

(1904) 09 MAD CK 0003
In the Madras High Court

Suppa Reddiar

APPELLANT

Vs

Avudai Ammal

RESPONDENT

Date of Decision : 20-09-1904

Acts Referred:

Citation : (1904) 14 MLJ 401

Judgement

1. We think that the application in this case should be treated not as an application for execution, but as an application to revive or continue an application for execution that had been wrongly dismissed as a competent Court has declared. The Article applicable is therefore 178 of the second Schedule of the Limitation Act and time began to run from the date of the appellate decree declaring the respondent's right to execute, which was the 20th February 1901. This application was therefore in time We follow the decisions of the other High Courts cited in the order of reference and overrule the decision in Narayana Nambi v. Pappy Brahmani ILR M. 22. Our answer to the reference is in the negative.