

(1927) 07 BOM CK 0014
In the Bombay High Court

Jagmohan Saran

APPELLANT

Vs

Sahu Deoki Nandan

RESPONDENT

Date of Decision : 12-07-1927

Acts Referred:

Limitation Act, 1908 — Article 118

Citation : (1927) 29 BOMLR 1386

Hon'ble Judges : Lancelot Sanderson, J; John Wallis, J; Blanesburgh, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

Blanesburgh, J.—As a result of the opening of this appeal by Mr. Dunne, it is possible for their Lordships to dispose of the case on a very short ground. It has been made clear that this action is in truth and substance a suit for a declaration that a particular adoption was invalid. It is plain that the fact that a claim was being made on the basis of this alleged adoption was known to the plaintiff in the suit more than six years before it was instituted, and that he himself had attained majority nearly nine years before the suit was commenced. The suit being in substance one for a declaration to the effect just stated, their Lordships, on these uncontested facts, are of opinion that it is barred by Article 118 of the Indian Limitation Act. In these circumstances no useful purpose would be served by any further examination here and now of the matters in controversy; and for the reason that the suit is out of time their Lordships will humbly advise His Majesty that this appeal by the plaintiff should be dismissed. The appellant must pay the costs.