

(1914) 08 MAD CK 0010
In the Madras High Court

Alagappan

APPELLANT

Vs

S. Kr. S. Karuppa Chetty and Others

RESPONDENT

Date of Decision : 03-08-1914

Acts Referred:

Citation : AIR 1915 Mad 76 : 25 Ind. Cas. 503

Hon'ble Judges : Seshagiri Aiyar, J;Kumarasawmy Sastri, J

Bench : Division Bench

Judgement

1. The Courts below have found that the plaintiff is the owner of both the varams and that the defendant is a trespasser. Issues Nos. 2 to 4 depend upon the finding on the 1st issue and the Subordinate Judge is right in holding that on his finding in this issue against the defendant, no other question arises for decision. The learned Vakil for the appellant relies on Ulagappan Ambalam v. Chidambaram, Chetty 29 M. 497 for the position that when the plaintiff does not take steps to prevent the erection of the building in time, there ought to be no mandatory injunction in his favour. In that case the defendant built upon land comprised in his holding. In the present case the defendant was a trespasser and built upon the plaint site notwithstanding objection.
2. We dismiss this second appeal with costs.