

(1870) 01 CAL CK 0008

Calcutta High Court

Case No: Miscellaneous Special Appeal No. 396 of 1869

Sheikh Mahomed
Basirulla

APPELLANT

Vs

Sheikh Abdulla and
Others

RESPONDENT

Date of Decision: Jan. 24, 1870

Judgement

Loch, J.

We think the judgment of the Court below is right. The decree-holder is not in a better position than any other auction-purchaser, a stranger. In this case if the auction-purchaser had been a stranger, he would not have been entitled to recover his purchase-money, and this must be the case where the auction-purchaser is the decree-holder. We, therefore, reject this appeal with costs.