

Anantan Vs. Sankaran and ors.

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Court : Chennai

Decided On : Sep-23-1890

Reported in : (1891)ILR14Mad101

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

Appellant : Anantan

Respondent : Sankaran and ors.

Judgement :

1. It is contended, in the first instance, that the suit brought by the junior members of a tarwad is not maintainable. The karnavan is included as a defendant in the suit, and, as he has failed to sue till the period of twelve years has almost expired, we are of opinion that the suit by the junior members cannot be validly objected to.

2. The other question is whether the suit is time-barred

3. Applying the principle of the decision of this Court in Pachamuthu v. Chinnappan I.L.R. 10 Mad. 213 and the decision of the Calcutta High Court in Rughuba Dyal Sahu v. Bhikya Lai Misser I.L.R. 12 Cal. 69, we find the lower Appellate Court is right in holding the suit to be not time-barred.

4. The lower Courts have found, as a fact, that the money was not advanced for tarwad necessity.

5. This second appeal fails, therefore, and is dismissed with costs.

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