

**(1880) 01 AHC CK 0001**

**Allahabad High Court**

**Case No:** None

Gokal Das

APPELLANT

Vs

Gobar Dhan Das

RESPONDENT

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**Date of Decision:** Jan. 15, 1880

**Citation:** (1880) ILR (All) 633

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

**Bench:** Division Bench

**Final Decision:** Dismissed

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### **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.