

**(1902) 03 MAD CK 0004**  
**In the Madras High Court**

Mangab Thuppan

APPELLANT

Vs

Kadir Kutti and Others

RESPONDENT

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**Date of Decision :** 12-03-1902

**Acts Referred:**

**Citation :** (1903) 13 MLJ 1

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**Judgement**

1. The decrees of the lower Courts cannot be upheld. The 6th defendant was not a necessary party to the suit. On the strength of Exhibit B, which appears to be nothing but a melkanom, the plaintiff is entitled to redeem the prior mortgages. There is at all events consideration for Exhibit B to the extent of the undertaking there given to redeem the prior mortgages. We accordingly set aside the decree of the Subordinate judge and dismiss the suit against the 6th defendant throughout on the ground that she was not a necessary party but without costs and give the plaintiff a decree with costs throughout against defendants 4, 5 and 7 for redemption of the kanom of the 13th December 1880(Exhibit A) on payment into court of the kanom amount Rs. 99 together with Rs. 63-4-0 as compensation for improvements within six months from this date and also for rent against the 4th and 5th defendants from date of plaint to date of payment at ten paras of paddy a year.