

**Anderson Vs. Periasami**

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**SooperKanoon Citation :** [sooperkanoon.com/787932](http://sooperkanoon.com/787932)

**Court :** Chennai

**Decided On :** Sep-21-1891

**Reported in :** (1892)ILR15Mad169

**Judge :** Muttusami Ayyar and ;Parker, JJ.

**Appellant :** Anderson

**Respondent :** Periasami

**Judgement :**

1. This application for the admission of an appeal to Her Majesty in Council is put in 92 days out of time, and the time taken by the petitioner in obtaining copies of the decree and judgment cannot be excluded.
2. An application of this nature under Article 177, Clause 4 of the Limitation Act does not fall within the provisions of Section 12, Act XV of 1877.
3. We agree with the view taken by Stuart C.J., in *Jawahir Lai v. Narain Das* I.L.R. 1 All. 644 and the same view was taken by this Court in Civil Miscellaneous Appeal No. 254 of 1886.
4. We may also observe that Section 599 of the Code of Civil Procedure has been repealed by Act VII of 1888. We cannot see that the argument based upon the alleged harshness of the law has any foundation. The period of six months, which is allowed by law, seems ample, and in this case the petitioner was actullay in

possession of copies of the decree and judgment on August 26th, so that he had ample time before November 6th to prepare a memorandum of grounds of appeal and make an application to this Court under Section 600. We are, therefore, constrained to dismiss this application with costs.

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