

(1910) 03 MAD CK 0050
In the Madras High Court

P.L.S.A.R.S. Chettiappa Chettiar

APPELLANT

Vs

N. Periasami Thevan and Another

RESPONDENT

Date of Decision : 24-03-1910

Acts Referred:

Citation : 7 Ind. Cas. 810

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

Bench : Division Bench

Judgement

1. The Subordinate Judge finds that there was not gross negligence in the circumstances of this case on the part of the 11th defendant, the prior mortgagee. The Subordinate Judge has accepted the 11th defendant's explanation for not having been possessed himself of the title-deeds. We are also disposed to agree with the decision in Rangasami Naicker v. Annamalai Mudali 31 M. 7 : 3 M.L.T. 87 : 17 M.L.J. 499 where it is pointed out that the same importance does not attach to the possession of the title-deeds in the Mofussil as in the city of Madras, and that facility in, inspecting the registry provided by the Registration Law-should be taken into account in determining whether there was gross negligence in the prior encumbrance. We dismiss the second appeal with costs.