

Madras High Court

Mallikarjuna vs Pullaya And Ors. on 23 December, 1892

Equivalent citations: (1893) ILR 16 Mad 319

Bench: M Ayyar, Parker

JUDGMENT

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.