

(1879) 04 AHC CK 0015

Allahabad High Court

Case No: None

Ram Kishen

APPELLANT

Vs

Sedhu

RESPONDENT

Date of Decision: April 21, 1879

Citation: (1880) ILR (All) 276

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

Bench: Division Bench

Final Decision: Allowed

Judgement

Oldfield, J.

The Judge has disallowed the application for execution on the ground, though not taken by the judgment-debtor, that the execution of the decree is barred under the provisions of Section 230, Act X of 1877, as due diligence was not used to procure complete satisfaction of the decree on the last preceding application. But the last preceding application to which Section 230 refers is an application made under that section, and in the case before us the last preceding application was made in July 1877, before Act X of 1877 came into force. Those proceedings in execution were ultimately disposed of in December 1877, but there was no fresh application for execution of the decree made intermediately between July and December 1877. We reverse the order of the Judge and decree the appeal, and allow execution of the decree to proceed. The appellant will have costs in all Courts.