
(1890) 09 MAD CK 0004

Madras High Court

Case No: None

Sethu

APPELLANT

Vs

Krishna and Others

RESPONDENT

Date of Decision: Sept. 16, 1890

Acts Referred:

- Limitation Act, 1963 - Section 10

Citation: (1891) ILR (Mad) 61

Hon'ble Judges: Best, J; Arthur J.H. Collins, J

Bench: Division Bench

Judgement

1. The lower Appellate Court's judgment proceeds on the plaint alone, but the Judge appears to have lost sight of the fact that the property is

stated in the plaint to have been entrusted to first defendant for the benefit of plaintiff and his mother. If such is the case, the plaintiff's suit will not

be barred, as Section 10 of the Limitation Act will apply [Sethu v. Subra-manyu ILR 11 Mad. 274 and Suddasook Kootary v. Ram Chunder ILR

17 Cal. 620.

2. The lower Court's decree is set aside and " the suit remanded for disposal on the evidence as to the portion which is the subject of this appeal.

3. The costs hitherto incurred will be provided for in the revised decree.