

Raman Nambiar Vs. Raman Nambiar

Raman Nambiar Vs. Raman Nambiar

SooperKanoon Citation : sooperkanoon.com/783159

Court : Chennai

Decided On : Jul-16-1914

Reported in : AIR1915Mad307(2); (1914)27MLJ175

Appellant : Raman Nambiar

Respondent : Raman Nambiar

Judgement :

1. The learned District Judge's view seems to be that the alienee from a Karnavan under a Melcharth granted before the expiry of the terms mentioned in previous kanom deeds need not prove adequate necessity for the grant of such a Melcharth and that even if the Melcharth was not a ' wise ' transaction, it cannot be set aside at the instance of the succeeding Karnayan unless it is proved that it was, a transaction intended to benefit the Karnavan or his sons at the expense of his family or to defraud the Tarwad. This view is opposed to the decisions of Cheria Chinkandan v. Krishnan Nambiar (1912) 15 M.L.T. 600 and S.A. No. 877 of. 1911. The Melcharth cannot be upheld unless there was adequate necessity or unless the grant of it was beneficial to the Tarwad. The learned Judge's decision is vitiated by his having misdirected himself or the law, governing the consideration of the question involved- We set it aside and remand the case for the decision of the appeal before him de novo. The costs in this Court will abide and follow the result.

