

Paramasiva Vs. Krishna

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SooperKanoon Citation : sooperkanoon.com/782659

Court : Chennai

Decided On : May-08-1891

Reported in : (1891)ILR14Mad498

Judge : Muttusami Ayyar and ;Handley, JJ.

Appellant : Paramasiva

Respondent : Krishna

Judgement :

1. As to the point that plaintiff's purchase being on behalf of the judgment-creditor was invalid being made without the permission of the Court, the last clause of Section 294 of the Code of Civil Procedure, Act X of 1877, in force at the time of the purchase as amended by Act XII of 1879 stood as in the corresponding section of the present Code, and clearly negatives, in our opinion, the view that not obtaining the permission of the Court invalidates the purchase and this opinion is in accordance with the decisions referred to by the District Judge.

2. The objection that Vedanta Ayyangar's heirs were not made parties to the suit was we think rightly disallowed by the District Judge as taken too late. It is urged that appellant is entitled to compensation for improvements. The District Munsif disallowed the claim, and though it was made a ground of appeal to the District Court, it does not appear to have been urged in that Court, nor do we see any legal foundation for the claim.

