

(1895) 09 MAD CK 0016
In the Madras High Court

Barrow

APPELLANT

Vs

Javerchund Sett

RESPONDENT

Date of Decision : 17-09-1895

Acts Referred:

Limitation Act, 1963 — Section 14

Citation : (1896) ILR (Mad) 67

Hon'ble Judges : Shephard, J; Best, J

Bench : Division Bench

Judgement

1. Even if the period during which the application was pending in the Madras Court of Small Causes should be excluded u/s 14 of the Limitation Act, the application of 26th February 1889, being one for sanctioning the agreement to give time for payment, and not for execution of the decree, was clearly not a step in aid of execution; the subsequent application is, therefore, barred.

2. We must, therefore, allow this appeal and restore the order of the Subordinate Judge. Under the circumstances, we make no order as to costs of this appeal.