

(1892) 02 MAD CK 0026
In the Madras High Court

Krishnan

APPELLANT

Vs

Perachan

RESPONDENT

Date of Decision : 15-02-1892

Acts Referred:

Limitation Act, 1963 — Article 120, 62
Transfer of Property Act, 1882 — Section 135, 2

Citation : (1892) ILR (Mad) 382

Hon'ble Judges : Subramanya Ayyar, J;Best, J

Bench : Division Bench

Judgement

1. We do not think that the money can be considered as having been received by the defendant for the plaintiff's use, so as to make Article 62

applicable; nor is the case one coming within any other special article of schedule II of the Limitation Act. It is, therefore, one for which no period

of limitation is provided elsewhere, and consequently falls within Article 120, which gives a period of six years from the date when the right to sue

accrued, Nund Ball Bose v. Meet Aboo Mahomed ILR 5 Cal. 597 and Gurudas Pyne v. Ram Narain Sahu I.L.R.10 Cal. 860. This suit having

been brought within six years from date of receipt of the money by defendant is therefore not time-barred.

2. The lower Appellate Court has found to be valid the sale at which plaintiff acquired a right to the money in question. In this finding we concur.

As, by Section 2 of the Transfer of Property Act, Clause (d), transfers in execution of decrees are unaffected by the provisions of Section 135 of

the same Act, we give plaintiff a decree for Rs. 579-6-1 with interest at 6 per cent, per annum from date of suit to date of payment. Each party to

pay proportionate costs throughout.