

part. This would, undoubtedly, if the matter had not proceeded beyond a contract, have been a sufficient defence, but it seems to the majority of the Court that an infirmity attaching to the original obligation is no more reason for setting aside a decree obtained under this Act than it would be for setting aside one obtained by the regular procedure. It seems to us that the Legislature have said :—You can use your own discretion as to registering, but if you do register a contract creating an absolute obligation to pay money, and you further register a contract that it shall be enforced against you without enquiry, judgment shall be given against you. We will not permit you to say that the obligation was not absolute but conditional, but if your assent to the registration itself has been procured by means which ought to invalidate the obligations flowing from those two contracts, we will hear you, and, under Section 55, leave the plaintiff to whatever remedy he can get by a suit in the usual form.

1872.  
August 23.  
R. A. No. 46  
of 1872.

We are of opinion that the special circumstances must be such as to show a vice in the mode in which the contract to submit to decree and the special registration were obtained, and that an infirmity in the original obligation will not do. We, therefore, dismiss the appeal, but in consequence of the difference of opinion, without costs.

**Appellate Jurisdiction(a)**

*Regular Appeal No. 62 of 1872.*

PONNAMBALA MUDALIYAR..... *Appellant.*  
VARAGUNA RA'MA PANDIA CHINNATAMBIAR... *Respondent.*

A suit brought for the removal of defendant from the management of certain charitable trusts on the ground of malversation was dismissed by the Civil Judge, because he considered that the provisions of Regulation VII of 1817 required that application should first be made in such cases to the Board of Revenue. *Held*, on appeal, that the Civil Judge was wrong. Regulation VII of 1817 is clearly intended to be supplementary of existing remedies, and the Courts had unquestionably jurisdiction in such cases prior to its enactment. The expression in Section 14 of the Regulation is not intended to limit the jurisdiction of the Courts to the cases contemplated in it, but rather to provide against the finality of erroneous orders that may be passed by the Board of Revenue under the Regulation.

**T**HIS was a Regular Appeal against the order of F. C. Care, the Acting Civil Judge of Tinnevely, dated 9th December 1871.

1872.  
October 21.  
R. A. No. 62  
of 1872.

(a) Present : Morgan, C. J. and Innes, J.

1872.  
October 21.  
R. A. No. 62  
of 1872.

*Ráma Rau*, for the appellant, the plaintiff.

The facts sufficiently appear in the following

JUDGMENT :—This is a suit for the removal of defendant from the management of certain charitable trusts on the ground of malversation. The Civil Judge dismissed the suit because he considered that the provisions of Regulation VII of 1817 required that application should first be made in such cases to the Board of Revenue. In the appeal to the High Court, it is contended that an action lies in the ordinary Courts. It appears to us that the decision of the Civil Judge is wrong. The Courts had, unquestionably, jurisdiction in such cases prior to the enactment of Regulation VII of 1817, and there is nothing in the Regulation to deprive the Courts of their jurisdiction, while it gives the Board of Revenue the power, and imposes upon it the duty of interfering whenever it appears necessary to do so for the protection of charitable endowments. The Regulation is clearly intended to be supplementary of existing remedies. This was held by the late Sadr Court in the decision in *Special Appeal No. 140 of 1857*, reported at page 39 of the Volume of Reports for 1858, which was followed in another case at page 140 of the same year. The expression in Section 14 of the Regulation is not intended to limit the jurisdiction of the Courts to the cases contemplated in it, but rather to provide against the finality of erroneous orders that may be passed by the Board of Revenue under the Regulation. We must reverse the decision of the Civil Judge and remand the case for decision on the merits. The costs hitherto incurred will be provided for in the revised decree.

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