

(1897) 09 MAD CK 0001
In the Madras High Court

Theyya Velan

APPELLANT

Vs

Kochan and Another

RESPONDENT

Date of Decision : 23-09-1897

Acts Referred:

Citation : (1898) ILR (Mad) 7 : (1897) 7 MLJ 290

Judgement

1. Section 317 of the CPC debars a suit against a certified purchaser by a person claiming to be the real purchaser or deriving title from the real

purchaser.

2. The contending parties here do not occupy the position contemplated in the section, as the 1st defendant is not the certified purchaser but an

assignee of the certified purchaser. The assignment by the certified purchaser to the 1st defendant does not clothe him with the certified

purchaser's right to object to the unsustainability of a suit as if it had been brought against himself. The protection given to the certified purchaser

cannot be transferred by him. The 1st defendant did not therefore stand in the certified purchaser's shoes as the Sub-Judge has held.

3. We must accordingly reverse his decree and remand the appeal for disposal upon the merits.

4. Costs to abide the result.