

Balaji Vs. Ramasami

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SooperKanoon Citation : sooperkanoon.com/789014

Court : Chennai

Decided On : Oct-19-1883

Reported in : (1883)ILR7Mad284

Judge : Charles A. Turner, Kt., C.J. and ;Hutchins, J.

Appellant : Balaji

Respondent : Ramasami

Judgement :

Charles A. Turner, Kt., C.J.

1. A decree had been passed against the defendant by the District Court on appeal. He applied for review of judgment and, in the meantime, for stay of execution. The Court stayed execution on terms that security should be furnished for the due execution of the decree. The respondent was offered and accepted as a surety. The application for review was dismissed and the decree-holder now applies to execute his decree against the surety. He cannot do so under Section 253, for, assuming that section can be extended to appeals, it applies only to cases in which the security has been given before the passing of the decree. We must dismiss the appeal with costs.