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the accused. The trial Court should not ignore the provisions of the Criminal Procedure Code in the hope that their mistakes will be overlooked by higher Courts by applying sections 535 and 537 of the Code.

The case will now be placed before the Single Judge for decision of the revision petition on merits.

Gurnam Singh, J.

GURNAM SINGH, J.—I agree.

*R.S.*

REVISIONAL CIVIL.

*Before Bishan Narain and Grover, JJ.*

NATHA SINGH AND CHANAN SINGH,—*Petitioners.*

*versus*

TEJINDER SINGH AND OTHERS,—*Respondents.*

**Civil Revision No. 250-P of 1951.**

1957

Nov., 15th

*Indian Limitation Act (IX of 1908)—Section 12(2)—"Time requisite for obtaining a copy of the decree or order appealed from"—Meaning of—Period between the pronouncement of the judgment and the signing of the decree Whether time requisite for obtaining a copy of the decree and should be excluded from computation of the period of limitation—Limitation Act—Mode of construction of—Code of Civil Procedure (Act V of 1908)—Order XX, Rule 7—Date of the decree—Whether the date of the judgment or the date on which it is actually signed.*

*Held*, that the word 'requisite' is a strong word; it may be regarded as meaning something more than the word 'required'. It means 'properly required', and it throws upon the pleader or counsel for the appellant the necessity of showing that no part of the delay beyond the prescribed period is due to his default. In determining "requisite time" the conduct of the appellant must be considered and in so determining no period should be regarded as requisite

under the Act which need not have elapsed, if the appellant had taken reasonable and proper steps to obtain the copy of the order. It follows that the requisite time is to be determined according to the conduct of the appellant and that this requisite time may not be the same as the time actually taken in obtaining the copy.

*Held*, that under section 12(2) of the Indian Limitation Act, 1908, the time that elapses between the pronouncement of judgment and signing of the decree cannot be excluded in computing the period of limitation for filing an appeal if an appellant has taken no steps to obtain a copy of the decree till the decree is signed because in such a case it cannot be said that he has been delayed in obtaining the copy by the delay in signing the decree.

*Held*, that it is well established that the provisions of the Limitation Act should be construed according to the strict grammatical meaning of the words used in the statute. The phrase "time requisite for obtaining a copy of the decree" should be construed according to the ordinary grammatical meaning of the words used without putting any undue emphasis on any particular word used in the phrase. In construing this phrase equitable considerations are irrelevant. It must, therefore, be held as established that the ideas of fairness, futility or liberality must be ignored when chosen to fix a date for the start of limitation which is not

*Held*, that, by virtue of the provisions of Order XX, Rule 7 of the Code of Civil Procedure, the decree whenever signed relates back to the date when the judgment was pronounced and becomes effective from that date. Thus the decree bears a date which need not be and generally is not the date on which it is actually signed. The result is that the limitation for appeal starts in effect from the date that the judgment is pronounced although the appeal cannot be filed till the decree has been signed by the Judge. In the absence of Order XX, Rule 7, limitation under Article 152 would have started from the date on which the decree was actually signed. This provision introduces an artificial date from which the limitation starts. In this connection it must be remembered that the Civil Procedure Code and the Limitation Act came into force simultaneously on 1st January, 1908 and that the legislature in its wisdom has chosen to fix a date for the start of limitation which is not

the date on which the decree is actually signed but in effect is the date on which the judgment is pronounced and the decree is deemed to have been signed.

*Case referred by Hon'ble Mr. Justice Gurnam Singh of the Union High Court, Patiala, by order, dated 24th April, 1953, to a Division Bench for opinion on the legal point involved in the case. It was heard by the Hon'ble Mr. Justice Bishan Narain and Hon'ble Mr. Justice A. N. Grover and decided on the 15th November, 1957.*

*Petition under section 115, Civil Procedure Code, for revision of the order of S. Jagjit Singh, District Judge, Barnala, dated 17th October, 1951, affirming that of Shri Ishar Lal, Assistant Commissioner, Barnala, dated 19th February, 1951, declaring that Tejinder Singh was entitled to get the land in dispute partitioned.*

D. S. NEHARA, for Petitioners.

DARA SINGH, for Respondent.

ORDER OF REFERENCE

Gurnam Singh, J.

