

(1878) 01 AHC CK 0006

Allahabad High Court

Case No: None

Jeoni

APPELLANT

Vs

Bhagwan Sahai and
Another

RESPONDENT

Date of Decision: Jan. 2, 1878

Citation: (1875) ILR (All) 541

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

Bench: Division Bench

Final Decision: Dismissed

Judgement

Spankie, J.

The first plea would fail if he hold that the suit should have been brought within one year from the date of the order passed u/s 246 of Act VIII of 1859. For it is the order then made which, if contested at all, must be contested within one year, and after that date cannot be questioned. The Full Bench decision of this Court in Badri Prasad v. Muhammad Yusuf ILR 1 All 381 has conclusively settled this point. Whether the decree was settled after the order was made has no bearing on the point at issue. Having examined the record of this case and the order made u/s 246, Act VIII of 1859, there cannot be a doubt that the plaintiff was, and now is, entirely bound by that order, and that she cannot now re-assert her title to the house, which was not allowed as against the judgment-debtor and decree made in 1874.