

In Re: the Application of Sheshamma

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Court : Mumbai

Decided On : Dec-20-1887

Reported in : (1888)ILR12Bom276

Judge : Nanabhai Haridas, ;Birdwood and ;Jardine, JJ.

Appellant : In Re: the Application of Sheshamma

Judgement :

1. The question depends on the construction of the words of Act I of 1879, Schedule II, 1(b) 'for the immediate purpose of being used Or filed in any Court, or before the officer of any Court.' The mere fact that it suited the convenience of the party making the affidavit to make it at Sirsi, instead of going for that purpose to the Court at Karwar, where she purposed to file it, does not, we think, take the instance out of the words or the intention which may reasonably be imputed to the Legislature.

2. 'When a statute requires that something shall be done 'forthwith,' or 'immediately,' or even 'instantly,' it would probably be understood as allowing a reasonable time for doing it'-Maxwell on Statutes, p. 423, (2nd ed.) See Toms v. Wilson 32 L.J., Q.B.,. 33 Massey v. Sladen L.R., 4 Ex. 13 and Forsdike v. Stone L.R., 3 C.P. 607 . The last case shows that the test is whether, under the circumstances, there was such unreasonable delay as would be inconsistent with what is meant by 'immediate ' . From examination of the dates we think we may infer that the purpose existed at the time the affidavit was made of filing it in the

Court at Karwar, and that this purpose was carried out promptly., We are, therefore, of opinion that the affidavit is exempt.

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