

APPELLATE CIVIL.

*Before Sir Arthur J. H. Collins, Kt., Chief Justice, and
Mr. Justice Parker.*

RAVUTHA KOUNDAN (DEFENDANT NO. 2), APPELLANT,

v.

MUTHU KOUNDAN AND OTHERS (PLAINTIFFS), RESPONDENTS.*

1888.
Sept. 4.

Regulation VI of 1831, s. 3—Suit for a declaration as to land alleged to be nattamai maniyams—Jurisdiction of Revenue Courts—Res judicata—Civil Procedure Code, s. 13.

Suit to establish plaintiffs' title to certain land alleged by the defendants, who were the Secretary of State for India in Council and the nattamaigar of a certain village, to be maniyam land attached to the office of the second defendant, and previously held to be such by a Revenue Court:

Held, the Court was not precluded either by Regulation VI of 1831, s. 3, or by the decision of the Revenue Court from granting the declaration prayed for.

SECOND APPEAL against the decree of T. Weir, District Judge of Madura, in appeal suit No. 57 of 1886, reversing the decree of P. S. Gurumurthi Ayyar, District Munsif of Tirumangalam, in original suit No. 40 of 1885.

The plaint alleged that certain land therein referred to was the ancestral property of the plaintiffs' family, and that the Deputy Collector in suit No. 3 of 1883 under Regulation VI of 1831 decided that they were maniyam lands attached to the office of nattamaigar which was the office of defendant No. 2, and prayed for a declaration of the plaintiffs' title.

The District Munsif dismissed the suit. On appeal the District Judge reversed the decree of the District Munsif and granted the declaration prayed for.

Defendant No. 2 preferred this appeal against the decree of the District Judge.

Rama Rau for appellant.

Mahadeva Ayyar and *Rangacharyar* for respondents.

JUDGMENT.—Regulation VI of 1831, section 3, bars the right of the ordinary Courts to investigate claims to the possession of,

* Second Appeal No. 547 of 1887.

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or succession to, certain hereditary offices and their emoluments, but otherwise does not interfere with the ordinary jurisdiction of the regular Courts. This is not such a suit, and we see no reason to hold that by that Regulation the ordinary Courts are debarred from entertaining a suit to declare what are the emoluments of the office.

Nor will the plea that this point has already been decided by a Revenue Court of concurrent jurisdiction avail, for the Revenue Courts have not authority under Regulation VI of 1831 to determine such a suit as the present.

[Their Lordships next proceeded to dispose of various other questions raised on this second appeal and passed a decree dismissing the second appeal with costs.]

APPELLATE CIVIL.

Before Mr. Justice Parker and Mr. Justice Wilkinson.

SAMINATHA (PLAINTIFF), APPELLANT,

v.

VIRANNA (DEFENDANT), RESPONDENT. *

1889,
August
12, 13, 20.

Rent Recovery Act—Act VIII of 1865 (Madras), s. 9—Tender of patta by post.

A landlord sent a patta by post to his tenant, who declined to receive it:

Held, the tender of the patta by post was not sufficient to support a suit under s. 9 of the Rent Recovery Act.

SECOND APPEAL against the decree of T. Weir, District Judge of Madura, in appeal suit No. 532 of 1887, affirming the decree of M. Tillainayakam Pillai, Deputy Collector of Madura, in summary suit No. 31 of 1887.

Suit by a landlord under the Madras Rent Recovery Act, s. 9, to compel the acceptance of a patta by the defendant. The lower courts decreed in favor of the defendant, and the plaintiff preferred this second appeal.

Subramanya Ayyar for appellant.

Bhashyam Ayyangar for respondent.

* Second Appeal No. 384 of 1888.