

(1863) 08 CAL CK 0002

Calcutta High Court

Case No: Special Appeal No. 151 of 1863

Baboo Lachmipat Sing

APPELLANT

Vs

Mahomed Mooneer

RESPONDENT

Date of Decision: Aug. 25, 1863

Judgement

Sir Barnes Peacock, Kt., C.J.

The question which has been referred for our opinion is whether the period of limitation within which an action must be brought for rent due at the time of the passing of Act X of 1859, is to be reckoned from the 29th of April 1859, the date of the passing of the Act, or from the 1st August 1859, the date on which the Act was declared to commence and have effect. The "words of section 32 are that "for arrears of rent due at the passing of this Act, suit shall be brought within three years after the passing of this Act;" and nothing can be clearer, so far as the words go, than that the date of the passing of the Act is meant, and not the date at which it was to come into operation. In section 1, the Legislature use the words "before the date of this Act coming into force," which shows that they clearly understood and had before them the difference between the date of the passing of the Act and the date of its coming into force. We must suppose, therefore, that the Legislature meant what they said, and we consequently hold that the period from which limitation is to reckon is the 29th April 1859, the date on which the Act received the assent of the Governor-General.