

“by some person whose identity is unknown to me. The vakalats are drawn in the name of A.B., who was a certified vakil, and in the name C.D. who is not. The appeals were not presented by the former, and they could not be properly presented by the latter.”

QUEEN-
EMPERESS
v.
RAMASWAMI.

Narayana Ayyangar for the petitioners.

The Public Prosecutor (*Mr. E. B. Powell*) for the Crown.

JUDGMENT.—The cases decided by this Court do not go further than to hold that, if an authorized pleader present an appeal by the hand of his clerk, the presentation should be accepted as if made by the pleader himself. It has nowhere been held that a pleader may present an appeal by a person who is not his clerk and over whose conduct and actions he has no control.

We cannot therefore say that the Head Assistant Magistrate was wrong in rejecting these appeals.

APPELLATE CIVIL.

Before Mr. Justice Shephard and Mr. Justice Subramania Ayyar.

RASIBI AMMAL (PLAINTIFF)

v.

OLAGA PADAYAOHI (DEFENDANT).*

1897.
November
26.

*Village Courts Act (Madras)—Act I of 1889—Succession Certificate Act—
Act VII of 1889.*

The provisions of the Succession Certificate Act apply to suits in a Village Munsif's Court.

CASE stated under section 19 (3), Act VII of 1889, by W. J. Tate, District Judge of Salem, in Original Suit No. 15 of 1897, on the file of the Village Munsif of Puthrakoundanpaliam, Atur taluk.

The case was stated as follows:—

The Village Munsif has applied to me for instructions as to how he should proceed in a suit filed in his Court, where the plaintiff, a Hindu widow, sues to recover money due under a document executed to her husband, and the defendant objected that she cannot sue without a succession certificate in respect of the debts

* Referred Case No. 23 of 1897.

RASIBI
ANMAL
v.
OLAGA
PADAYACHI.

of the deceased. The wording of section 4 of the Succession Certificate Act seems to imply that Village Courts are not exempted from the operation of the Act, nor is there any such expression in the Village Act—Act I of 1889. The question is one affecting general practice. I have the honour to solicit the orders of the High Court as to whether the provisions of section 4 of the Succession Certificate Act applies to suits and applications under the Madras Village Courts Act or not.

The parties were not represented.

This case coming on for hearing; upon perusing the letter of reference and the records in Original Suit No. 15 of 1897 on the file of the Village Munsif of Puthrakoundanpaliam, Atur taluk, and the parties not appearing in person or by counsel, the Court expressed the following opinion.

OPINION.—We are of opinion that the provisions of the Succession Certificate Act apply to suits in the Village Munsifs' Courts.

APPELLATE CIVIL—FULL BENCH.

Before Sir Arthur J. H. Collins, Kt., Chief Justice, Mr. Justice Subramania Ayyar, Mr. Justice Davies, and Mr. Justice Benson.

LAKSHMINARAYANA PANTULU (PLAINTIFF), APPELLANT,

v.

VENKATRAYANAM AND OTHERS (DEFENDANTS), RESPONDENTS.*

1897.
July 8.
September 13.
December 14,
15.

Rent Recovery Act (Madras)—Act VIII of 1865, s. 3—Mokhassa-inamdars paying kattubadi to the Zamindar—Obligation to accept patta.

Mokhassa-inamdars, who hold lands in a zamindari and pay kattubadi annually to the Zamindar and who are not cultivating tenants, are not bound to accept a patta from the Zamindar.

SECOND APPEAL against the judgment of E. C. Rawson, Acting District Judge of Kistna, in Appeal Suit No. 2114 of 1893, reversing the decision of F. C. Parsons, Acting Head Assistant Collector of Kistna, in Summary Suit No. 1694 of 1893.

The plaintiff, who was the Zamindar of Telaprole, sued by his next friend under Rent Recovery Act, 1865, to enforce the

* Second Appeal No. 939 of 1895.