

(1868) 08 CAL CK 0013

Calcutta High Court

Case No: Miscellaneous Appeal No. 618 of 1867

Kaim Ali Jawardar

APPELLANT

Vs

Lakhikant Chuckerbutty

RESPONDENT

Date of Decision: Aug. 6, 1868

Judgement

Sir Barnes Peacock, Kt., C.J.

The ease is almost too clear for argument. We entirely agree with the view which was expressed by Mr. Justice Jackson, when the case was referred for the opinion of a Full Bench, viz., that the purchaser of the rights and interests of the decree-holder was entitled to execute the decree purchased, in like manner and to the same extent as the original decree-holder might have done, and not otherwise or further; and, consequently, that the purchaser took it subject to the rights of the judgment-debtor to set-off his cross-decree.