
(1894) 12 MAD CK 0014
In the Madras High Court

Muniappa Naik and Others

APPELLANT

Vs

Subramania Aiyar

RESPONDENT

Date of Decision : 20-12-1894

Acts Referred:

Citation : (1895) 5 MLJ 60

Judgement

1. We agree with the learned Judges who decided the cases reported in Debendra Kumar. Mandel v. Rup Lall Dass ILR (1886) C. 546 and

Kasinath Das v. Sadasiv Patnaik I. L. R. (1893) C. 805

2. The object of attachment is to take the property out of the disposition of the judgment-debtor. Though the omission to attach u/s 274 of the

CPC was an irregularity; we are not able to hold that the irregularity was material, or that plaintiff has been prejudiced thereby.

3. It is next contended that the document contains no provision for interest post diem and that consequently the claim is one for damages and

barred under Article 116 of the Limitation Act. But on the true construction of the document the last clause appears to provide for interest up to

date of payment and to make the same a charge on the property; and as interest is not asked for at the enhanced rate, there is no question of

reasonable compensation u/s 74 of the Contract Act, nor is the suit barred under the Limitation Act.