

(1897) 10 MAD CK 0009
In the Madras High Court

Subrahmaniam Chetti

APPELLANT

Vs

Authinarayanan

RESPONDENT

Date of Decision : 05-10-1897

Acts Referred:

Citation : (1897) 7 MLJ 288

Judgement

1. We think Kameswar Pershad v. Rajkumari Buttun Koer L.R. 19 I.A. 234 is clearly distinguishable from the present. There the Judicial

Committee held that the agreement on which the second suit was founded ought to have been put forward in the first suit.

2. Here the two suits present two perfectly distinct grounds of claim. In the first suit, the plaintiff claims by virtue of an alleged adoption. In the

second suit, it is a will which is put forward as giving title to the property. A person who takes by adoption is obviously in a totally different

position from one who takes under a will. We have no copy of the will before us, and it may well be that the one claim is even inconsistent with the

other.

3. We must dismiss the appeal with costs.