

(1892) 11 MAD CK 0008
In the Madras High Court

President of the Taluk Broad and Another	APPELLANT
Vs	
Narayanan	RESPONDENT

Date of Decision : 07-11-1892

Acts Referred:

Madras Local Boards Act, 1884 — Section 156

Citation : (1893) ILR (Mad) 317

Hon'ble Judges : Parker, J; Arthur J.H. Collins, J

Bench : Division Bench

Judgement

1. Both Courts have found that the land in dispute is the private property of the plaintiff and that finding must be accepted in second appeal.

2. We do not think Section 156, Madras Act V of 1884, applies. The cases contemplated in that section are suits for compensation and for

damages, and the principle is to allow public bodies time for tender of amends to the parties so as to avoid litigation--see Chunder Sikhur

Bundopadya v. Obhoy Churn Bagchi ILR 6 Cal. 8 followed in Syed Ameer Sahib v. Venhatarama see ante, p. 297, Price v. Khilut chandra

Ghose 5 Beng. L.R. App. 50 Sorabji Nassar-vanji v. The Justices of the Peace for the City of Bombay 12 Bom. H.C.R. 250 and Joharmal v. The

Municipality of Ahmednagar ILR 6 Bom. 580.

3. This principle cannot apply when the object of the suit is to obtain a declaration of title to Immovable property and for an injunction to restrain

interference with Immovable property. No question as to misdescription or defect of parties was taken in the Courts below, and the point does not

affect the merits of the case. The second appeal is dismissed with costs.