

Singaravelu Udayan Vs. Ramayer

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Court : Chennai

Decided On : Jan-28-1903

Reported in : (1903)13MLJ306

Appellant : Singaravelu Udayan

Respondent : Ramayer

Judgement :

1. The plaintiff's contention is that he has a lien on the moneys in the hands of the 3rd and 25th defendants on the ground that these moneys are the proceeds of the sale of the 1st defendant's (the plaintiff's mortgagor's) interest in the land. No authority has been cited which supports this contention, and we do not think it is well-founded. Section 138 of the Transfer of Property Act relates to the transfer of a debt and has no application to the present case, Gurney v. Seppings 15 L.J. Ch. 385. No question of the right to follow moneys into the hands of third parties was involved.

2. The only question was with reference to the rights of the parties to the mortgage transactions, and this case, so far as it is in point at all, is an authority against there being anything in the nature of a charge from the mere fact of realization. The fact that the 3rd and 25th defendants received the moneys with notice of the plaintiff's mortgage does not, it seems create any equity in his favour as against them.

3. The second appeals are dismissed with costs.

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