

this Court that a party desirous, as a rever-  
sioner, to obtain a declaration of his rights  
affected by a sale or gift made by a Hindoo  
widow must bring his suit within twelve years  
of the alienation, and that it is a remedy of a  
different description which is open to him  
after the death of the widow.

Under these circumstances, we have no  
choice, but to reverse the decisions of the  
Courts below, and dismiss the plaintiff's suit  
with all costs.

The 24th April 1873.

*Present :*

The Hon'ble Louis S. Jackson and Dwarka-  
nath Mitter, *Judges.*

Minor's Right of Action—Limitation—Act XIV.  
of 1859, s. 2.

Case No. 805 of 1872.

*Special Appeal from a decision passed by  
the Officiating Judge of Chittagong,  
dated the 9th March 1872, reversing a  
decision of the Officiating Subordinate  
Judge of that District, dated the 28th  
August 1871.*

Taruck Chunder Sen (Plaintiff), *Appellant,*  
*versus*

Doorga Churn Sen (Defendant), *Respondent.*

*Mr. R. E. Twidale and Baboo Aukhil  
Chunder Sen for Appellant.*

*Baboo Motee Lall Mookerjee  
for Respondent.*

*Case.*—Plaintiff sued to recover certain moneys from  
defendant, who had been appointed manager of property  
which plaintiff's late uncle had conveyed to him by a  
will, and who had obtained a certificate under Act XI.  
of 1858. Plaintiff alleged among other things that de-  
fendant, as manager, had sued for money due on a bond  
executed by one T; but that the suit was dismissed as  
barred by limitation to the plaintiff's prejudice. The  
Lower Appellate Court held that the defendant could not  
be made liable; but that the dismissal of the suit on  
the ground of limitation would be no bar to a suit by the  
minor within three years of his attaining his majority:

HELD that, as the cause of action in respect of the  
bond had arisen in the lifetime of the testator, no  
further time would, under the proviso in Act XIV. of  
1859, s. 2, be allowed to plaintiff by reason of his pre-  
vious legal disability.

*Jackson, J.*—THE only ground on which  
the special appellant appears justly to impugn  
the judgment of the Lower Appellate Court  
is that which relates to the bond given by  
one Tiluck Chunder, the amount whereof  
the defendant seems to have omitted to sue

for and to realize. It appears that a suit on  
that bond was commenced, if not by the  
defendant, in the name of the defendant,  
though the defendant states that this suit  
was really brought without his knowledge  
or authority by the plaintiff's brother. The  
defendant's liability as to this amount has  
been got rid of by the Lower Appellate Court  
in the following words: "The dismissal of  
"the suit by the manager and guardian on  
"the ground of limitation will be no bar to  
"a suit by the minor within three years of  
"his attaining his majority, having reference  
"to section 2, Act XIV. of 1859, and the  
"law already referred to." It is not clear  
what is meant by "the law already referred  
to," but section 2 of the Limitation Act  
says: "The action may be brought by such  
"person or his representative within the  
"same time after the disability shall have  
"ceased as would otherwise have been allowed  
"from the time when the cause of action  
"accrued, unless such time shall exceed the  
"period of three years, in which case the  
"suit shall be commenced within three years  
"from the time when the disability ceased;  
"but if, at the time when the cause of action  
"accrues to any person, he is not under a  
"legal disability, no time shall be allowed  
"on account of any subsequent disability of  
"such person, or of the legal disability of  
"any person claiming through him."

Now it appears that the cause of action  
in respect of the bond in question had arisen  
during the lifetime of the testator, and,  
therefore, under that proviso, a further time  
would not be allowed to the present plaintiff  
by reason of his previous legal disability.  
It will, therefore, have to be determined  
whether the defendant is not liable to the  
plaintiff for the amount of this bond, and if  
so, to what extent the account between the  
parties will be affected by the liability. For  
this purpose the case will go back to the  
Lower Appellate Court.

The 24th April 1873.

*Present :*

The Hon'ble Sir Richard Couch, *Kt.*, *Chief  
Justice*, and the Hon'ble F. A. Glover,  
*Judge.*

Adjournment under Act VIII. of 1859, s. 146—  
Rescission of Order of Adjournment—Re-trial  
—Fresh Summonses.

Case No. 1111 of 1872.