

(1890) 01 MAD CK 0002

Madras High Court

Case No: None

Vythilinga Muppanar

APPELLANT

Vs

Seethalakshmi Ammal

RESPONDENT

Date of Decision: Jan. 21, 1890

Citation: (1896) 6 MLJ 44

Judgement

1. We do not agree with the District Judge Articles 165 and 167 of the Limitation Act cannot apply to cation made by the judgment-debtor and

must be limited to cases contemplated in Sections 331, 335 of the Civil Procedure Code.

2. No specific section of the code is mentioned either in Art 165 or in Art 167 and both articles contemplate application by person dispossessed in

the execution of a decree by the decree holder to recover back possession. Unless they referred-severally to debtors as well as third parties, there

would be 178 has no application, unless upon the proper construction of Article 165 and 167 it can be held they cannot apply." We reverse the

orders of the Courts below and direct that the application be dismissed with costs as barred by limitation.