

(1927) 07 PRI CK 0007

In the Privy Council

Case No : Privy Council Appeal No. 24 of 1926

Lala Jagmohan Saran

APPELLANT

Vs

Sahu Deoki Nandan and others

RESPONDENT

Date of Decision : 12-07-1927

Acts Referred:

Citation : (1927) AIR(PC) 229

Hon'ble Judges : Lancelot Sanderson, John Wallis, Blanesburgh, JJ.

Advocate : T.L. Wilson and Co., Rogers and Nevill, Barrow, W. Wattach, G.B. Lowndes, B. Dube, A.M. Dunne, for the Appearing Parties.

Judgement

Lord Blanesburgh

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 Art.118, 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.