

(1878) 06 CAL CK 0012

Calcutta High Court

Case No: None

Autoo Misree and
Others

APPELLANT

Vs

Bidhoo Mookhee
Dabee

RESPONDENT

Date of Decision: June 27, 1878

Citation: (1879) ILR (Cal) 605

Hon'ble Judges: Tottenham, J; Jackson, J

Bench: Division Bench

Judgement

Jackson, J.

Now Section 207 applies only to cases where only one of several decree-holders for himself claims to execute the decree. In that case the Court is authorized to allow such claim, taking proper steps to protect the interests of the other parties. This is not a case of that sort, but the application was really made on behalf of all. Even, however, if it had been dealt with u/s 207, it would equally have been an application to execute the decree, such as would avail the other decree-holders. It appears to us that, although objection might have been taken to the form of this application, and the Court might have thought it necessary to order the form to be amended, still it was an application substantially on behalf of all the parties concerned, and ought to have been treated accordingly. We think that execution is not barred, and ought to be allowed to proceed. The appeal is allowed with costs.