

(1878) 02 AHC CK 0010

Allahabad High Court

Case No: None

Kallu

APPELLANT

Vs

Bijai Ram

RESPONDENT

Date of Decision: Feb. 11, 1878

Citation: (1875) ILR (All) 592

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

Bench: Division Bench

Final Decision: Dismissed

Judgement

Turner, J.

The principle laid down in the Full Bench judgment of the Court ILR 1 All 311 governs this case. The appellant was not bound to discharge the debts in respect of which the property was attached immediately lie had obtained his decree confirming the sale. He took such possession as he then could obtain. The appellant, having established his title, carried his decree to the revenue office, and got his name entered in substitution for that of the former owner, and having obtained such possession as the nature of the property admitted, he then set himself to discharge the incumbrances for which it was under attachment. Limitation in such a case runs from the date when he obtained possession of the status of the owner sufficient to enable him to procure mutation and to exercise the rights of an owner. The appeal is decreed, the decrees of the Courts below reversed, and the suit dismissed with costs.