

(1900) 11 MAD CK 0021
In the Madras High Court

Chinna Krishna Reddi

APPELLANT

Vs

Dorasami Reddi

RESPONDENT

Date of Decision : 14-11-1900

Acts Referred:

Citation : (1902) 12 MLJ 71

Judgement

1. We have no materials for deciding whether the claim for possession ought to have been made in the previous suit. If under the contract for sale the plaintiff was entitled to immediate possession or if the rights to possession and a conveyance arose coincidentally as in Narayana Kavirayan v. Kandasami Goundan ILR 22 M. 24 the judgment is right.

2. On the other hand it may be that the plaintiff acquired his right to possession only under the conveyance and that is the claim he makes. As it is alleged that the 1st defendant represented the defendants 2 to 4 in the original suit and that they are therefore bound by the decree therein, any bar which operates in favour of the 1st defendant must equally avail to the other defendants.

3. We must, therefore, set aside the order and direct the District Munsif to re-try the case.

4. Costs will abide the event.