

In Re: Rayalla Ramappa and ors.

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Court : Chennai

Decided On : Nov-12-1945

Reported in : AIR1946Mad163; (1945)2MLJ563

Appellant : In Re: Rayalla Ramappa and ors.

Judgement :

ORDER

Chandrasekhara Aiyar, J.

1. There is a decision of my learned brother, Byers, J., that the production of the printed copies of the judgment is mandatory and the Court has no power to dispense with production. The decision is reported in the case of Jami Kurmanna¹. With great respect to my learned brother, I disagree from the view he has taken. Order 41, Rule 1, provides that:

the memorandum shall be accompanied by a copy of the decree appealed from and (unless the Appellate Court dispenses therewith) of the judgment on which it is founded.

f the Court has power to dispense with the production of the judgment even where one copy of the judgment had to be filed, it stands to reason to hold that it has power to dispense with production of these printed judgments so long as a certified copy of the judgment is there. Order 41-A, Rule 1, states:

The rules contained in Order 41 shall apply to appeals in the High Court of Judicature at Madras with the modifications contained in this order.

The power contained in Order 41, Rule 1, is not taken away but continues. The production of the printed copies of the judgment is dispensed with.

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