

*Referred Case.*

Mathuranas Jagjivandas,	...	<i>Plaintiff.</i>
Natha Baja <i>et al.</i>	... ..	<i>Defendants.</i>

1669  
July 2.

*Small Cause Court—Cause of Action—Defendant living outside Jurisdiction—Act XXIII. of 1861, Sec. 4.*

When a cause of action has arisen within the local jurisdiction of a Small Cause Court, but one of several defendants resides out of such jurisdiction, sanction may be given under Sec. 4 of Act XXIII. of 1861 by the High Court to the Small Cause Court to try the suit.

This was an application by Gopalrav Hari Deshmukh, Judge of the Court of Small Causes at Ahmedabad under Sec. 4 of Act XXIII. of 1861, for permission to try a suit.

“A plaint has been presented to me in the Neraid Branch Court. One of the defendants named in it. Surtajji Daji, lives in a village within the jurisdiction of the Subordinate Judge of Kheda and the others live, and the cause of action has arisen, within the jurisdiction of the Small Cause Court. It is therefore necessary to obtain the order of Her Majesty’s High Court to enable me to proceed to hear and determine the suit.

‘Sec. 4 of Act XXIII. of 1861 provides the course to be taken under such circumstances by District Court and the Courts subordinate to it. This does not include a Small Cause Court, but the Madras High Court has decided that it is competent to a Small Cause Court to apply for sanction under that section; *Sabhapati Mudali v. Muttusvami Mudali* (a).

Per Curiam (Warden and Lloyod, J.J.):—Sanctioned.

(a) 1 Mad. H. C. Rep. 103.