

(1894) 11 MAD CK 0008
In the Madras High Court

R.G. Orr and Others

APPELLANT

Vs

Ambalum Kumaraswamy Pillai

RESPONDENT

Date of Decision : 21-11-1894

Acts Referred:

Transfer of Property Act, 1882 — Section 3, 4

Citation : (1895) 5 MLJ 27

Hon'ble Judges : Parker, J

Bench : Division Bench

Judgement

Parker, J.—Section 4 of the Transfer of Property Act enacts that Section 107 of that Act shall be read as supplemental to the Indian

Registration Act, but Section 3 of the Registration Act includes ""juice in trees"" among the enumeration of things defined as ""moveable property.

Gum certainly appears to fall within the description of ""juice in trees"" and therefore is moveable property with reference to the consideration of

registration. It is argued that Section 3 of the Transfer of Property Act, is not to be read as supplemental to the Registration Act but that section

does not define ""immovable property."" It merely excludes for the purpose of that Act standing timber, growing crops or grass from the definition of

Immovable property thus to a limited extent modifying the definition of the General Clauses Act. I must hold then that the lease is one of moveable

property and does not require registration.

2. The decree of the Subordinate Judge is set aside and the suit remanded for determination on the other points which arise.

3. Petitioners are entitled to their costs in this Court and the costs in the Sub-Court will follow the result.