

(1910) 04 MAD CK 0060
In the Madras High Court

Erattakolam Melvittil Karnavan and Another
Vs

APPELLANT

K.P. Suppan Menon

RESPONDENT

Date of Decision : 29-04-1910

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 16

Citation : 7 Ind. Cas. 67

Hon'ble Judges : Ralph Benson, J; Krishnaswamy Aiyar, J

Bench : Division Bench

Judgement

1. Item No. 1 is admittedly, in Cochin territory and was so on the date of this suit. The British Courts have no jurisdiction to entertain a suit for possession of that property. See Explanation to 16 of the Code of Civil Procedure.
2. We must modify the decree of the Courts below and dismiss the suit as regards item No. 1.
3. With reference to the mesne profits also the decree is modified, the profits of item No. 2 alone are to be ascertained in execution and given to the plaintiff. Each party will bear his own costs throughout.