GURNAM SINGH, J.—This revision petition has arisen out of the following facts:—

One Pritam Singh of village Dhilwan applied for partition of agricultural land measuring 92 bighas 7 biswas. During the pendency of those proceedings he died. Tejinder Singh, the present respondent, claiming himself to be the son of Pritam Singh, applied to the Court to be brought on the record as his legal representative. This prayer was opposed by the other side on the ground that he was not the son of Pritam Singh, deceased. However, the Court allowed the prayer and Tejinder Singh, was substituted in place of Pritam Singh, and the suit was continued. The Assistant Commissioner, Barnala, in whose Court the partition proceedings were pending, decided the question of Tejinder Singh's title as a civil

Court. This order was passed by him on 19th February, 1951. The petitioners being dissatisfied with the order of the Assistant Commissioner went in appeal to the Collector which was filed before him on 24th February, 1951. The Collector dismissed the appeal on 9th June 1951, on the ground that the case was decided by the Assistant Commissioner as a civil Court and the appeal, therefore, did not lie in his court. It may be mentioned here that no decree sheet was prepared by the Assistant Commissioner. On 12th June 1951, after the petitioners' appeal was dismissed by the Collector, they applied for copies of the order and the decree sheet. On 16th June, 1951, another application was submitted by the petitioners asking the Court to prepare the decree sheet. On 21st June, 1951, the decree sheet was signed by the Court and the copy was delivered to the petitioners on 25th June 1951. The petitioners then filed the appeal before the District Judge on 27th June 1951. The learned District Judge dismissed the appeal being time-barred. The petitioners have come up in revision to this Court.

Mr. Nehra, counsel for the petitioners, urges that he is entitled to the deduction of all the time that elapsed between 19th February 1951, and 21st June, 1951, when the decree sheet applied for was prepared, under section 12 of Limitation Act. His contention is that since the decree-sheet in question was not in existence till 21st June 1951, he was not bound to apply for its copy and even if he had applied for such a copy he could not get it. This intervening time, therefore, according to him, should be regarded as period requisite for obtaining copies. In support of his contention he has cited a number of authorities. The principal authority cited

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by him is a Full Bench case of Calcutta High Court, *Bani Madhub Mitter* (*Plaintiffs*) vs. *Matungini Dassi and others* (*Defendants*) (1).

It was held, "where a suitor is unable to obtain a copy of a decree from which he desires to appeal, by reason of the decree being unsigned, he is entitled under section 12 of the Limitation Act to deduct the time between the delivery of the judgment and that of the signing of the decree in computing the time taken in presenting his appeal."

The learned District Judge has cited number of other authorities in his judgment which followed the Calcutta view.

Mr. Dara Singh, counsel for the respondents, relies on a F.B. authority of Allahabad High Court which expresses the opposite view on the same point, (*Bechi plaintiff* vs. *Ahsan-Ullah Khan and others defendants*) (2). The facts of the Allahabad case were as follows:—

> "Judgment was pronounced by the Court of first instance on the 23rd May 1887. The decree was signed on the 31st May. An application for copies was made by the defendants on the same day. Information of the estimate of the cost of copies was given to them on the 1st June; but they did not comply with that estimate until the 9th June. The copies were delivered on the 11th June. On the 30th June, the defendants filed their memorandum of appeal in the lower appellate Court which, on an office report that it was within time,

(1) I.L.R. 13 Cal. 104 (F.B.).
(2) I L.R. 12 All. 461 (F.B.).

admitted it, and fixed the 19th August, for the hearing. On the 1st August, another office report was submitted, which showed that the appeal was beyond time. Accordingly the Judge on the 2nd August directed the defendants to be informed that their appeal was dismissed. On the 27th August, however, the defendants presented a petition to the Judge in consequence of which he re-admitted the appeal, and, cancelling his order of the 2nd August, directed that the appeal should be heard.

Held that the appeal was barred by limitation under Article 152, Sch. ii of the Limitation Act (XV of 1877). In computing the time to be excluded under section 12 of the Limitation Act from a period of limitation, the "time requisite for obtaining a copy" does not begin until an application for copies has been made. If, therefore, after judgment, the decree remains unsigned, such interval is not to be excluded from the period of limitation, unless an application for copies having been made, the applicant is actually and necessarily delayed, through the decree not having been signed."

This view has also been followed in a number of other authorities of different High Courts.

Both Full Bench cases cited above express the opposite view. From the reading of other authorities it is clear that the High Courts are not unanimous on this point. No authority of this Court has been cited before me by either party.

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In fact the learned counsel for both sides are agreed that no such authority of this Court, to their knowledge, exists. The point involved in the case is of considerable importance and of daily occurrence. I would, therefore, like that the decision on the point should be obtained from a larger Bench specially in view of divergent opinion of different Courts. The case, therefore, be placed before the Hon'ble the Chief Justice for constituting the Bench.

