

**(1916) 01 MAD CK 0031**  
**In the Madras High Court**

Ramaswami Aiyar and Others

APPELLANT

Vs

Abdul Aziz Saib and Others

RESPONDENT

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**Date of Decision :** 25-01-1916

**Acts Referred:**

**Citation :** 32 Ind. Cas. 993 : (1916) 3 LW 191

**Hon'ble Judges :** Sadasiva Aiyar, J; Moore, J

**Bench :** Division Bench

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**Judgement**

1. We think that we ought to follow the considered decision in Sultan Sahib Marakayar v. Chidambaram Chettiar 1 Ind. Cas. 998; 19 M.L.J. 224,

which held that an application for possession by a decree-holder-purchaser is not an application to execute the decree. Article 182 of the

Limitation Act, therefore, cannot apply and the question of the saving of limitation by steps taken in aid of execution does not arise in respect of

such applications. Further, Article 180 of the new Limitation Act expressly applies to such an application and no other Article could, therefore, be

applied.

2. Applying Article 180 the present application, made 6 years after the Court-auction-sale had become absolute, was rightly dismissed by the

lower Court as barred.

3. The appeal is dismissed with costs.