

Nagappa Vs. Devu

Nagappa Vs. Devu

SooperKanoon Citation : sooperkanoon.com/776694

Court : Chennai

Decided On : Sep-16-1890

Reported in : (1891)ILR14Mad55

Judge : Arthur J.H. Collins, Kt., C.J. and ;Best, J.

Appellant : Nagappa

Respondent : Devu

Judgement :

1. Adakkalam v. Theethan I.L.R., 12 Mad., 505, is authority for holding that a document which, for want of registration is not admissible in evidence as creating an interest in land, is admissible for the purpose of obtaining specific performance of the contract, which is in effect the object of the present suit; and Nynakka Routhen v. Vavana Mahomed Naina Routhen 5 M.H.C.R. 123 is authority for the admission of secondary evidence in case of a document being allowed to remain unregistered through no fault of the plaintiff. In either case, therefore, the Subordinate Judge's decision is wrong.

2. The Munsif has found that there was an agreement for sale.

3. The Lower Appellate Court having dismissed the suit on a preliminary point without going into the merits of the case, we set aside the decree and remand the case for replacement on the tile and disposal on merits. The costs of this appeal will be paid by the respondent. The costs hitherto incurred will be provided for in

the revised decree.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com