

A C Moideen Kutty

Vs

M/s. Richardson and Cruddas and Co. Ltd.

Civil Appeal No. 30 of 1967

(J. C. Shah, K. S. Hegde JJ)

09.01.1970

JUDGMENT

SHAH, J. -

1. This appeal arises out of a suit filed in the Court of the Subordinate Judge, Kozhikode, for refund of price of an ice-manufacturing plant and for damages. The claim was valued in the plaint at Rs. 17,488-4-6 - Rs. 16,488-4-6 being the value of the ice plant and Rs. 1,000/- being the amount of damages. The Trial Court decreed the suit and awarded to the plaintiff the value of the ice plant and Rs. 13,110-0-0 as damages. In appeal to the High Court the decree of the Trial Court was reversed and the plaintiff's suit was dismissed. The High Court was then persuaded to grant a certificate for leave to appeal to this Court under Article 133(1)(a) of the Constitution.

2. The appeal, in our judgment, is incompetent. By the judgment under appeal the decree of the Court of First Instance was reversed, but the condition for granting a certificate is that the amount or value of the subject-matter of the dispute in the Court of First Instance and still in dispute on appeal was and is not less than Rs. 20,000/-. The value of the subject-matter of the dispute in the Court of First Instance was Rs. 17,488-4-6 and no more. The fact that the Trial Court granted a decree for the amount exceeding Rs. 20,000/- will not attract the application of Article 133(1)(a) of the Constitution. In our judgment the High Court had no jurisdiction to grant a certificate under Article 133(1)(a). The certificate being incompetently issued we have no jurisdiction to hear the appeal.

3. The appeal is dismissed. There will be no order as to costs.

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