

JUDGMENT.—The ruling of the Full Bench renders it necessary to set aside the acquittal. We accordingly do this, and we restore the conviction and sentence passed by the Joint Magistrate.

QUEEN-
EMPRESS
".
JAYARAMI
REDDI.

APPELLATE CIVIL.

Before Mr. Justice Davies and Mr. Justice Boddam.

GIDDAYYA (PLAINTIFF), PETITIONER,

1897.
November
12.

P.

JAGANNATHA RAU (DEFENDANT), RESPONDENT.*

Village Courts Act (Madras)—Act I of 1889, s. 73—Power of District Munsif on revision.

A District Munsif has no jurisdiction to reverse the decree of a Village Munsif on a question of evidence; he can only revise the proceedings of village courts on the grounds mentioned in section 73 of the Village Courts Act.

PETITION under Civil Procedure Code, section 622, praying the High Court to revise the proceedings of the District Munsif of Kurnool, in Civil Miscellaneous Petition No. 560 of 1896, by which he reversed the decree of the Village Munsif of Kurnool in Original Suit No. 118 of 1896.

This was a suit for Rs. 9-10-7, and the Village Munsif passed a decree for the plaintiff. The District Munsif reversed the decree saying:—"I have carefully gone through the record, and the plaintiff's account is not free from suspicion. The reasons given by the Village Munsif for giving a decree in plaintiff's favour do not seem to be sound. He seems to have been led away merely by probabilities The explanation given by plaintiff in regard to his accounts is not satisfactory."

The plaintiff preferred this petition.

Narayana Ayyangar and Balarama Rau for petitioner.

Mr. S. H. Bilgrami, Nizam-ud-din Sahib and Hyder Sheriff Sahib for respondent.

JUDGMENT.—The District Munsif has treated the matter as an appeal and has exceeded his jurisdiction, which, by section 73 of

* Civil Revision Petition No. 520 of 1896.

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the Village Courts Act, 1889, is confined to the revision of village courts' proceedings on the grounds there specified, on none of which did his judgment in this case proceed. His judgment in this case is on the appreciation of evidence as if it were an appeal.

We must allow this petition and reverse the order of the District Munsif and restore the decree of the Village Munsif with costs in this and in the District Munsif's Court.

APPELLATE CIVIL.

Before Mr. Justice Subramania Ayyar and Mr. Justice Davies.

SUBBARAYA RAVUTHAMINDA NAINAR

(DEFENDANT NO. 1), APPELLANT,

v.

PONNUSAMI NADAR AND OTHERS (PLAINTIFFS),

RESPONDENTS.*

Transfer of Property Act—Act IV of 1882, s. 3C—Mortgage decree—Interest—Contract rate—Subsequent interest—Civil Procedure Code—Act XIV of 1882, s. 209.

When a decree for sale is passed in a mortgage suit, interest at the contract rate should be decreed for the period allowed for payment by the mortgagor, and subsequent interest should be decreed at six per cent. only.

APPEAL against the decree of V. Srinivasa Charlu, Subordinate Judge of Kumbakonam, in Original Suit No. 33 of 1893.

This was a suit to recover Rs. 24,000, principal and Rs. 41,319, interest, due on a mortgage bond, dated the 17th of January 1881, and executed by defendant No. 1 on behalf of defendant No. 2 in favour of one Tavasumuttu Nadar, brother of plaintiff No. 1 and father of plaintiffs Nos. 2 to 4. The provisions in the mortgage bond regarding interest stipulated that the interest accruing at the rate of ten annas per cent. per mensem be paid on the 17th of January of each year; that, in default, interest be charged at twelve annas per cent. from date of default; that the principal amount be paid on the expiry of seven years; and that, in default, the same be paid with interest at one anna per cent. from date of default.

* Appeal No. 14 of 1896.