
(1891) 03 CAL CK 0005
In the Calcutta High Court

Nagendro Nath Mullick

APPELLANT

Vs

Mathura Mahun Parhi and Others

RESPONDENT

Date of Decision : 24-03-1891

Acts Referred:

Limitation Act, 1963 — Section 14

Citation : (1891) ILR (Cal) 368

Hon'ble Judges : W. Comer Petheram, J; Pigot, J; O'Kinealy, J; Macpherson, J; Ghose, J

Bench : Full Bench

Judgement

Petheram C.J., Pigot, O'Kinealy, Macpherson and Ghose, JJ.—The circumstances which have given rise to this reference are as follows: Plaintiff sued the defendants under Act X of 1859 for arrears of rent due on account of the years 1292, 1293, and 1294 of the Amli era. It is admitted that the arrears for 1292 Amli have become barred, unless plaintiff can be allowed the benefit of Section 14 of the Limitation Act, and the question which has been referred to us for decision is: Whether the provisions of Section 14 of the Limitation Act XV of 1877, are applicable to a suit for arrears of rent under Act X of 1859.

2. Before the passing of Act X of 1859, summary suits for rent were heard and decided by the ordinary tribunals. That enactment made a complete change. The substantive law was modified, and new procedure was introduced, and special tribunals were established to carry out the provisions of the new law. Since that time Act X of 1859 has always been considered to be a Code complete in itself, and unaffected by the general laws of limitation of procedure.

3. There are several decisions in conformity with this view. Thus in Poulson v. Madhusudan Pal Chowdury B.L.R. Sup. 101; 2W.R. Act X 21 a Full Bench of this Court decided that in a rent suit the plaintiff could not obtain the benefit of Section 14 of Act XIV of 1859. This view of the law was upheld by their Lordships of the Privy Council in the case of Unnoda Persaud Mookerjee v. Kristo Coomar Moitro 15B.L.R.60 note: 19 W.R. 5. Since then Act XIV of 1859 has been

repealed. The present law of limitation is Act XV of 1877. Undoubtedly some changes have been made in the law of limitation since 1859, but so far as the present question now before us is concerned, we do not think they are of such a nature as to affect the view adopted by their Lordships of the Privy Council, already referred to. Act X of 1859, where it is in force, is still, as then, a Code complete in itself, and Section 14 of the present Law of Limitation is almost identical with Section 14 of Act XIV of 1859. We think, therefore, that the judgment of their Lordships of the Privy Council disposes of this reference, and we hold that Section 14 of Act XV of 1877 does not apply to suits under Act X of 1859.