

(1901) 07 MAD CK 0007
In the Madras High Court

Appu Rao

APPELLANT

Vs

Ramakrishna Chettiar

RESPONDENT

Date of Decision : 26-07-1901

Acts Referred:

Citation : (1901) ILR (Mad) 672

Hon'ble Judges : Moore, J; Davies, J

Bench : Division Bench

Judgement

1. The original decree directed the execution of a muchalka by defendant, but gave plaintiff no costs. The Appellate Court decreed plaintiff's costs as well. That decree for costs was fully executed in 1883. All that was left for execution of the decree was the execution of the muchalka by the appellant. The last application for that was made on the 21st December 1894 and this application, made on the 4th September 1899, nearly five years afterwards, was clearly barred. The applications made in 1895 and 1897 were for incidental costs in execution and were not applications for execution of the decree, or any part of it. The appeal is allowed and the petition for execution is dismissed with appellant's costs throughout.