

(1868) 08 CAL CK 0012

Calcutta High Court

Case No: Miscellanenous Appeal No. 24 of 1868

J.G. Bagram

APPELLANT

Vs

J.P. Wise

RESPONDENT

Date of Decision: Aug. 8, 1868

Judgement

Sir Barnes Peacock, Kt., C.J.

It is quite clear that the Court to which the decree was sent had jurisdiction over its own order striking off the case, whatever the striking off amounts to. As soon as a copy of the decree which is sent for execution to another Court is filed in the Court to which it is transmitted, it has the same effect as a decree of that Court; and by Section 288 that Court is to proceed to execute it according to its own rules in the like cases. The order for striking off the application for execution of the decree did not strike the copy of the decree off the records of the Court to which it was sent for execution; and as long as it remains there, the Court to which it was sent may deal with it, and any application for execution of it as if it was a judgment of that Court. If in the present case, the decree had been a decree of the Backergunge Court, that Court would have had power to entertain the application.

¹[Sec. 284:--A decree of any Civil Court within any of the British territories in India or established by authority of the Governor-General of India in Council in the territories of any Foreign Prince or State, which cannot be executed within the jurisdiction of the Court whose duty it is to execute the same, may be executed within the jurisdiction of any other such Court in the manner following.]

How a decree of one Court may be executed within the jurisdiction of another Court.