

(1878) 04 AHC CK 0003

Allahabad High Court

Case No: None

Hulasa Kuar and
Another

APPELLANT

Vs

Rahmani Bibi and
Others

RESPONDENT

Date of Decision: April 12, 1878

Citation: (1875) ILR (All) 642

Hon'ble Judges: Turner, J; Pearson, J

Bench: Division Bench

Judgement

ORDER

1. It having been ruled by the Privy Council. (see Lachmee Buksh Roy v. Runjeet Roy Panday 13 BLR 177 that signature by an agent is not sufficient to satisfy the analogous terms of Act XIV of 1859, we must hold that the acknowledgment in this case is insufficient. Of course we are now considering the acknowledgment required under Act IX of 1871 and not under the present law, of which the terms are more equitable.

2. The lower Appellate Court must determine whether this suit has been instituted within 60 years from the date on which the mortgage was made. It will try this issue and remit its finding to this Court, when ten days will be allowed for objections.