SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Kallu Vs. Bijai Ram

Kallu Vs. Bijai Ram

SooperKanoon Citation : sooperkanoon.com/449240

Court : Allahabad

Decided On : Dec-31-1969

Reported in : (1875)ILR1All592

Judge : Turner and ;Oldfield, JJ.

Appellant : Kallu

Respondent : Bijai Ram

Judgement :

Turner, J.

1. The principle laid down in the Full Bench judgment of the Court I.L.R. 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.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com