JUDGMENT OF THE DIVISION BENCH

Bishan Narain, J.

BISHAN NARAIN, J.—One Pritam Singh applied in the Court of the Assistant Commissioner, Barnala, for partition of certain agricultural lands on the allegation that these lands were held by him jointly with Natha Singh, etc. During the proceedings Pritam Singh died and Tejinder Singh applied to be brought on the record claiming himself to be the son and lawful heir of the deceased. This application was contested by Natha Singh, etc., but it was allowed by order dated 19th February, 1951. Natha Singh appealed against this order to the Collector, Barnala. This appeal was, however, dismissed on 9th June 1951, on the ground that the Assistant Commissioner had decided the application of Tejinder Singh as a civil Court and appeal lay only to the District Judge. It appears that no decree was drawn up nor signed by the Assistant Commissioner in pursuance of his judgment, dated 19th February, 1951. Natha Singh, etc., on dismissal of their appeal applied on 16th June 1951, for the drawing up of a decree. The decree was drawn up and signed on 21st June, 1951. Natha Singh, etc., applied for a copy of the decree on the same day and it was supplied on 25th June, 1951. They then filed an appeal in the Court of the District

Judge on 27th June, 1951. This appeal was, however, dismissed as barred by time. Natha Singh, filed this revision petition in the then Pepsu High Court. In view of conflicting views taken by various Courts, Gurnam Singh J. referred the case to a Division Bench and it has come before us for decision.

It is common ground that in the present case the period of limitation for appeal to the District Judge is laid down in Article 152 of the Limitation Act. Now, Article 152 lays down that the period of limitation for appeal is thirty days and this period starts from the date of the decree or order. In the present case the appeal lies from a decree. Section 33, Civil Procedure Code, provides that a decree shall follow judgment. Order XX rule 7, Civil Procedure Code, lays down that the decree shall bear the date on which the judgment was pronounced. It follows and is conceded before us that by virtue of this provision the decree whenever signed relates back to the date when the judgment was pronounced and that it becomes effective from that date. Thus the decree bears a date which need not be and generally is not the date on which it is actually signed. The result is that the limitation for appeal starts in effect from the date that the judgment is pronounced although the appeal cannot be filed till the decree has been signed by the Judge. In the absence of Order XX rule 7, limitation under Article 152 would have started from the date on which the decree was actually signed. This provision introduces an artificial date from which the limitation starts. In this connection it must be remembered that the Civil Procedure Code and the Limitation Act came into force simultaneously on 1st January, 1908 and that the legislature in its wisdom has chosen to fix a date

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for the start of limitation which is not the date on which the decree is actually signed but in effect is the date on which the judgment is pronounced and the decree is deemed to have been signed. Section 12, however, lays down that certain time shoud be excluded in computation of the period of limitation. The petitioners claim that under section 12(2), Limitation Act, they were entitled to exclude the time that elapsed between the pronouncement of the judgment and the actual signing of the decree, i.e., form 19th February, 1951 to 21st June, 1951. Exclusion of this period is claimed by the petitioners even though they applied for a copy of the decree on 21st June, 1951, after it had been actually signed by the Judge. If the petitioners' contention is accepted, then the appeal would be within time, otherwise admittedly it is barred by time. It may be stated here that the petitioners do not rely on section 5, or section 14, of the Limitation Act, for extension of time. The question, therefore, that requires determination in this case is whether the time that elapsed between the pronouncement of the judgment and the signing of the decree, should be excluded from computation of the limitation period under section 12(2) of the Limitation Act, where the application for obtaining a copy of the decree had not been made till the decree had been signed.

Section 12(2) of the Limitation Act, reads—

> "In computing the period of limitation prescribed for an appeal, an application for leave to appeal and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence

or order appealed from or sought to be reviewed, shall be excluded."

This subsection does not specifically provide for exclusion of time claimed by the petitioners. They, however, rely in support of their case on the phrase reading:—

"the time requisite for obtaining a copy of the decree or order appealed from * * *."

This phrase has been the subject-matter of construction by various Judges of various Courts at different times and their decisions disclose an acute difference in judicial opinions.

Now, it is well established that the provisions of the Limitation Act, should be construed according to the strict grammatical meaning of the words used in the statute. It was observed by the Judicial Committee of the Privy Council in *Nagendra Nath Dey and another* v. *Suresh Chandra Dey and others* (1):—

"The fixation of periods of limitation must always be to some extent arbitrary, and may frequently result in hardship. But in construing such provisions equitable considerations are out of place, and the strict grammatical meaning of the words is the only safe guide."

