

(1879) 12 CAL CK 0005

Calcutta High Court

Case No: None

Rajendronath Roy
Bahadoor

APPELLANT

Vs

Chunnoomul and
Kalee Churn Lahoree

RESPONDENT

Date of Decision: Dec. 10, 1879

Citation: (1880) ILR (Cal) 448

Hon'ble Judges: Prinsep, J; Morris, J

Bench: Division Bench

Judgement

Morris, J.

The Judge of Rajshahye, to whom the decree had been sent for execution in this case, was wrong in declining jurisdiction and in refusing to entertain the application made by the judgment debtor u/s 258 of the Civil Procedure Code. If the judgment-debtor had paid money out of Court subsequent to the order under which the certificate was sent to him from the High Court, and if his application was made in due time as required by the law of limitation subsequent to the payment, there is nothing in our opinion to prevent the Judge from dealing with the application, because, u/s 228, the Court executing the decree sent to it "under this chapter, shall have the same power in executing such decree as if it had been passed by itself."

2. On this ground, therefore, we reverse the order of the Judge of Rajshahye, and direct him to take up the application and deal with it as required by law. Costs to abide the result.