
(1903) 07 BOM CK 0010
In the Bombay High Court
Case No : Second Appeal No. 738 of 1902

Pandharinath Sakharam

APPELLANT

Vs

Shankar Narayan Joshi

RESPONDENT

Date of Decision : 21-07-1903

Acts Referred:

Dekkhan Agriculturists Relief Act, 1879 — Section 15(b)(2)

Citation : (1906) 8 BOMLR 488

Hon'ble Judges : Lawrence Jenkins, J; Jacob, J

Bench : Division Bench

Judgement

Lawrence Jenkins, K.C.I.E., C.J.—The only part of the decree with which we think it necessary to interfere is that which follows on the direction for payment by instalments. For, what succeeds that direction appears to us to be contrary to the provisions of Section 15 (b) of the Dekkhan Agriculturists' Relief Act XVII of 1879, and in place of that part of the decree which commences with the words "and on failure to pay any two successive instalments &c. " the decree should contain the following direction :-

If the sum payable under the direction aforesaid is not paid when due, then defendant No. 1 will be at liberty to apply to the Court for such order as he may be entitled to u/s 15 (b), sub-section 2 of the Dekkhan Agriculturists' Relief Act.

2. We further direct that the first instalment be paid on the 1st January 1904 and the subsequent instalments on the 1st of January of each succeeding year.

3. The appellant must pay two-thirds of respondent No. 1's costs of this appeal.