

MUTHU  
RAMALINGA  
SETHUPATHI  
v.  
SHANMUGA  
NADAN.

between vakalats and affidavits and pleadings. We set aside the order of the District Munsif and direct him to receive and file the papers returned if they are otherwise in order.

K. R.

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## APPELLATE CIVIL.

*Before Mr. Justice Devadoss.*

1927,  
October 19.

MUNISAMI MUDALI AND ANOTHER (DEFENDANTS 2 AND 3,  
PETITIONERS), PETITIONERS,

v.

MEENAKSHIAMMAL (PLAINTIFF-RESPONDENT),  
RESPONDENT.\*

*Petition—Order—: “the petition will be recorded”—Validity of the order—Duty of Court either to allow the petition or dismiss it—Such order, whether legal.*

A Court should not, on a petition, pass an order that “the petition will be recorded”, but should either allow it or dismiss it. Such an order is no order at all and should be set aside.

PETITION under section 115, Civil Procedure Code, to revise the order of the District Munsif of Vellore in I.A. No. 898 of 1925 in O.S. No. 417 of 1914.

This is an application to revise an order of the District Munsif on an Interlocutory Application in a pending suit in the Court. The Court, without disposing of it on the merits, simply ordered that “the petition will be recorded”. The defendants (petitioners) preferred this Civil Revision Petition to High Court.

*P. S. Narayanasami Ayyar* for petitioners.

*A. Ramachandra Ayyar* for respondent.

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\* Civil Revision Petition No. 480 of 1926.

## JUDGMENT.

MUNISAM  
MUDALI  
v.  
MEENAKSHI  
AMMAL.

This is an application to revise the order of the District Munsif of Vellore. The order is "the petition will be recorded". This is no order at all. Such an order should not have been passed on any petition. The District Munsif should have either allowed the petition or dismissed it. The order is therefore set aside and he is directed to hear the petition on the merits and dispose of it.

Costs of this application will abide the result.

K.R.

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 APPELLATE CIVIL.

*Before Mr. Justice Waller.*

SREE RAJAH BOMMADEVARA NAGANNA NAYUDU  
BAHADUR ZAMINDAR GARU (PRESENTANT), PETITIONER,

1927,  
November 9.

v.

THURAGA PATTABHIRAMAYYA (OBJECTOR),  
RESPONDENT.\*

*Indian Registration Act (XVI of 1908), sec. 75 (4)—Order under the section, made by a Joint Sub-Registrar—Revision against order, whether competent—Joint Sub-Registrar, whether a Court, subordinate to High Court—"As if he were a Civil Court", meaning of.*

The Joint Sub-Registrar acts, under section 75 (4) of the Indian Registration Act, merely as if he were a Civil Court; but he is not a Court subordinate to the High Court within the meaning of section 115 of the Civil Procedure Code; consequently the High Court cannot interfere in revision with his orders.

PETITION under section 115, Civil Procedure Code, and section 107 of the Government of India Act to revise

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\* Civil Revision Petition No. 1017 of 1926.