

(1891) 03 MAD CK 0002
In the Madras High Court

Raman		APPELLANT
	Vs	
Muppil Nayar and Others		RESPONDENT

Date of Decision : 20-03-1891

Acts Referred:

Citation : (1891) ILR (Mad) 478

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

Bench : Division Bench

Judgement

1. As the plaintiff has never been brought on the record as decree-holder in Suit No 247 of 1885, it is clear that the provisions of Section 244 of the CPC cannot apply to him, Halodhar Shaha v. Harogobind Das Roiburto ILR 12 Cal. 105. There was no appeal against the order refusing him leave to execute if he had not been brought on the record as transferee plaintiff, Sambasiva v. Srinivasa ILR 12 Mad. 511.

2. The decree of the District Judge must be reversed and the appeal remanded to be heard on the merits. The appellant is entitled to the costs of this appeal, and the costs in the lower Appellate Court will abide and follow the result.