

(1886) 11 AHC CK 0009
In the Allahabad High Court

Baldeo

APPELLANT

Vs

Bismillah Begam and Others

RESPONDENT

Date of Decision : 25-11-1886

Acts Referred:

Citation : (1887) ILR (All) 118

Hon'ble Judges : Tyrrell, J; Oldfield, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Oldfield, J.—We must give effect to the preliminary objection of the defendants-respondents, and hold that the application for substituting the names of the respondents was barred by Article 171 B of the Limitation Act. That article refers to applications u/s 368 of the Civil Procedure Code, to have the representative of a deceased defendant made a defendant, and the time runs from the date of death. In the case before us the respondent who died is the defendant, and I think the article referred to applies in his capacity as defendant. On this ground I would dismiss this appeal with costs u/s 368 of the Civil Procedure Code.

Tyrrell, J.

2. I concur.