

**Ahmad Vs. Ram Chander**

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**SooperKanoon Citation :** [sooperkanoon.com/458121](http://sooperkanoon.com/458121)

**Court :** Allahabad

**Decided On :** Dec-23-1936

**Reported in :** AIR1937All333

**Appellant :** Ahmad

**Respondent :** Ram Chander

**Judgement :**

ORDER

**Niamatullah, J.**

1. This is an application in revision under Section 25, Small Cause Courts Act. The applicant sued the defendant opposite party for recovery of Rs. 376 on foot of a promissory note dated 6th August 1929 in the Court of Small Causes at Meerut. The suit when brought was within limitation if the allegations contained in the plaint were true. An objection was taken by the defendant that the suit should have been instituted in the Muzaffarnagar District. Under the ordinary law the suit would have been cognizable by the Meerut Court within whose jurisdiction the loan transaction had taken place but the defendant is an agriculturist residing in the Muzaffarnagar District and under Section 7-A, Agriculturists' Belief Act, no other Court but the one in whose jurisdiction the defendant resides has jurisdiction. This defence prevailed and the plaint was returned for presentation to the proper Court. When the plaint was presented in the Court of Small Causes at Muzaffarnagar the period of

limitation had run out. The plaintiff relied on Section 14, Lim. Act, alleging that he had been prosecuting his suit in good faith in the Meerut Court and was entitled to a deduction of the time during which he had been so prosecuting. The lower Court held that Section 14 does not apply to a case in which the plain provision of law is disregarded.

2. The case in *Ramjiwan Mal v. Chand Mal* (1888) 10 All. 587 was relied on. The lower Court thought that that case is binding on it. A ruling to the contrary in *Brij Mohan Sas v. Mannu Bibi* (1897) 19 All. 348 was distinguished. I have read both cases and in my opinion *Brij Mohan Sas v. Mannu Bibi* (1897) 19 All. 348 is fully applicable. *Ramjiwan Mal v. Chand Mal* (1888) 10 All. 587 though not expressly overruled by the later case which was decided by a Full Bench is no longer good law. As held in the Full Bench ruling ignorance of law may afford a good ground for the application of Section 14. In the present case the special forum prescribed by the *Agriculturists' Belief Act* was not known to the plaintiff. The Act had recently been passed and it is easily conceivable that the provision already referred to was not known to the litigants and the lawyers in the mofussil. No motive can be ascribed to the plaintiff for having deliberately chosen a wrong Court. In my opinion the plaintiff should be deemed, to have been prosecuting with due diligence; and in good faith the proceedings following the presentation of his plaint in the Court of Small Causes at Meerut. Accordingly he is entitled to the benefit of Section 14 in computing the period of limitation. I allow the revision, set aside the order of the lower Court and remand the case to that Court for disposal according to law. Costs of this revision shall abide the result.