

(1893) 10 MAD CK 0025
In the Madras High Court

Tirtha Sami

APPELLANT

Vs

Seshagiri Pai and Others

RESPONDENT

Date of Decision : 30-10-1893

Acts Referred:

Limitation Act, 1963 — Section 14

Citation : (1894) ILR (Mad) 299

Hon'ble Judges : Arthur J.H. Collins, C.J;Shephard, J

Bench : Division Bench

Judgement

1. Assuming that the suit is one to which the six years" rule applies, we do not think that the plaintiff can take advantage of Section 14 of the Limitation Act, inasmuch as his previous suit against the same defendant failed, not by reason of any want of jurisdiction on the part of the Court, but by reason of misjoinder of causes of action and parties. In our opinion that is not a cause of a like nature within the meaning of the section. We are unable to agree with the decision in Deo Prosad Singh v. Pertab Kairee ILR 10 Cal. 86 The Courts of Allahabad and Bombay seem to take the same view as we do.

2. The appeal is dismissed with costs.