
(1895) 03 MAD CK 0013
In the Madras High Court

Ambalavana Pandaram

APPELLANT

Vs

Vaguran alias Muthian and Others

RESPONDENT

Date of Decision : 08-03-1895

Acts Referred:

Citation : (1895) 5 MLJ 228

Judgement

1. The only question is whether the claim for rent more than three years prior to suit is time-barred. Plaintiff's contention is that it is not, as the

document is registered and therefore Article 116 is applicable--the rent being, for a period within six years prior to the suit. The Subordinate Judge

has held Article 116 to be inapplicable on the authority of the decision of Kernan and Brandt, J.J., in Ramasami Chetti v. Lokkanada Chetti S.A.

No. 227 of 1887 which is reported in 1 M. L. J. 737 This decision is however, not reported in the authorized Law Reports and is consequently

not a binding authority, see Act XVIII of 1875, Section 3. Were it otherwise, we should have felt it our duty to have referred the question for

decision by the Full Bench as we are very clearly of opinion that the decision referred to is erroneous. In our opinion a contract ""which has in fact

been-registered is no less a "" contract in writing registered "" within the meaning of Article 116 because it bears the signature of only one of the

parties--in the absence of any statutory provision requiring the signatures of both parties.

2. We are of opinion that the registration in the present case is sufficient to bring the present suit within the provisions of Article 116 and

consequently the claim for the rent for Fashes 1295 and 1296 is not barred.

3. We must set aside the decree of the Subordinate Judge and restore that of the

District Munsif.

4. Appellant will have his costs in this Court and in the Lower Appellate Court.