

[4 Mad. 314]

APPELLATE CIVIL.

The 28th October, 1881.

PRESENT :

SIR CARLES A. TURNER, KT., CHIEF JUSTICE, AND MR. JUSTICE
KINDERSLEY.

Narangoli Chirakal Kunhi Raman.....(Defendant),
Appellant

and

Narangoli Chirakal Puttalathu Kimhunni Nambiar.....(Plaintiff),
Respondent.*

Madras Civil Courts Act, 1873, Section 13—Jurisdiction—Valuation of subject-matter of suit.

For the purpose of jurisdiction a suit to remove the Karnavan of a Malabar Tarwad is not a suit for the recovery of the tarwad properties managed by the Karnavan and to be valued as such, but a suit which asks for a relief that is incapable of valuation.

THE question in this second appeal was whether an appeal lay to the District Court or to the High Court from a decree of a [315] District Munsif in a suit brought by a member of a Malabar Tarwad against the Karnavan and a kanom demisee of a latter to remove the Karnavan from office on the ground of mismanagement, to set aside the demise as not binding on the tarwad, and to recover the property alienated.

The relief was valued by the parties at less than 2,500 rupees.

The District Judge considered that he had no jurisdiction to hear an appeal from the Munsif's decree, on the ground that "the appeal concerns recovery by reinstatement in the position of Karnavan in the management of property valued at over Rupees 5,000." (See Madras Civil Courts Act, Section 13.)

Ramachandrayyar for Appellant

Sankaran Nair for Respondent.

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

Judgment:—It has been held (I. L. R., 4 Mad., 146) that a suit to remove a karnavan is not a suit for the recovery of the tarwad property and to be valued as such, but a suit which asks for a relief that is incapable of valuation. The suit has been valued by the parties at less than Rs. 2,500, inclusive of the incumbrance it is sought to avoid. We set aside the order of the Judge and direct him to receive and determine the appeal.

The costs of this appeal will abide and follow the result.

NOTES.

[See Notes under 4 Mad. 146 *supra*.]

* C. M. A. No. 316 of 1881 against the order of J. W. Reid, District Judge of North Malabar, dated 28th March 1881, returning for presentation to the High Court the memorandum of appeal against the decree of E. K. Krishnan, District Munsif of Tellicherry.