

Ramasami Chetti Vs. Ramanathan Chetti

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SooperKanoon Citation : sooperkanoon.com/780829

Court : Chennai

Decided On : Mar-20-1913

Reported in : (1913)25MLJ354

Appellant : Ramasami Chetti

Respondent : Ramanathan Chetti

Judgement :

1. The District Judge is wrong in holding that the appeal to his court was out of time. Stamp papers for a copy of the order of the first Court applied for by the appellant were called for on the 1st of July 1911 and were supplied on the 3rd but the applicant could not deposit the stamps on the 2nd as it was a Sunday. Again the copy applied for was ready on the 15th July and was taken out only on the 17th, but the Kith was a Sunday; the copy could not therefore be taken out on that day. Both the 2nd and 16th of July therefore must be excluded in the time requisite for obtaining the copy. See *Bechi v. Ahsan Ullah Khan* I.L.R. (1890) A. 461. Deducting the two days, the appeal was presented on the 30th day after the order of the 1st Court and was, therefore not barred by limitation. We reverse the order of the lower appellate Court and remand the appeal for disposal according to law. The cost of this second appeal will abide the result.