

**In Re: Armugam Pillay**

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**SooperKanoon Citation :** [sooperkanoon.com/813067](http://sooperkanoon.com/813067)

**Court :** Chennai

**Decided On :** Apr-29-1911

**Reported in :** 15Ind.Cas.584

**Judge :** Sundara Aiyar, J.

**Appellant :** In Re: Armugam Pillay

**Judgement :**

**Sundara Aiyar, J.**

1. There are no grounds for interference in second appeal in this case. The first point argued is that the District Munsif ought to have granted a further adjournment of the suit on the 8th July 1910. It does not appear what steps the 1st defendant had taken prior to that date after the previous adjournment and what steps he wanted to take by obtaining the adjournment. In fact no sworn statement appears in the papers before me which would justify my holding that the Munsif acted wrongly in refusing the adjournment. The 1st defendant did not appear after the adjournment was refused. With reference to the question of notice; no plea was raised in the written statement, probably because the defendant considered it untenable inasmuch as he had, according to the allegation in the plaint, not traversed in the written statement, denied the plaintiff's title prior to the institution of the suit. Even now the appellant does not say what notice he got and how he says it was insufficient. The decision in Kathiya Kutti Umma v. Kathussa 20 M.L.J.

416 : 5 Ind. Cas. 924 : 7 M.L.T. 173 : (1910) M.W.N. 158 seems also to apply in the circumstances of this case. I reject the second appeal.

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