

Mallikarjuna Vs. Pullaya and ors.

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SooperKanoon Citation : sooperkanoon.com/793198

Court : Chennai

Decided On : Dec-23-1892

Reported in : (1893)ILR16Mad319

Judge : Muttusami Ayyar and ;Parker, JJ.

Appellant : Mallikarjuna

Respondent : Pullaya and ors.

Judgement :

1. It does not appear that leave to amend was asked for in the Court of First Instance before decree. We do not think that an amendment ought to be allowed on appeal, if by so doing the defendant is likely to be precluded from pleading limitation. Weldon v. Neal L.R. 19 Q.B.D. 394.

2. Upon the facts stated, therefore, we are of opinion that the amendment asked for should be refused and the plaintiff left to his remedy by a regular suit.