

(1901) 08 MAD CK 0023
In the Madras High Court

Subbarama Ayyar and Others

APPELLANT

Vs

Nagammal

RESPONDENT

Date of Decision : 01-08-1901

Acts Referred:

Citation : (1901) ILR (Mad) 683

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

Bench : Division Bench

Judgement

1. We agree with the Lower Courts in thinking this to be a case governed by the ruling in Venkatanarasimha Naidu v. Papammah ILR 19 Mad. 54

the only difference (if any) being that the judgment-debtor in this case appears never to have contested any of the applications for execution. In our

opinion, as the judgment-debtor had notice of those applications he is bound by the orders passed thereon, as the Subordinate Judge who passed

those orders must be held, whether rightly or wrongly, to have determined that the decree was executable Mungul Pershad Dichit v. Grija Kant

Lahiri Chowdhry L.R. 8 IndAp 123 : ILR 8. Calc. 51.

2. As observed by their Lordships in a similar case, Ram Kirpa Shukul v. Mussumat Rup Kuari L.R. 11 IndAp 37: ILR 6 All. 269it would be a

reproach upon the administration of justice if the plaintiff were now to be told that her decree that has been executed for the last 20 years was not

executable.

3. The appeal is dismissed with costs.