

APPELLATE CIVIL.

Before Sir Charles A. Turner, Kt., Chief Justice, and Mr. Justice
Muttusámi Áyyár.

1880
May 3.

SUBRAMANIAN CHETTI AND ANOTHER (DEFENDANTS), PETITIONERS,
v. THE PRINCE OF ARCOT (PLAINTIFF), COUNTER-PETITIONER.*

Suit for proprietary dues—Inámdár—Small Causes Court.

Suits for proprietary dues to which the inámdár as the owner of the village lays claim, are not cognizable by a Court of Small Causes. They are not paid as rent, nor are they claimed under any contract.

THIS was a petition under Section 622 of the Civil Procedure Code against the decree of the District Munsif of Kullitalai in Small Cause Court Suit No. 352 of 1878. The petition set forth that the abovementioned suit was instituted as a Small Cause Suit in the Court of the District Munsif by the Prince of Arcot, to recover from the defendants, who are inhabitants of the village of Manamadu, certain sums for (1) rent of house sites; (2) Muggum, or loom tax; (3) Nuzur, or present; and (4) buffalo tax; and that a decree was given in favor of the plaintiff. Petitioners submitted that the proceedings of the Munsif in the case were without jurisdiction and that the decree therein ought to be set aside.

Mr. *Shepherd* for the Petitioners.

Mr. *Norton* for the Counter-Petitioner.

The Court (TURNER, C.J., and MUTTUSAMI ÁYYAR, J.) delivered the following

JUDGMENT:—We are of opinion that the claims made in this suit are not cognizable by a Court of Small Causes.

The several items claimed are proprietary dues to which the inámdár, as the owner of the village, lays claim, and although they may be payable by persons occupying houses in the village or keeping cattle there, they are not paid as rent, nor are they claimed under any contract.

The decree of the Small Cause Court is set aside and that Court is directed to return the plaint for presentation in the proper Court. Each party to bear his own costs.

* Civil Petition No. 112 of 1880, against the decree of the District Munsif of Kullitalai in Small Cause Suit No. 352 of 1878.