

Sitapati Vs. Narasimham

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Court : Chennai

Decided On : Apr-01-1897

Reported in : (1897)7MLJ248

Appellant : Sitapati

Respondent : Narasimham

Judgement :

ORDER

1. The decided case to which the District Judge refers is said to be the case reported in I.L.R. 15 M., 285. According to the respondent's contention the office of Karnam belonged to the family of which plaintiff and 1st defendant are members, and it is found that the enfranchisement took place when 1st defendant was actual holder the office. If these are the real facts, we do not think the case of Yenkatarayaduy. Venkataramayya, applies, for the judgment shows that there was no intention to go beyond the decision in Venkata v. Rama I.L.R., M., 349 and the facts in the latter case are clearly distinguishable from those, in the present. There is no sufficient finding by either Court of the fact. We must, therefore, ask the District Judge to return a finding on the issue :--Whether the family of the parties were the holders of the office of karnam up to the date of the enfranchisement of the lands. The finding is to be returned within a month after the reopening of the Court, and seven days will be allowed for filing objections after the finding has been posted up in this Court. The finding having been submitted, the Court dismissed the second appeal with costs, stating that no additional evidence

was given.

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