

MADAYYA
v.
YENKATA.

Nasir Khan v. Karamat Khan(1) referred to by a Full Bench of that Court in *Umed Ram v. Daulat Ram*(2) was apparently distinguished, on the ground, that it was not held in the former case that the trees themselves but that the fruit of the trees (for the wrongful taking and removal of which compensation was claimed) constituted movable property.

There is a direct decision in *Sadu v. Sumbhu*(3) that the words "immovable property," as used in the Code of Civil Procedure, include standing crops.

We agree in that conclusion and consider that it may be supported upon the principle indicated in the Full Bench case of the Allahabad Court above cited, viz., that, in the absence of any specific definition of immovable property in the Code of Civil Procedure, regard is properly had to the General Clauses Act, in which growing crops come within the definition of immovable property. To the question stated by the District Munsif, our answer is that standing crops are, for the purposes of the Code of Civil Procedure, immovable property.

APPELLATE CIVIL.

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

SUBBARAYADU (PLAINTIFF), APPELLANT,

and

GANGARAJU (DEFENDANT, No. 2), RESPONDENT.*

1887.
July 18.

Regulation XXIX of 1802, s. 7—Karnam in zamindari Village—Title to Office.

The holder of a karnam's office in a zamindari village being incapacitated, resigned the office in 1863, leaving a minor son, the plaintiff. The brother of the late holder was then appointed to the office, and held it till 1877, when he died. Plaintiff was then nominated by the zamindar, but did not enter on the office. In 1879, the zamindar being dead, defendant No. 2 was appointed by the zamindar's widow and entered on the office :

Held, that under Regulation XXIX of 1802, s. 7, defendant No. 2 being the heir of the last holder was the lawful holder of the office.

APPEAL from the decree of T. Ramasami Ayyangar, Subordinate

(1) I.L.R., 3 All., 163.

(3) I.L.R., 8 Bom., 592.

(2) I.L.R., 5 All., 564.

* Second Appeal No. 662 of 1886.

Judge of Cocanada, reversing the decree of A. F. Elliot, District Múnsif of Cocanada, in Suit No. 324 of 1884.

SUBBARAYADU
GANGARAJU.

Suit to recover the office of karnam in a zamíndári village.

The facts appear from the judgment of the Court (Collins, C.J., and Muttusámi Ayyar, J.).

Mr. *Norton* for appellant.

Ramasámi Mudaliar for respondent.

JUDGMENT.—The plaintiff's father resigned the office of karnam in 1863, being incapacitated, the plaintiff then being a minor. The plaintiff's uncle was then lawfully appointed and continued to hold the office until 1877, when he died. The plaintiff was nominated by the zamíndár, the husband of defendant No. 1 in 1877, but never took upon himself the duties of the office. The zamíndár died in 1877. Defendant No. 2, the son and heir of the late karnam, was appointed in 1879, and defendant No. 1 has held the office since that year. It seems clear that under Regulation XXIX of 1802, s. 7, the heir of the preceding karnam must be chosen. Defendant No. 2 was the heir of the late karnam and is the lawful holder of the office.

The second appeal must be dismissed with costs.

APPELLATE CIVIL.

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

NAGAMMA (PLAINTIFF), APPELLANT,

and

SUBBA AND OTHERS (DEFENDANTS), RESPONDENTS.*

1887.
August 22.

*Civil Courts Act (Madras), 1873—Jurisdiction—Suit for partition and mesne profits—
Civil Procedure Code, s. 544.*

N. sued S. and others for partition of a share of certain land and claimed mesne profits from other defendants who were tenants of the land. S. obtained a decree by consent for her share and a sum of 99 rupees was decreed to her against the tenants for mesne profits. Against this decree the tenants appealed.

The Subordinate Judge finding that the subject-matter of the suit, the land of which partition was claimed, exceeded the jurisdiction of the Múnsif, reversed the

* Second Appeal No. 918 of 1886.