The Privy Council in *General Accident Fire and Life Assurance Corporation Limited* v. *Janmahomed Abdul Rahim* (2), cited with approval the following statement of law by Mr. Mitra in his Tagore Law Lectures:—

"A law of limitation and prescription may appear to operate harshly or unjustly in

(1) A.I.R. 1932 P.C. 165.
(2) 67 I.A. 416.

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particular cases, but where such law has been adopted by the State, * * * it must if unambiguous be applied with stringency. The rule must be enforced even at the risk of hardship to a particular party. The Judge cannot on equitable grounds enlarge the time allowed by the law, postpone its operation, or introduce exceptions not recognised by it."

It therefore, follows that this phrase should be construed according to the ordinary grammatical meaning of the words used without putting any undue emphasis on any particular word used in the phrase. In construing this phrase equitable considerations are irrelevant. It must, therefore, be held as established that the ideas of fairness, futility or liberality must be ignored when construing statutory provisions relating to limitation.

While dealing with section 12(2) the Privy Council in *Jijibhoy N. Surty* v. *T. S. Chettyar* (1), observed—

> "The word 'requisite' is a strong word; it may be regarded as meaning something more than the word 'required'. It means 'properly required', and it throws upon the pleader or counsel for the appellant the necessity of showing that no part of the delay beyond the prescribed period is due to his default."

*In Pramatha Nath Roy* v. *William Arthur Lee* (2), their Lordships of the Privy Council approved the decision of the Calcutta High Court wherein it was laid down that in determining "requisite time"

(1) 55 I.A. 161.
(2) 49 I.A 307.

under section 12(2) the conduct of the appellant must be considered and that in so determining no period should be regarded as requisite under the Act which need not have elapsed, if the appellant had taken reasonable and proper steps to obtain the copy of the order. It follows that the requisite time is to be determined according to the conduct of the appellant and that this requisite time may not be the same as the time actually taken in obtaining the copy. In my opinion, this provision of law does not lay down any abstract test for determining the requisite time and the decision depends on the circumstances of each case. Two or more persons may apply for a copy of the same decree separately on the same day and yet the actual time taken or the time requisite for obtaining the copy may be different. I am unable to see how a period of time can be considered to be requisite to obtain a copy when the appellant has taken no steps to obtain it and has not been actually delayed in obtaining it by the delay in signing the decree. In such cases it may happen that a decree may not be signed in fact till the expiry of limitation for filing the appeal, but that need not necessarily affect the rights of the appellant if he files an application for obtaining a copy before the expiry of limitation. In such a case there is no doubt that the time taken in getting the copy (which can be supplied only after the decree has been actually signed) would be held to be requisite within section 12(2) of the Act. Chief Justice Chagla in *Jayashanker Mulshanker and another* v. *Mayabhai Lalbhai* (1). has observed that it would be rather futile to apply for a copy of the decree when the original does not exist. With very great respect I am unable to see how this circumstance is relevant for construing the phrase "time requisite

(1) A.I.R. 1952 Bom. 122 (F.B.).

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for obtaining the copy". There is nothing to prevent a vigilant appellant from applying for a copy of the decree before it has been actually signed. It appears to me that the time requisite for obtaining the required copy depends on the steps taken by the appellant in obtaining the same. There may be cases as noted in the Bombay case where a decree cannot be drawn up or signed without the intervention of the parties. In such a case time taken in getting the decree drawn up and signed may be held to be included in the time requisite for obtaining a copy on the ground that it is necessary and a requisite step before a copy can be obtained and that without taking such a step it is not possible to obtain such a copy. It may well be held, though I do not express my final opinion in the matter, that where intervention of a party is necessary under rules of the Court or by the nature of the decree, e.g., a partition decree, that a copy cannot be obtained unless the appellant first takes steps to get it drawn up and signed and therefore the time taken in getting the decree drawn up and signed is covered by the provisions of section 12(2) of the Limitation Act. In the present case, however, we are not concerned with such a decree and these considerations have no application. As already stated, in the present case, it was the duty of the Court to draw up and sign its decree without the intervention of any party. Such a decree is drawn up without any application by any party, and I am unable to see how when an application is made for this purpose the time taken in its disposal can be considered to be time requisite for obtaining a copy of the decree within section 12(2) of the Limitation Act. This subsection does not expressly or by necessary implication provide for deduction of time taken on this ground. I am, therefore, of the opinion on construction of section 12(2) of the Act that the

time that elapses between the pronouncement of judgment and signing of the decree cannot be excluded in computing the period of limitation for filing an appeal if an appellant has taken no steps to obtain a copy of the decree till the decree is signed.

