

**Raman Vs. Chandan and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/788917](http://sooperkanoon.com/788917)

**Court :** Chennai

**Decided On :** Nov-23-1891

**Reported in :** (1892)ILR15Mad219

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

**Appellant :** Raman

**Respondent :** Chandan and ors.

**Judgement :**

1. The District Judge was in error in holding that Section 59 of Act II of 1864 applied to the suit, inasmuch as the sale by the Collector was not a proceeding under the Act, as there is no provision in Act II of 1864 for treating the sum payable for plaintiff as revenue. The sale was ultra vires, and plaintiff had twelve years within which to bring his suit. We set aside the decree of the lower Appellate Court and restore that of the Munsif. Appellant will be entitled to his costs in the lower Appellate Court. There will be no costs in this Court the decree of the lower Appellate Court and restore that of the Munsif. Appellant will be entitled to his costs in the lower Appellate Court.

2. There will be no costs in this Court.