

**Komarappa Naicken and ors., Vs. Venkatachellam Pillay, the Secretary of State for India in Council, Through the Collector of South Arcot**

**LegalCrystal Citation :** [legalcrystal.com/789513](http://legalcrystal.com/789513)

**Court :** Chennai

**Decided On :** Oct-22-1909

**Reported in :** 4Ind.Cas.312

**Judge :** Munro and ;Abdur Rahim, JJ.

**Appellant :** Komarappa Naicken and ors., ;ragava Reddi and ors., ;muthurama Reddi, Minor by Bhavanambal, ;andivee

**Respondent :** Venkatachellam Pillay, the Secretary of State for India in Council, Through the Collector of South a

**Judgement :**

1. We are clearly of opinion that the suit as brought does not offend against the provisions of Section 28, Civil Procedure Code. To see whether there is misjoinder of parties or causes of action, we must confine ourselves to the four corners of the plaint, and not manufacture a plaint for the plaintiffs. The case laid in the plaint is very simple. The plaintiffs say that the 1st defendant has charged them a certain amount for the use of certain water claiming the water to be his, and that the 2nd defendant also seeks to charge them for the water on a similar claim. What the plaintiffs, therefore, ask for is a decision as to which of the defendants, they are bound to pay for water. If the water is found to belong to the 2nd defendant they ask for a refund of the money collected by the 1st defendant. If the water is found to belong to the 1st defendant they ask that the 2nd defendant may be prohibited from charging them for the use of it.

2. The reliefs claimed are clearly in respect of the same matter. The case falls within the principle laid down in Aiyathurai Ravuthan v. Santhu Meera Ravuthan 18 M.L.J. 238.

3. We, therefore, reverse the decrees of the District Judge and remand the appeals for disposal according to law. Costs will abide the event.