

(1897) 01 MAD CK 0010
In the Madras High Court

Nallappa Reddi

APPELLANT

Vs

Ramalingachi Reddi and Others

RESPONDENT

Date of Decision : 25-01-1897

Acts Referred:

Citation : (1897) ILR (Mad) 250

Hon'ble Judges : Davies, J;Boddam, J

Bench : Division Bench

Judgement

1. The plaintiff's sale-deed having been lost, he was entitled to claim that the first defendant should execute a fresh deed of sale and register it, and

assuming, as found by the Munsif, that second and third defendants had notice of the sale to the plaintiff, he was further entitled to possession.

2. The cases applicable to this are Nynakka Routhen v. Vavana Mahomed Naina Routhen 5 M.H.C.R. 133 and Nagappa v. Devu ILR H Mad.

55. In Venkatasami v. Kristayya ILR Mad. 341 relied on by the District Judge, the sale-deed had not been lost, and so there could be no claim for

specific performance. The District Judge's decision on this point is therefore wrong, and he is requested to find, on the evidence on record upon

the issue, whether defendants Nos. 2 and 3 had notice of the sale to the plaintiff; in which case the Munsif's decree will have to be restored, and

that of the District Judge reversed. The District Judge is requested to submit his findings within one month from the date of the receipt of this order.

Seven days will be allowed for filing objections after the finding has been posted up in this Court.