

1880

AUG. 25.

APPELLATE
CIVIL.

5 B. 180.

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[180] APPELLATE CIVIL.

Before Sir Michael Roberts Westropp, Kt., Chief Justice, and Mr. Justice
F. D. Melvill.

VITHAL RAMCHANDRA (*Plaintiff*) v. GANGARAM VITHOJI,
DECEASED, HIS SON AND HEIR DARKU (*Defendant*)*

[25th August, 1880.]

*The Dekkhan Agriculturists Relief Act, No. XVII of 1879. Suit for rent. Village Munsif
—Jurisdiction.*

A village munsif has no jurisdiction to try a suit for rent under the Dekkhan
Agriculturists Relief Act, No. XVII of 1879.

THIS case was referred to the High Court under s. 622 of Act X of 1877 and s. 36 of the Dekkhan Agriculturists Relief Act, XVII of 1879, by Dr. A. D. Pollen, Special Judge, under the Dekkhan Agriculturists Relief Act, with the following remarks:—

"The suit was brought to recover Rs. 9-12-0 for rent of a house, and was decided by the Village Munsif of Pabal, in the Sirur Taluka of the Poona District, under s. 35 of the Dekkhan Agriculturists Relief Act, and the claim was awarded. The defendant has complained to me against the decision on the merits. I do not think that I have power to interfere, but I am of opinion that the Village Munsif had no jurisdiction to try a rent suit. From the reference in s. 36 of the Act to s. 622 of the Civil Procedure Code, the High Court apparently has power to set aside the decision. Similar cases have before happened; but as there was no dispute between the parties, I contented myself with warning the Village Munsifs that they must not receive such cases in future. In the present instance the defendant is dissatisfied. I, therefore, think that the proper course is for me to bring the case to the notice of the High Court. It is improbable that the parties will ever themselves have the means or the courage to invoke the aid of the Court's extraordinary jurisdiction."

There was no appearance of parties in the High Court.

The following is the judgment of the Court:—

JUDGMENT.

WESTROPP, C. J.—The Court sets aside the decree of the Village Munsif of Pabal, without costs, as he had no jurisdiction to [181] entertain a suit for rent, and it directs the plaint to be returned to the plaintiff by the Village Munsif, in order that the plaintiff may, if such be his desire, present it to the Court having primary jurisdiction to hear such a suit.†

Order accordingly.

* Civil Reference, No. 14 of 1880.

† Note.—In Civil Reference No. 29 of 1880, a similar decision was made on the 23rd November 1880 by the same Bench.