

Pullayya Vs. Ramayya

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SooperKanoon Citation : sooperkanoon.com/786612

Court : Chennai

Decided On : Aug-22-1894

Reported in : (1895)ILR18Mad144

Judge : Muttusami Ayyar and ;Shephard, JJ.

Appellant : Pullayya

Respondent : Ramayya

Judgement :

1. Here the judgment-debtor was in possession at the date of the sale and is now defendant. Plaintiff bought from the purchaser at the Court sale and can be in no better position than his vendor. Nothing was done upon the writ of possession issued at the suit of the vendor's widow. The execution purchaser would be barred and therefore the plaintiff is equally barred Arumuga v. Chockalingam I.L.R. 15 Mad. 831 The decision in Kishori Mohun Roy Chowdhry v. Chunder Nath Pal I.L.R. 14 Cal. 644 is distinguished by the fact that in that case there was formal delivery. We must reverse the decree and we dismiss the suit with costs throughout.