

Suppiah Mooppanar Vs. Mallappa Chetty and ors.

LegalCrystal Citation : legalcrystal.com/804737

Court : Chennai

Decided On : Jul-16-1929

Reported in : AIR1930Mad342

Appellant : Suppiah Mooppanar

Respondent : Mallappa Chetty and ors.

Judgement :

Venkatasubba Rao, J.

1. The first point taken by Mr. Venkatarama Aiyar is that under Section 43, it is the debtor alone that can apply for extension. But as has been pointed out in Jetaji Peraji Firm v. T. Krishnaya A.I.R. 1930 Mad. 278, Section 43 is controlled by Section 27:

It is equally clear that the Court has the power to extend the period and it may be so done, not merely at the instance of the debtor but on the application of anybody interested. The section merely requires that sufficient causa shall be shown, but it does not say that the debtor alone may apply for extension or shall show sufficient cause.

2. In this case, it was a creditor that applied for enlargement of time and the Official Receiver agreed to an order being made. This objection is therefore overruled.

3. The second point raised by Mr. Venkatarama Aiyar is that his client, the alienee, was not given notice of the application. We may point out that it is desirable that in such cases notice should go to the alienee. In this particular case, however, the appellant has not been able to show that any prejudice has resulted and we are therefore unable to set aside the order of the District Judge.

4. The appellant complains that the delay in the disposal of the proceeding to annul the alienation causes him great hardship. We direct the lower Court to expedite its hearing. The appeal is dismissed with costs.