

(1901) 08 MAD CK 0011
In the Madras High Court

Subbarama Iyer and Others

APPELLANT

Vs

Nagammal

RESPONDENT

Date of Decision : 01-08-1901

Acts Referred:

Citation : (1901) 11 MLJ 432

Judgement

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

M. 54the 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. Mungal Parshad Dichit v. Grija

Kant Lahiri Choudhry 8 I.A. 123.

2. As observed by their Lordships in a similar case Ram Kirpal Shukul v. Mussumat Rup Kuari 11 I.A. 42 it 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.