

**(1903) 09 MAD CK 0009**  
**In the Madras High Court**

K. Thiruvengidachariar

APPELLANT

Vs

Ranganatha Aiyangar and Others

RESPONDENT

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**Date of Decision :** 14-09-1903

**Acts Referred:**

**Citation :** (1903) 13 MLJ 500

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**Judgement**

1. The decision is clearly right as regards items Nos. 2 to 5.

2. As regards item No. 1 whether the same was transferred by the father or by the brothers, it is not invalid by reason that it is not in writing

registered. It is clear from paragraph 17 of the Munsif's judgment that some other land belonging to the sister was sold by the plaintiff and his

brothers about three years before the partition from which item No. 1 was excluded. The sister, therefore, had a claim against the brothers in

respect of their having disposed of her land. It is, therefore, dear that plaint item No. 1 was allowed by the brothers to be retained and enjoyed by

the sister by way of compromise of her claim in respect of the land belonging to her which they had sold. Such being the real character of the

transaction it is not a gift nor a sale nor an exchange under the Transfer of Property Act. No writing therefore was necessary and this appeal is

dismissed with costs.