

Vasudeva Bhatlu Vs. Narasamma

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Court : Chennai

Decided On : Feb-02-1882

Reported in : (1882)ILR5Mad6

Judge : Innes and ;Kindersley, JJ.

Appellant : Vasudeva Bhatlu

Respondent : Narasamma

Judgement :

1. We requested the District Judge to find whether the sale was complete, and what was the consideration for it.
2. He has found that the consideration was a valuable consideration, and that the sale was not complete only by reason of possession not having been delivered.
3. We have already decided that, under the law current in Madras, possession was not necessary to complete a sale. The cases upon this point will be found noticed in Mr. Mayne's work on Hindu Law and Usage, paragraphs 330-334.
4. The provisions of the Evidence Act, Section 92, to which the District Judge refers, do not prohibit the disproof of a recital in a contract as to the consideration that has passed by showing that the actual consideration was something different to that alleged.

5. As the sale was complete, the plaintiff had a right to recover the lands, and we must reverse the decree of the District Judge and restore that of the District Munsif with costs.

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