

(1879) 04 AHC CK 0008

Allahabad High Court

Case No: None

Sultan Kuar

APPELLANT

Vs

Gulzari Lal

RESPONDENT

Date of Decision: April 17, 1879

Citation: (1880) ILR (All) 291

Hon'ble Judges: Pearson, J; Oldfield, J

Bench: Division Bench

Final Decision: Disposed Of

Judgement

Pearson, J.

Although debts are mentioned in the category of property liable to attachment and sale in execution of a decree in Section 166 of Act X of 1877, yet it is apparent from the provisions of Section 273 of the Act that the sale of a money-decree is not contemplated as the result of its attachment, and that an attachment in the mode therein ordained cannot lead to a sale.

2. In our opinion, the Judge is wrong in holding the last clause hut one of Section 273 to be applicable in the present case. That clause applies to other than money-decrees. Although the two decrees held by Gulzari Lal and Sultan Kuar respectively were not passed by the same Court, nevertheless as they are being executed by the same Court, the provisions of the first clause of the section are applicable on principle.

3. Our opinion may be communicated to the Judge in reply to his reference.