

In Re: Ellappa Chettiar

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Court : Chennai

Decided On : Oct-06-1939

Reported in : AIR1940Mad31; (1939)2MLJ727

Appellant : In Re: Ellappa Chettiar

Judgement :

Stodart, J.

1. The District Munsif is clearly right.

2. The first application to the Board though nominally filed by the fourth defendant was clearly adopted by all the defendants. For they applied for and got stay of execution from the District Munsif under Section 25 of the Debt Conciliation Act on the strength of that application.

3. It is also argued that having made another application to the Board, this time through the second defendant, the judgment-debtors are again entitled to stay.

4. To admit such a proposition would lead to absurd results. In the Debt Conciliation Act there is nothing to prevent a debtor filing one application after another and under Section 25 of the Act he can obtain stay of a suit or other proceedings so long as an application is pending before the Board. When he files an application before the Board a little time must elapse before it is dismissed. In that time under Section 25 he can obtain stay of proceedings in suits and other

proceedings and so on indefinitely without limit of time, and obviously without any great expense.

5. In my opinion this is not the intention of the law. A judgment-debtor is not entitled to obtain stay under Section 25 of any individual suit or proceedings more than once. Petition is dismissed.

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