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**(1876) 06 AHC CK 0006**

**Allahabad High Court**

**Case No:** None

Lalman

APPELLANT

Vs

Jagan Nath

RESPONDENT

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**Date of Decision:** June 29, 1876

**Citation:** (1875) ILR (All) 260

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

**Bench:** Division Bench

**Final Decision:** Disposed Of

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### **Judgement**

1. We are unable to hold that the appeal was presented after the proper time, for the date of its presentation is the date on which it is first presented to the officer. In returning the application that the grounds of appeal might be amended, the Judge should have prescribed a time within which it should have been again presented in an amended form. The case of Ismail Sahib v. Arumuya Chetti 1 Mad. H.C.R. 427; see also Hidayut Ali v. Maeraj Begum H.C.R. N.W.P. 1871 p. 202; Begee Begum v. Yusuf Ali H.C.R. N.W.P. 1874 p. 139; Sham Chand Koondo v. Kally Kanth Roy Marsh 336; Ram Coomar Shaha v. Dwarkanath Hazra 5 W.R. 207; Husrutoolah v. Abdool Kadir 6 W.R. 39; Greesh Chunder Singh v. Ram Kishen Bhattacharjee 7 W.R. 157; Mengur Munder v. Huree Mohun 23 W.R. 447; and see also the Indian Limitation Act, Section 4, Explanation appears to be in point. The decree of the lower Appellate Court is set aside and the case remanded u/s 351 for trial by the lower Appellate Court.