

(1904) 01 CAL CK 0003

Calcutta High Court

Case No: Rev. No. 1004 of 1903

Dharani Kanta Lahiry Chowdhury

APPELLANT

Vs

Girija Kanta Lahiry Chowdhury

RESPONDENT

Date of Decision: Jan. 29, 1904

Judgement

1. We have heard learned counsel on both sides in the matter of this rule. It seems to us that, as matters stand at present, the properties must be treated as joint properties of the two parties concerned. The Civil Court, where the suit for partition is now pending, has declared that the said properties are joint properties and ordered partition being effected ; and it is obvious that, until that jointness is disturbed by actual partition in the suit the properties must be treated as having been declared by the Civil Court to be joint properties. That being so, we are of opinion that no order such as is contemplated by sec. 145, Cr. P. C., can be made in this case. The rule will accordingly be made absolute so as to set aside that order.