

(1910) 04 MAD CK 0055
In the Madras High Court

Palla Maruthi

APPELLANT

Vs

Sagiraju Bangarraju and Others

RESPONDENT

Date of Decision : 27-04-1910

Acts Referred:

Citation : 6 Ind. Cas. 889

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

Bench : Division Bench

Judgement

1. The decision in O.S. No. 182 of 1904 is pleaded as res judicata. The present 1st and 2nd defendants were co-defendants in that suit. A sister of the present 1st defendant then sued for partition on the ground that the property was inherited from her father by herself and her sisters. No question was then raised about the case of self-acquisition now set up by 1st defendant. The dismissal of the former suit cannot prevent the 1st defendant from setting up his present case. We must overrule the plea of res judicata and dismiss the second appeal with costs.