

Rego Vs. Abbu Beari

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SooperKanoon Citation : sooperkanoon.com/790100

Court : Chennai

Decided On : Nov-23-1897

Reported in : (1898)ILR21Mad151

Judge : Shephard; and Subramania Ayyar, JJ.

Appellant : Rego

Respondent : Abbu Beari

Judgement :

1. Inasmuch as the plaint alleges that the original transaction was a mortgage and that was not denied by the defendant, we must treat it as such. It is contended that, as the mortgagee purported to transfer a title acquired since the mortgage and independently of it, the case is not governed by Article 134 of the schedule to the Limitation Act. In effect the defendant's vendor purported to transfer the full ownership, when in point of law he had only a mortgage right to transfer. This is exactly the case for which the Article is provided.

2. We must dismiss the appeal with costs.