

## APPELLATE CIVIL.

*Before Mr. Justice Kindersley and Mr. Justice Forbes.*

1880.  
December 13.

PONNUSA'MI PILLAI (PETITIONER), *v.* PACHAI (COUNTER-PETITIONER).\*

*Regulation IV of 1816, Section 29, Zillah Judge.*

A Subordinate Judge has no jurisdiction to hear and determine petitions under Section 29, Regulation IV of 1816. The jurisdiction created by that regulation being peculiar can only be exercised by the District Judge as representative of the Zillah Judge.

*M. Parthasaradi Ayyangar* for the Petitioner.

*P. V. Runga Ohari* for the Counter-Petitioner.

The facts and argument sufficiently appear in the Judgment of the Court (KINDERSLEY and FORBES, JJ.).

JUDGMENT.—In this case a suit had been decided by a Village Múnsif under Regulation IV of 1816. The person against whom the suit was decided presented a petition to the Subordinate Court charging the Village Múnsif under Section 29 of the same Regulation with corruption. The Subordinate Judge found that the Village Múnsif had been guilty of the grossest misconduct. He therefore set aside the decree, and charged the Village Múnsif with costs.

A petition has been presented to this Court on behalf of the Village Múnsif objecting, among other things, that the Subordinate Court had no jurisdiction to deal with the case.

We think that this objection is well founded. Under Regulation IV of 1816, Section 29, there is no appeal against the decision of a Village Múnsif, but either party may present a petition to the Zillah Judge charging the Múnsif with corruption, or gross partiality. The Zillah Judge is now represented by the District Judge; and the jurisdiction being a peculiar one created by the express terms of the Regulation, we do not think that it can

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\* C.M.P. 343 of 1880 against the order of the Subordinate Judge of Cuddalore, dated May 13, 1879.

properly be exercised by the Subordinate Court. We, therefore, resolve to quash the proceedings of the Subordinate Court and to refer the petition to the District Judge for disposal.

PONNUSAMI  
PILLAI  
v.  
PACHAI.

No costs will be allowed in this Court.

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## APPELLATE CIVIL.

*Before Mr. Justice Kernan and Mr. Justice Forbes.*

KANDASA'MI PILLAI (SECOND DEFENDANT), APPELLANT, v. MOIDIN SAIB (PLAINTIFF), RESPONDENT.\*

1880.  
December 15.

*Foreign Judgment, suit on—Decree enforced sub-modo.*

The plaintiff obtained a judgment in a French Court against the father (now deceased) of the defendant.

Plaintiff sued defendant on that judgment as representative of his father in the French Court. The defendant pleaded that the bond on which that judgment was obtained was not genuine. Judgment was given for the plaintiff in the French Court with costs. The plaintiff brought the present suit on that judgment. The Lower Appellate Court decreed for the plaintiff against the defendant, personally, for the full amount of the decree in the French Court and interest.

*Held* that the defendant was bound by the judgment in the French Court against him as representative of his father and personally bound to pay all costs awarded against him: but that, in giving effect to the French judgment, it was to be executed according to the rules of the Civil Procedure Code, which, in the absence of proof of assets received by a representative of a deceased, only gives a decree against the defendant as representative to be levied from the assets of the deceased.

THIS suit was brought upon a judgment of the French Appellate Court at Pondicherry, delivered on the 20th November 1875 in favor of the plaintiff.

The defendants denied that they were bound by the foreign judgment: the Lower Appellate Court having held that they were so bound, the defendants preferred a second appeal.

A. Rámachandra Áyyar for the Appellant.

T. Ráma Ráu for the Respondent.

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\* Second Appeal No. 210 of 1880 against the decree of R. Vassudéva Ráu, Subordinate Judge of Negapatam, dated 8th December 1879, reversing the decree of the Court of the District Munsif of Tranquebar, dated 24th November 1877.