

(1896) 01 MAD CK 0001
In the Madras High Court

Naranappa and Another

APPELLANT

Vs

Samacharlu

RESPONDENT

Date of Decision : 17-01-1896

Acts Referred:

Transfer of Property Act, 1882 — Section 99

Citation : (1896) ILR (Mad) 382

Hon'ble Judges : Shephard, J; Davies, J

Bench : Division Bench

Judgement

1. Sufficient attention has not been paid to the dates in this case. Before the 1st of July 1882, when the Transfer of Property Act came into force,

the appellants had obtained their decree, dated 20th November 1881; they had got the property attached on the 9th March 1882, and in the

month of April had obtained orders for sale.

2. This being so, we are of opinion that a legal relation was constituted between the appellants and their judgment-debtor before the Act came into

force and that out of this relation arose a right to have the order for sale carried out. They are entitled to sell under the order, whereas if Section 99

of the Transfer of Property Act is applicable they cease to be so entitled when the Act came into force.

3. We are therefore of opinion that the plaintiff is not entitled to rely on Section 99, and we are supported in this view by the decision in Dinendra

Nath Sanityal v. Chandra Kishore Munshi ILR 12 Cal. 436 .

4. The decree of the District Judge must be reversed and that of the District Munsif restored with costs in this and in the Lower Appellate Court.