintiff to apply before service of summons, or to evade the condition of notice.

2. In this case the order was applied for on the 10th July and made on the 11th ex parte without notice to the defendant and without any proof to support it, while the summons was not served till the 25th July. The order under Section 499 is discharged with costs.