

(1879) 05 AHC CK 0004

Allahabad High Court

Case No: None

Jagan Nath Singh

APPELLANT

Vs

Surjan Singh

RESPONDENT

Date of Decision: May 21, 1879

Citation: (1880) ILR (All) 315

Hon'ble Judges: Robert Stuart, C.J; Pearson, J

Bench: Division Bench

Judgement

Pearson, J.

The first and last of the pleas in appeal are not pressed and are indeed admitted not to be tenable. The second plea is over-ruled in reference to the Privy Council's ruling in the case of Ras Muni Dibiah v. Pran Kishen Das decided on the 27th June 1848 4 Ind. App. 392, that, according to Section 8, Regulation XVII of 1806, where mortgaged property is situate in two Districts, an order of foreclosure relating to the whole property may be obtained in the Court of either District. The circumstance that Oudh is in some respects a distinct Province from the North-Western Provinces does not, in our opinion, take the case out of the operation of that ruling, inasmuch as Regulation XYII of 1806 was in force in Oudh as well as in the North-Western Provinces at the time of the fore-closure proceedings. The appeal is dismissed with costs.