As noticed above, there is a sharp conflict of judicial opinion on this question. The leading case on this subject is a decision of the Calcutta High Court in *Bani Madhub Mitter* v. *Matungini Dassi and others* (1). A contrary view was taken by the Allahabad High Court in *Parbati* v. *Bhola* (2), and *Bechi* v. *Ahsan-Ullah Khan and others* (3). In the latter case Mahmood J. observed—

> "The words 'requisite' and 'obtaining' as they occur in the context seem to me to assume that some definite step ancillary to the obtaining, that is, acquisition, is not only intended to be taken, but has already been taken. The first step for 'obtaining' must be to take some step towards the obtainment, and the act of 'obtaining' cannot be said to have even commenced before such step. * * * * If at the time when the application for a copy is made, the decree is not ready, he will of course, be entitled to the allowance of such portion of time during which the decree remains unsigned, along with the time which may be occupied in preparing the copy for delivery; the reason being obvious that the act of obtaining has already commenced and the delay in such a case could not be referred to any omission

(1) I.L.R. 13 Cal. 104.
(2) I.L.R. 12 All. 79.
(3) I.L.R. 12 All. 461 (F.B.).

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or neglect on his part. But when he has made no application to obtain a copy and the decree remains unsigned for a portion of, or the whole period of, limitation, he cannot claim the benefit of a matter which in no sense and to no extent frustrated or retarded any endeavour on his part to obtain a copy of the decree, the endeavour itself not having yet commenced."

I am in respectful agreement with this statement of the law. After these Allahabad decisions the preponderance of the judicial opinion was in favour of the Allahabad view: (*vide* the judgment of Agarwala J. in *Keshar Sugar Works, Bombay* v. *R. C. Sharma and others* (1), where all these cases are mentioned in detail). It is not necessary to deal with these cases in detail as it appears that most of the Courts changed their view on the basis of the decision of the Privy Council in *Pramatha Nath Roy* v. *William Arthur Lee* (2).

It is, therefore, necessary to discuss the effect of the decision of the Privy Council reported in *Pramatha Nath Roy* v. *William Arthur Lee* (2). This case related to a decree which under the rules of the Calcutta High Court could not be drawn up and signed without the intervention of the parties to the litigation. The order under appeal was pronounced by the Calcutta High Court on 28th July, 1918. On 6th August, 1918, an application was made by the plaintiff to have the decree drawn up and next day the draft was sent to the plaintiff who did not return it till 16th August, 1918. The decree was signed on 28th

(1) A.I.R. 1951 All. 122 (F.B.).
(2) 49 I.A. 307.

August, 1918 and the appeal was filed on 3rd September, 1918. The Calcutta High Court held that the appeal was barred by time. The Privy Council approved of the decision of the High Court that in determining requisite time under section 12(2) the conduct of the appellant has to be seen, and then proceeded to hold that the applicant was not entitled to deduct the periods between 30th July, 1918 and 6th August, 1918 and again between 7th August, 1918 and 16th August, 1918, as those periods need not have elapsed if the appellant had taken reasonable and proper steps to obtain the copy of the decree. It appears that in this case the counsel for the appellant argued that the appellant was entitled to deduct the period which was taken by him in getting the decree signed and then again the time taken in obtaining its copy. The Privy Council assuming this contention to be correct dismissed the appeal on the finding that the appellant did not take reasonable steps to obtain the two documents. It appears to be obvious from the judgment that this decision assumes that the appellant is entitled to deduct the time taken in getting the decree signed and in obtaining its copy under section 12(2) of the Limitation Act and that it was neither argued before the Privy Council nor did the Privy Council apply its mind to the legal position as to whether the appellant was entitled to get the time taken in getting the decree signed. This was so observed by the Privy Council in *Jijbhoy N. Surty* v. *T. S. Chettyar* (1), where their Lordships distinctly state:—

> "It seems to have been assumed that the time properly required for obtaining copies of the two documents was to be excluded, the discussion turning upon

(1) 55 I.A. 161.

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the question whether the steps taken by the appellant were sufficiently prompt to entitle him to the benefit of this provision."

