

(1897) 09 MAD CK 0024
In the Madras High Court

Arumugam Chetty

APPELLANT

Vs

Sundararaja Aiyangar

RESPONDENT

Date of Decision : 02-09-1897

Acts Referred:

Citation : (1898) 8 MLJ 3

Judgement

1. The plaintiff and 2 others sued the defendants in a mortgage and obtained a decree and the property was sold.
2. The plaintiff obtained leave to bid at the sale of the plaint property. He bought it in his own name and for himself alone. He obtained the sale certificate in his own name and he was put into possession of the property by the Court. The fact that two others were interested in the original decree and to that extent interested in the plaintiff's purchase is not sufficient to justify the lower Court in dismissing his action for non-joinder of those who were co-plaintiffs with him in the original suit. This is the interpretation put upon the petitions even by the Munsif, and we think rightly; and the District Judge gives no reason for thinking otherwise.
3. We must reverse the decree of the District Judge and restore that of the District Munsif. The respondent must pay the appellant's costs in this and in the lower appellate Court.