

Ramjas Vs. Ram Narain and ors.

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SooperKanoon Citation : sooperkanoon.com/473283

Court : Allahabad

Decided On : Feb-22-1917

Reported in : AIR1917All370; 39Ind.Cas.796

Judge : George Knox and ;Tudball, JJ.

Appellant : Ramjas

Respondent : Ram Narain and ors.

Judgement :

1. The sole matter which arises for decision in the present appeal is whether the execution proceedings are barred by limitation or not. In dealing with this we are confronted with a decision passed in this very case, inter partes on the 24th of November 1915. The 1st Additional District Judge who was then dealing with the case in most clear terms held that the Munsif could not entertain the present application and had no jurisdiction to execute the decree. These findings of the Additional District Judge were not taken into appeal and the matter is, therefore, res judicata so far as the present application is concerned. Under these circumstances the application of the 3rd of February 1913 does not save time. It is unnecessary to decide the other points raised in the case. The appeal is allowed and the application for execution will be dismissed with costs in all Courts.