

Rangasami Vs. Krishnayyan and ors.

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SooperKanoon Citation : sooperkanoon.com/780811

Court : Chennai

Decided On : Apr-14-1891

Reported in : (1891)ILR14Mad408

Judge : Arthur J.H. Collins, Kt., C.J., ;Muttusami Ayyar, ; Parker and ; Shephard, JJ.

Appellant : Rangasami

Respondent : Krishnayyan and ors.

Judgement :

1. The decision of the Full Bench is that plaintiff is entitled only to one-tenth share of the house. It is argued that what was the actual share was not the question before the Full Bench, but we observe that the Division Court, which referred the case, distinctly held that one-tenth and not one-fifth was the share to which plaintiff was entitled, and this was expressly stated in the order of reference, and must have been considered by the Full Bench.
2. We refuse to interfere with the decree of the Subordinate Judge, giving Its. 21, the value of the tenth share of the house, to plaintiff and not the share of the house itself.
3. The second appeal is dismissed with costs,

