

(1878) 06 AHC CK 0006

Allahabad High Court

Case No: None

Mercer

APPELLANT

Vs

Narpat Rai and
Another

RESPONDENT

Date of Decision: June 21, 1878

Citation: (1875) ILR (All) 730

Hon'ble Judges: Turner, O.C.J.; Oldfield, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Turner, Officiating C.J.

1. The Judge of Allahabad, in receiving the application for execution, was bound to consider whether there was anything to prevent execution in the manner prayed. At the time the decree was passed the decree-holder obtained an order from the Court which passed the decree for the satisfaction of the decree by stoppage of half the defendant's pay. So long as that order subsists the decree-holder cannot obtain satisfaction of his decree by attachment, for it is clear to us that the decree-holder is not as against officers to whom the Mutiny Act is applicable, entitled to both remedies at once. The object of the Act is to prevent public servants whose services may be urgently required from being incapacitated to discharge such services. The appeal is decreed and the order of the Judge discharged with costs.