

(1870) 02 CAL CK 0017

Calcutta High Court

Case No: Miscellaneous Special Appeal No. 449 of 1869

Purna Chandra Roy
and Others

APPELLANT

Vs

Abhaya Chandra Roy
and Another

RESPONDENT

Date of Decision: Feb. 2, 1870

Judgement

L.S. Jackson, J.

The contention in this case is, that the Judge of the lower appellate Court ought not to have allowed the decree-holder to carry on execution, if he had found that the assignment of the decree was a benami transaction, and there is no other circumstance alleged. The mere fact of a decree being assigned to A, for his benefit, although by agreement the name of B was used, will not prevent execution being taken out in the name of the ostensible decree-holder. I think the appeal must be dismissed with costs.