Privy Council Appeal No. 24 *of* 1926.

Allahabad Appeal No. 12 *of* 1922.

Lala Jagmohan Saran - - - - - - - *Appellant*

v.

Sahu Deoki Nandan *alias* **Jwala Prasad and others** - - *Respondents*

FROM

THE HIGH COURT OF JUDICATURE, ALLAHABAD.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL DELIVERED THE 12TH JULY, 1927.

Present at the Hearing:

LORD BLANESBURGH.
SIR JOHN WALLIS.
SIR LANCELOT SANDERSON.

[*Delivered by* LORD BLANESBURGH.]

As a result of the opening of this appeal by Mr. Dunne, it is possible for their Lordships to dispose of the case on a very short ground. It has been made clear that this action is in truth and substance a suit for a declaration that a particular adoption was invalid. It is plain that the fact that a claim was being made on the basis of this alleged adoption was known to the plaintiff in the suit more than six years before it was instituted, and that he himself had attained majority nearly nine years before the suit was commenced. The suit being in substance one for a declaration to the effect just stated, their Lordships, on these uncontested facts, are of opinion that it is barred by Article 118 of the Limitation Act. In these circumstances no useful purpose would be served by any further examination here and now of the matters in controversy, and for the reason that the suit is out of time their Lordships will humbly advise His Majesty that this appeal by the plaintiff should be dismissed. The appellant must pay the costs.

In the Privy Council.

LALA JAGMOHAN SARAN

v.

SAHU DEOKI NANDAN *alias* JWALA PRASAD AND OTHERS.

DELIVERED BY LORD BLANESBURGH.

Printed by
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