

Barrow Vs. Javerchund Sett

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SooperKanoon Citation : sooperkanoon.com/782950

Court : Chennai

Decided On : Sep-17-1895

Reported in : (1896)ILR19Mad67

Judge : Shephard and ;Best, JJ.

Appellant : Barrow

Respondent : Javerchund Sett

Judgement :

1. Even if the period during which the application was pending in the Madras Court of Small Causes should be excluded under Section 14 of the Limitation Act, the application of 26th February 1889, being one for sanctioning the agreement to give time for payment, and not for execution of the decree, was clearly not a step in aid of execution; the subsequent application is, therefore, barred.

2. We must, therefore, allow this appeal and restore the order of the Subordinate Judge. Under the circumstances, we make no order as to costs of this appeal.