

Thama Vs. Kondan and ors.

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SooperKanoon Citation : sooperkanoon.com/784398

Court : Chennai

Decided On : Mar-09-1892

Reported in : (1892)ILR15Mad378

Judge : Arthur J.H. Collins, Kt., C.J. and ;Parker, J.

Appellant : Thama

Respondent : Kondan and ors.

Judgement :

1. We think that the recital of the admission in the judgment C was a relevant fact as evidence of the jenmi's title under Section 35 of the Evidence Act fsee Lekraj Kuar v. Mahpal Singh I.L.R. 5 Cal. 744, Parbutty Dassi v. Purno Chunder Singh I.L.R. 9 Cal. 586, Byathamma v. Avulla (see ante, p. 19).

2. The Judge was therefore wrong in excluding the evidence from consideration. It is for him to consider the binding effect of the admission and also the question raised in the second ground of appeal.

3. We must reverse the decree and remand the appeal to the lower Appellate Court for disposal. Costs will follow the result.