
(1925) 09 MAD CK 0048
In the Madras High Court

Meenakshisundara Nachiar

APPELLANT

Vs

AL. V. R. P. Veerappa Chettiar

RESPONDENT

Date of Decision : 28-09-1925

Acts Referred:

Citation : AIR 1927 Mad 122

Judgement

1. Second appeal by defendant against the decree of the Subordinate Judge, Ramnad, in Appeal No. 100 of 1921.

2. The only question which has to be considered in this appeal is whether the Courts below were right in decreeing the plaintiff's claim for

contribution based upon Section 70 of the Indian Contract Act. A common channel irrigated the lands of the plaintiff and the defendant. The case

of the plaintiff was that he repaired this channel after informing the defendant, and that the defendant was bound to contribute towards the repairs

made. Both the Courts found that the repairs were done that the defendant was benefited by the repair; and that the plaintiff did not intend to bear

all the expenses himself.

3. It was urged before me on the authority of the decision in Sundara Iyer v. Ananthapadmanaba Iyer A. I. R. 1923 Mad. 64. that the plaintiff

could not succeed, because he was also benefited by the act. Observations in Viswanadha Vijia Kumara Bongaroo v. R. G. Orr [1918] 45 I. C.

786 were also relied upon. Both the Courts have followed Damodara Mudaliar v. Secretary of State for India [1895] 18 Mad. 88 which was a

similar case. On the finding of the 1st Court and also on the finding of the lower appellate Court, it appears to me to be clear that all the

circumstances needed for the application of Section 70 of the Contract Act have

been found the exist.

4. I therefore dismiss the second appeal with costs.