

Subrahmaniam Chetti Vs. Authinarayanan

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SooperKanoon Citation : sooperkanoon.com/780913

Court : Chennai

Decided On : Oct-05-1897

Reported in : (1897)7MLJ288

Appellant : Subrahmaniam Chetti

Respondent : Authinarayanan

Judgement :

1. We think Kameswar Pershad v. Rajkumari Buttun Koer L.R. 19 I.A. 234 is clearly distinguishable from the present. There the Judicial Committee held that the agreement on which the second suit was founded ought to have been put forward in the first suit.

2. Here the two suits present two perfectly distinct grounds of claim. In the first suit, the plaintiff claims by virtue of an alleged adoption. In the second suit, it is a will which is put forward as giving title to the property. A person who takes by adoption is obviously in a totally different position from one who takes under a will. We have no copy of the will before us, and it may well be that the one claim is even inconsistent with the other.

3. We must dismiss the appeal with costs.