

Sabbiah Mudeliar Vs. Seshappier

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SooperKanoon Citation : sooperkanoon.com/804365

Court : Chennai

Decided On : Dec-10-1909

Reported in : 5Ind.Cas.422

Judge : Ralph Benson and ;Abdur Rahim, JJ.

Appellant : Sabbiah Mudeliar

Respondent : Seshappier

Judgement :

1. The question raised is one of some difficulty, but we must hold that Section 70 of the Contract Act has no application to the facts of this case. The plaintiff did not even know that he was making payment of revenue for lands which belonged to the defendant, nor was the defendant bound to pay the revenue as he was not the pattadar Boja Sellappa Reddy v. Vrithachala Reddy 30 M.k 35. It cannot, therefore be said that the plaintiff made the payment for the defendant Amman Ammal v. Naiun Pillai Markayar 9 M.L.J. 489. In the case referred to by the District Judge, The Rajah of Venkatagiri v. Vudutha Subbarayudu 30 M.k 277 the zemindar did an act for the inamdirs, not intending to do it gratuitously, and the inamdars enjoyed the benefit, so that Section 70 was clearly applicable. As Section 70 is inapplicable to the present case, there was no ground for the remand. We allow this appeal, set aside the decree of the District Judge and restore that of the District Munsif with costs in this and in the lower appellate Court.

