

above pointed out in that case. In these cases there is no consideration. We therefore dismiss the Second Appeals with costs.

SANKARAN  
NAIR AND  
AYLING, JJ.

SERIMATU  
RAJAH  
MALLI-  
KARJUNA  
PRASADA  
NAIDU  
BAHADUR  
v.  
SUBBAYYA.

## APPELLATE CIVIL.

*Before Mr. Justice Ayling.*

SRI RAJA V. N. APPA RAO BAHADUR (PLAINTIFF),  
PETITIONER (IN BOTH),

1911.  
April 12 and  
20.

v.

P. NAGANNA (DEFENDANT), RESPONDENT IN CIVIL REVISION  
PETITION No. 358 OF 1910

AND

P. GANNIAH (DEFENDANT), RESPONDENT IN CIVIL REVISION  
PETITION No. 359 OF 1910.\*

*Rent, suit for private lands—Madras Estates Land Act (I of 1908), ss. 3 (10),  
19 and 189.*

A revenue court has no jurisdiction to try a suit for rent of private lands as defined in section 3 (10) of the Madras Estates Land Act (I of 1908); such a suit must be brought in a civil court.

PETITIONS under section 25 of the Provincial Small Cause Courts Act (IX of 1887), praying the High Court to revise the orders, dated the 19th day of April, 1910, of T. GOPALAKRISHNA PILLAI, the Subordinate Judge of Kistna at Ellore, in Small Cause Suit Nos. 139 and 140 of 1910.

Dr. S. Swaminathan for petitioner (in both).

T. Prakasam for respondent in Civil Revision Petition No. 358 of 1910, and for respondent in Civil Revision Petition No. 359 of 1910.

JUDGMENT.—These are suits for rent of private lands as defined in section 3 (10) of the Madras Estates Land Act, 1908; and the only question is whether they are cognizable by a revenue or by a civil court. The exact scope and meaning of section 19 of the Act are not altogether free from doubt; but it appears to me that in the absence of any provision corresponding to section 134 it

\* Civil Revision Petitions Nos. 358 and 359 of 1910.

ATLING, J. must be held to bar the application of section 189, under which jurisdiction is vested in the revenue courts.

SRI RAJA  
APPA RAO  
BAHADUR  
v.  
NAGANNA.

The Subordinate Judge will restore the plaints to file and dispose of them according to law. Costs will follow the result.

## APPELLATE CIVIL.

*Before the Chief Justice Sir Charles Arnold White and  
Mr. Justice Munro.*

SUBBAYYAR (PLAINTIFF) APPELLANT,

v.

MONIEM SUBRAMANIA AYYAR AND THREE OTHERS (SECOND  
DEFENDANT AND LEGAL REPRESENTATIVES OF FIRST  
DEFENDANT), RESPONDENTS.\*

*Indian Evidence Act (I of 1872), s. 92—Sale of land, consideration for, not  
as stated in the deed—Oral promise, failure to perform.*

Assuming that it may be shown by oral evidence that the real consideration for a deed of sale was not the consideration stated in the deed itself but a promise to maintain the plaintiff, in the absence of coercion, undue influence, fraud or misrepresentation of any kind, at the time when the deed of sale was registered and possession taken thereunder, the deed will not be set aside. The special equitable doctrine whereby the American Courts have relieved in cases where an aged person has conveyed all his property in consideration of an oral promise to be supported for the remainder of his life by the grantee, not applied.

SECOND APPEAL presented against the decree of K. C. MANAVEDAN RAJA, the District Judge of North Arcot, in Appeal Suit No. 335 of 1907, presented against the decree of T. KRISHNASWAMI NAIDU, the District Munsif, Arni, in Original Suit No. 47 of 1906.

The facts of this case are stated in the judgment.

Messrs. C. P. Ramaswami Ayyar and C. K. Mahadeva Ayyar for appellant.

V. Ryrn Nambiar for first respondent.

T. V. Ramanuja Rau for third and fourth respondents.

The CHIEF JUSTICE—In this suit the plaintiff asked that a certain deed of sale might be set aside. The deed of sale (Exhibit