

In Re: Kondapalli Ayyappa

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Court : Chennai

Decided On : May-01-1936

Reported in : AIR1936Mad913; 166Ind.Cas.550

Appellant : In Re: Kondapalli Ayyappa

Judgement :

ORDER

Mockett, J.

1. In the Small Cause suit, which is now the subject of this Civil Revision Petition, the plaintiff sued the defendant on a promissory note. The Court delivered the following judgment:

1. Suit for Rs. 140 due on a pronote dated 19th July 1932 executed by defendant in favour of plaintiff for Rs. 100 payable with interest at 13 1/2 per cent per annum.
2. Defendant 1 contested that he is not liable for a sum of Rs. 70. 3. I believe the discharge. Decree for plaintiff with proportionate costs for Rs. 70. Suit for Rs. 70 is dismissed with costs.

2. The petitioner's advocate contends that this judgment does not conform to the provisions of Order 20, Rule 4, Civil P.C. which says:

Judgments of a Court of Small Causes need not contain more than the points for determination and the decision thereon.

3. He says that no reasons are given for believing the discharge and there is no discussion of any evidence. Rule 4, does not require that either the reasons for arriving at a conclusion or discussion of the evidence should be given by the lower Court. In *K.M. Koppa Kurup v. Velayichettichiar* : AIR1922 Mad360 , Spencer and Krishnan, JJ. held that in a suit on a promissory note the following judgment was adequate:

The defendants deny the claim. The point for determination is: Did the defendants execute the promissory note sued on? I consider that Ex. A is not proved.

4. That was held to be sufficient to meet the requirements of Rule 4 and they specifically disagreed with the views of Seshagiri Ayyar, J. reported in *Kandasami Chetty v. Ramalinga Chetty* 1920 12 MLW 285, in which that learned Judge expressed the view that the Judge of a Small Cause Court should give some reasons. *K.M. Koppa Kurup v. Velayichettichiar* : AIR1922 Mad360 is quoted with approval in a recent decision of Reilly and Anantakrishna Ayyar, JJ. in *Mariyayee Ammal v. Ponnuswami Chettiar* 1932 55 Mad 671. In this latter case, the learned Judges were dealing with the duties of a Small Cause Court Judge in giving a judgment on a point of law. In *Moidin Koya v. Moideenkutti Hajee* : AIR1925 Mad1229 a judgment, 'I find all the issues for the plaintiff,' was held to be inadequate. In *Badri Das v. Ghulam Munammad* (1926) 95 IC 584 the judgment 'plaintiff's suit is dismissed with costs.' was held not to comply with the rule. An examination of these cases and others which have been cited would show that in accordance with the rule, the points for determination in order to arrive at the result and the resulting decision thereon need to be stated. If all that is set out, is the ultimate result, *Badri Das v. Ghulam Munammad* (1926) 95 IC 584 is a striking example] without an indication of the points for determination, quite obviously there has been no compliance with the rule. A statement of the issues only does not necessarily indicate the points to be determined, although in some cases it may well do so. Each case must be judged by itself. In the case before me, it is quite clear what the points to be determined were namely, whether by reason of a payment of Rs. 70 the liability of the defendant was pro tanto discharged. The lower Court believed the plea of discharge and definitely said so. I hold that is sufficient. It satisfies the test applied by Reilly, J. in *Mariyayee Ammal v.*

Ponnuswami Chettiar 1932 55 Mad 671, viz., as to whether the judgment has been made intelligible. I may add however that this judgment seems to be the bare minimum to satisfy the rule in a suit of this kind. This Civil Revision petition is therefore dismissed.

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