It is, therefore, clear that the Privy Council never decided the point as to whether the time taken in getting the decree formulated and signed could be deducted under section 12, of the Limitation Act, particularly when the Allahabad Full Bench and the preponderance of the opinion expressed by the Indian High Courts at that time was that such time could not be deducted.

In this Privy Council case it appears that the appellant had also relied on the decision *Bani Madhub Mitter* v. *Matungini Dassi* (1), for the proposition that under section 12(2) the time actually taken for obtaining the copies can be deducted. Their Lordships observed that the Calcutta case does not lay down any such proposition. This observation does not, in my opinion, amount to approval of the legal proposition laid down in the Calcutta case and dissented from in the Allahabad case. Their Lordships did not discuss the proposition as to whether the time taken in getting the decree signed was covered by section 12(2) and it would not be right to read such a decision in this judgment. In the present case we are not concerned with the decree which can be drawn up and signed only on the intervention of the parties. The Privy Council does not lay down anywhere that a party need not take any step to obtain a copy of the decree till it is signed by the Judge, nor does it lay down that the time that elapses between the pronouncement of a judgment and obtaining of a copy can or must be deducted under section 12(2). I am, therefore, of the opinion

(1) I.L.R. 13 Cal. 104.

that the decisions of the Privy Council do not support the contention of the petitioners before us.

After the decision of the Privy Council there was a distinct change in the judicial opinion in this country. The preponderance of the view is in favour of the contention of the petitioners to the effect that the appellant is entitled to deduct the time that elapses between the pronouncement of the judgment and signing of the decree even if he has taken no steps to obtain copies: vide *The Secretary of State for India in Council* v. *Parijat Debee* (1), *Jayashankar Mulshankar and another* v. *Mayabhai Lalbhai* (2), *Manoo Rai and others* v. *Keshwar Rai and others* (3), *Arun Chandra Swami and others* v. *Md. Majib Choudhury and others* (4), majority view and *Thakur Jadubir Singh and others* v. *Thakur Sheo Naresh Singh and others* (5). The Allahabad High Court however has by a majority view affirmed its previous decision in *Keshvar Sugar Works, Bombay* v. *R. C. Sharma and others* (6), and the Nagpur High Court has also accepted this view in *Umda* v. *Rupchand and others* (7). I am in respectful agreement with the view expressed in *Bechi* v. *Ahsan Ullah Khan and others* (8), and affirmed in *Keshvar Sugar Works, Bombay* v. *R. C. Sharma and others* (6). I am fortified in this decision by the observation of Chagla C. J. in *Jayashankar Mulshankar and another* v. *Mayabhai Lalbhai* (2), that the Allahabad view which is contrary to his own view is logically a possible view. As the

(1) I.L.R. 59 Cal. 1215 (F.B.).
(2) A.I.R. 1952 Bom. 122(F.B.).
(3) A.I.R. 1948 Pat. 260.
(4) A.I.R. 1955 Assam 129 (F.B.).
(5) A.I.R. 1944 Oudh 154.
(6) A.I.R. 1951 All. 122.
(7) A.I.R. 1927 Nag. I(F.B.).
(8) I.L.R. 12 All. 461.

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judicial opinion is divided in two schools of thought on this point, it is not necessary to discuss these cases in detail. The main line of difference is that the view taken by the Allahabad High Court is based on the strict grammatical meaning of the words used in section 12(2) while the opposite view mainly rests on equitable considerations. As stated above, I prefer the view taken by the Allahabad High Court in this matter as in my opinion it is in consonance with the principles of construction for Limitation Act laid down by the Judicial Committee.

The result is that it must be held that the appeal filed by the petitioners in the Court of the District Judge was barred by time. This petition for revision, therefore, fails and is dismissed with costs.

Grover, J.

GROVER, J.—I agree.

*B.R.T.*

LETTERS PATENT APPEAL

*Before Bhandari, C. J. and Mehar Singh, J.*

UNION OF INDIA AND THE ESTATE OFFICER, DELHI,—*Appellants.*

*versus*

SHREE RAM KANWAR AND OTHERS,—*Respondents*

**Letters Patent Appeal No. 4-D/1955**

1957

Nov., 21st

*Indian Limitation Act (IX of 1908)—Section 29—Special Law—High Court Rules and Orders, Volume V, Chapter I, Rule 4—Rule framed by the High Court under powers conferred on it by Clause 27 of the Letters Patent—Whether constitutes special law—Letters Patent of the Punjab High Court—Clauses 27 and 37—Rule-making power of the High Court—Whether subject to the legislative powers of the Legislature—Rule 4—Applicability and*