

PIERIS APPU v. PRANADU.

195—C. R. Colombo, 78,095.

*Notice as to tender of security—Forthwith.*

*R. L. Pereira*, for the appellant.

*H. V. Perera*, for the respondent.

September 30, 1921. ENNIS J.—

In this case the plaintiff claimed Rs. 40 interest on a mortgage bond and Rs. 160 damages for dispossession. The learned Judge has allowed Rs. 40 on the bond, and has given Rs. 20 by way of damages. The defendant appeals. A preliminary objection has been taken that the notice of tender of security was not given forthwith as required by section 756 of the Civil Procedure Code. It appears that judgment was delivered on June 13, 1921, and an application for leave to appeal, which was granted, was made on June 18, 1921. The requisite notice was not given until June 23. It is to be observed that between the 18th and the 23rd, a Saturday and a Sunday intervened. It is also to be observed that the petition of appeal need not have been filed until seven days after the judgment. No objection on the ground was taken in response to the notice, and it seems to me that this Court is not in a position to say whether there was an unreasonable delay or not. In the circumstances I overrule the objection.