
(1914) 03 MAD CK 0016
In the Madras High Court

Chaktyil Vatakathre Ichikutti Nanga's Son Parama Taragan	APPELLANT
Vs	
Thirumandhankunnu Devaswom Uralers Chhriachan Veetil Govindachan Holding The Stanom of Patippurakal Govindachan and Others	RESPONDENT

Date of Decision : 13-03-1914

Acts Referred:

Citation : AIR 1914 Mad 300(2) : 24 Ind. Cas. 939

Hon'ble Judges : Seshagiri Aiyar, J; Sadasiva Aiyar, J

Bench : Division Bench

Judgement

1. The appellant before us (2nd plaintiff) has obtained a mekharth
2. The appellant cannot succeed unless the 1st plaintiff had a legal right to give the mekharth to the appellant.
3. The 1st plaintiff can have had no such right unless he had been invested with proper authority from the uralers to grant a mekharth. The authority relied upon is a deed (Exhibit C) which begins by reciting that it is executed by all the six uralers of the devaswom, but is really signed by only five of them. It is, therefore, an incomplete document and the 1st plaintiff cannot be legally invested with any authority on the strength of that document.
[See Amribham Pillai v. Nanjah Gounden 23 Ind Cas. 4f54 : 26 M.L.J. 257 : 15 M.L.T. 205 : (1914) M.W.N. 250 : 1 L.W. 243.]. The 2nd plaintiff's (appellant's) claim to redeem was, therefore, rightly rejected and this second appeal is, therefore, dismissed.
4. This would, of course, not prevent the uralers as trustees from bringing a suit to redeem the mortgage on behalf of the devaswom and it is only the 2nd plaintiff's claim to redeem and the particular relief prayed for in the present suit (namely, that the properties should be placed in possession

of the 2nd plaintiff on his redeeming the mortgage) that are disallowed in this suit and decided in this second appeal.

5. There will be no order as to the costs of this second appeal.