

Narayanasami Vs. Kuppusami

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Court : Chennai

Decided On : Mar-30-1896

Reported in : (1896)ILR19Mad497

Judge : Subramania Ayyar, J.

Appellant : Narayanasami

Respondent : Kuppusami

Judgement :

Subramania Ayyar, J.

1. The first contention on behalf of the appellant was that the debt mentioned in the appellant's application for the certificate was the property of the appellant's father Sattaya Pillai. But, as Sattaya Pillai, the appellaat, and the respondent were members of an undivided family, the presumption is that the debt was one due to the joint family, and there is nothing on the record to rebut this presumption.

2. The next contention was that the Judge should not have directed the grant of the certificate in the joint names of the appellant and the respondent. No doubt the cases in *Shitab Dei v. Debi Prasad* I.L.R. 16 All. 21 and *Lonachand Gangaram Marwadi v. Uttamchand Gangaram Marwadi* I.L.R. 15 Bom. 684 show that ordinarily certificates should not be granted to rival claimants jointly. But in the present case it is clear that the real object of the application for certificate was to

raise questions as to the validity of the adoption of the respondent, a matter which was the subject of litigation for many years, Narayanasami v. Kuppusami I.L.R. 11 Mad. 43 and which the appellant's vakil states is now also the subject of a suit brought to set aside the adjudications made in favour of the respondent. In these circumstances I do not think it proper to interfere with the order of the District Judge.

3. I reject the appeal with costs.

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