largely from them and I therefore refrain from setting out extracts in extenso. But when the writer of the articles "Sacrifice in Ajudhia" and "A Political Blunder," tells his Mahomedan readers that:

"Hindus are being patted on the back while Mahomedans are being deprived by force of their legitimate rights that Government, when appealed to refuses to intervene and itself "tramples" upon those rights; that the Secretary of State for India does not care one bit for the feelings of seven crores of Indian Musalmans that the reins of the Government of Great Britain have fallen into the hands of persons who consider it a disgrace and beneath their dignity to talk and listen to the representatives of the subjects of the Crown, and that "the Lieutenant-Governor" (of the United Provinces of Agra and Oudh) and the Governor General have fallen into the same mistake,"

I find it difficult to follow the argument that the writer was expressing his views, possibly in " bad taste " and admittedly with unjustifiable hyperbole, but yet as an honest and loyal subject, who had no ulterior motives and whose sole object was to raise subscriptions or to obtain memorials to the Secretary of State. If language means anything, and if a writer's intentions are to be gathered from the words used by him in his articles and not from protestations of loyalty previously or subsequently made by him, the intention of the author of the articles to which I have referred must clearly have been to excite resentment on the part of Indian Mahomedans against a Government which he represents as deliberately trampling upon their rights in order to ingratiate Hindus and through its responsible members treating the Mahomedan community and its representatives "with hatred and contempt," (*nafrat wa higarat*).

R.M./R.K. *Application dismissed.*

A. I. R. 1914 Lahore 8

Special Bench

KENSINGTON, C. J., JOHNSTONE AND RATTIGAN, JJ.

Abdul Haq—Petitioner.

v.

Emperor—Opposite Party.

Criminal Misc. Case No. 5 of 1914, Decided on 21st February 1914, against Local Government's order of forfeiture D/- 6th September 1913.

Press Act (1 of 1910), S. 17—Meaning of "within two months from date of such order" explained—Remedy is by way of appeal—High Court cannot extend the prescribed period in the absence of specific provision in Act giving benefit of S. 5, Lim. Act, to that of application—Limitation Act, S. 5.

The words "within two months from the date of such order" in S. 17, Press Act mean within two months from the date of the order of forfeiture and cannot be read as meaning within two months from the date on which notice of the order was served. Under this Act the remedy given is by way of application and not of appeal, and in the absence of any specific provision in the Act giving the benefit of S. 5, Lim. Act, to that application, it is not in the power of the High Court to extend the prescribed period, even if the Court held that sufficient cause for delay had been established. [P 9 C 2]

Beechey and *Muhammad Iqbal*—for Petitioner.

Government Advocate—for the Crown.

Order.—This is an application under S. 17, Press Act 1 of 1910, on behalf of the keeper of the Rafa-i-Am Printing Press, against whom the Local Government issued under S. 4 (1) of the Act an order of forfeiture of Rs. 500 security.

We cannot permit discussion of the terms of the article published in the Paigham-i-Sulah newspaper on 31st July 1913, in respect of which action has been taken, as we hold that the application must be refused on the ground that it has not been presented within the period of two months from the date of the order prescribed by S. 17 of the Act.

The order was issued on 6th September 1913 and notice of it was served on the applicant on the 16th in the manner required by S. 25 of the Act. The application bears date 14th November, the last possible date on which it should have been presented being 6th November.

As this is, so far as is known, the first occasion on which the question of limitation involved has arisen, we have allowed latitude to counsel to urge by any argument he could that the application should be treated as if presented within time, but we cannot accept his contention that the words used in S. 17, "within two months from the date of such order" can by any possible principle of construction be read as meaning within two months from the date on which notice of the order was served.

We are not concerned with any question as to the reasonableness of the pro-

vision in S. 17, or of the policy or possible intention af the legislature. In this connexion there are some apposite remarks at pp. 5 and 6 of Maxwell's "Interpretation of Statutes," 1912 Edition from which we may usefully quote as follows:

"When the language is not only plain but admits of but one meaning, the task of interpretation can hardly be said to arise. The legislature must be intended to mean what it has plainly expressed, and consequently there is no room for construction. It matters not, in such a case, what the consequences may be. Where, by the use of clear and unequivocal language capable of only one meaning anything is enacted by the legislature, it must be enforced, even though it be absurd or mischievous. However unjust, arbitrary or inconvenient the meaning conveyed may be, it must receive its full effect. When once the intention is plain, it is not the province of a Court to scan its wisdom or its policy. Its duty is not to make the law reasonable, but to expound it as it stands, according to the real sense of the words."

These extracts are given because they exactly apply to the pre-ent case, in whatever extreme form the argument can be put, and not because we suggest that there is anything absurd or mischievous in S. 17 as it stands. The legislature may very well have intentionally taken the date of the order as the starting point for limitation, following the familiar practice of legal notices to take effect within a stated period from the date of the notices and not from the date of their receipt by addresses. It is idle to dwell on the suggested risk that the Local Government would, on our interpretation, have power to deprive the keeper of a press of his remedy by the simple expedient of withholding notice of forfeiture till two months had already expired from the date of the order. Difficulty might, no doubt, conceivably arise if the Local Government should at any time act in so arbitrary a manner; but we need not trouble ourselves with fanciful speculation of the kind, being satisfied that no Government would act in the manner suggested, and that if there should be inadvertent delay in the communication of an order, all necessary steps would be taken to see that the person affected was not unduly prejudiced. No question of prejudice arises here. The applicant had ample time to apply between 16th September and 6th November, and if he or his legal advisers chose to wait till what they supposed to be the latest date without verifying the law on the subject they must take the consequences.

The remedy given by law is by way of application and not of appeal, and in the absence of some specific provision in the Press Act giving the benefit of S. 5, Lim. Act, to such an application, it is not in our power to extend the prescribed period even if we could hold that sufficient cause for delay had been established. The point need not be further discussed as there has certainly been no such sufficient cause.

We accordingly reject this application to set aside the order of 6th September 1913.

R.M./R.K. *Application rejected.*

✻ A. I. R. 1914 Lahore 9

RATTIGAN AND SHAH DIN, JJ.

Sham Parshad — Judgment-debtor — Appellant.

v.

Ram Chand and *another*—Decree-holders - Respondents.

Misc. First Appeal No. 569 of 1910, Decided on 25th June 1913, from order of District Judge, Delhi, D/- 28th February 1910.

✻Civil P. C. (5 of 1908), Ss. 144 and 151—Judgment-debtor's property sold in execution of ex parte decree—Ex parte decree was set aside and suit was dismissed—Auction-purchaser had obtained possession—Suit for restitution was decreed subject to paying back amount deposited by auction-purchaser and withdrawn by decree-holder—Application for restitution of amount withdrawn by decree-holder was dismissed—Held no appeal lies—Though it was hard case, lower Court's use of discretion could not be interfered with under S. 151.

An ex parte decree for money, which was passed on 20th June 1904 was set aside on 16th May 1906, and ultimately the suit was dismissed on 8th December 1906. The decree dismissing the suit was confirmed by the Chief Court in October 1907. But in the meantime, in execution of the ex parte decree which had been transferred to another district, the property (mortgage rights) of the judgment-debtor was sold on 28th May 1906, the sale was confirmed on 9th July 1906. On 30th August the decree-holders withdrew Rs. 2,714-12-0 out of the sale-proceeds, and in June 1907 the auction-purchaser obtained possession of what he had purchased.

In April 1908, the successful judgment-debtor sued for recovery of possession of his mortgage rights and was given a decree conditional on his paying in Court the money which the auction-purchaser had paid. This was done.