

(1903) 04 MAD CK 0004
In the Madras High Court
Case No : Second Appeal No. 892 of 1901

Meerudin Saib

APPELLANT

Vs

Rahisa Bibi and Others

RESPONDENT

Date of Decision : 08-04-1903

Acts Referred:

Limitation Act, 1963 — Article 11

Citation : (1903) 04 MAD CK 0004

Hon'ble Judges : Subrahmania Ayyar, J;Bhashyam Ayyangar, J

Bench : Division Bench

Advocate : K. Srinivasa Ayyangar, for the Appellant;

Judgement

1. The order contemplated by Section 335, Code of Civil Procedure, is one which will become final and conclusive, unless the party against whom

it is passed institutes a suit and obtains an adjudication in his favour. In the present case the District Munsif declined to pass an order under that

section, as he thought it better that the purchaser should be referred to a separate suit to enforce his purchase. This case is similar to that of Rash

Behari Bysack v. Buddim Chunder Singh ILR Cal 550. and we concur in the view therein taken that Article 11 of the second schedule to the

Limitation Act has no application to such a case as the present. We accordingly reverse the decrees of both the Lower Courts and remand the suit

to the Court of First Instance for disposal according to law. The costs in this and in the Lower Appellate Court will be costs in the case.