
(1914) 10 MAD CK 0001
In the Madras High Court

Para Koothan and Others

APPELLANT

Vs

Para Kulla Vandu

RESPONDENT

Date of Decision : 12-10-1914

Acts Referred:

Specific Relief Act, 1877 — Section 9

Citation : 31 Ind. Cas. 720

Hon'ble Judges : Tyabji, J;Oldfield, J

Bench : Division Bench

Judgement

1. The District Munsif no doubt found in terms against the plaintiff on issue 1. But we understand the learned Judge as having been unable to

accept parts of the judgment as reconcilable with that finding and as having, therefore, thought it necessary to obtain a proper finding after making

sure that all material considerations had been dealt with. We are not prepared to hold that he was not entitled to do this in revision.

2. The question then is only of the propriety of the order he eventually passed, giving the plaintiff a decree with costs throughout, although the

finding (accepted by him), was that the plaintiff was entitled to joint possession with the defendants. In Hari Narain Das v. Elemjan Bibi 23 Ind.

Cas. 618 : 19 Cri.L.J. 117 it was held that a Court had no power to give joint possession u/s 9 of the Specific Relief Act.

3. In Sabapathi Chetti v. Subraya Chetti 3 Ma. 250 the decision was only that a person, whose possession has been partially disturbed, can be

restored to possession under that provision. We follow the Calcutta decision, and allow the Letters Patent Appeal with costs, dismissing the civil

revision petition with costs.