

Gokal Das Vs Gobar Dhan Das

Court: Allahabad High Court

Date of Decision: Jan. 15, 1880

Citation: (1880) ILR (All) 633

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

Bench: Division Bench

Final Decision: Dismissed

Judgement

Pearson, J.

The provisions of Regulation XVII of 1806, to which the first ground of appeal refers, are only applicable to the holders of

deeds of conditional mortgage. The plaintiff, appellant, was not the holder of such a deed; and the provisions of the Regulation aforesaid were not

therefore applicable to him. This being so, we must hold that according to the condition on which the property was made over to him he became

the owner of it after the expiry of three months from the date on which it was made over to him, in consequence of the amount of the loan not

having been repaid to him. It thus appears that he had acquired a full proprietary right and title to the property before Kishen Das" insolvency.

Accordingly we affirm the decree of the lower Courts and dismiss the appeal with costs.