

Jhamman Lal vs Parma Nand on 8 September, 1950

Equivalent citations: AIR1951ALL451, AIR 1951 ALLAHABAD 451

JUDGMENT

Seth, J.

1. No vakalatnama in the form ordinarily used was filed along with this memorandum of appeal when it was presented. A post card requesting Mr. Shyam Behari Lal Gaur, the learned counsel who presented the memorandum of appeal, was stitched to a sheet of water mark paper on which court-fee labels of Rs. 3-12-0 were pasted. The question for consideration is, whether the post card stitched to the aforesaid sheet of paper confers sufficient authority on Mr. Gaur to present this appeal.

2. Order 3, Rule 4, Civil P. C. provides that : "No pleader shall act for any person in any Court, unless he has been appointed for the purpose by such person by a document in writing signed by such person. . . ."

3. The post card filed in this case is such a document. The office reports that the post card does not give full description of the appeal. In my opinion, although the description is not full, it sufficiently complies with the requirements of the rule.

4. Section 4, Court-fees Act, lays down :

"No document of any of the 'kinds specified in the first or second Schedule to this Act annexed, as chargeable with fees, shall be filed, exhibited or recorded in, or shall be received or furnished by, any of the said High Courts in any case coming before such Court in the exercise of its extraordinary original civil jurisdiction as regards appeals from the Courts subject to its superintendence; or in the exercise of its jurisdiction as a Court of reference or revision; unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such documents."

5. A fee of Rs. 3-12-0 in court-fee labels has been paid in respect of this post card. The court-fee labels have not been affixed to the post card. They have been affixed to a blank sheet of paper to which the post card has been stitched. The Court-fees Act does not require that the document itself should be stamped. In this respect the provisions of the Court-fees Act seem to be slightly different from the provisions of the Stamp Act. The Court-fees Act only requires the payment of requisite court-fee in respect of the document. This condition has been fully satisfied in the present case. The post card, stitched to the sheet of paper upon which court-fee labels for the requisite fee have been affixed, confers sufficient authority upon the learned counsel to file the appeal. The post card does

not authorise the learned counsel to do any act on behalf of the appellant other than the act of filing the appeal. The appeal was, therefore, properly presented when it was handed over to the Officer on Special Duty. For the rest, another Vakalatnama has been filed.