

(1870) 03 CAL CK 0009

Calcutta High Court

Case No: None

Srimati Saraswati Debi
and Another

APPELLANT

Vs

Nabadwip Chandra
Gosain

RESPONDENT

Date of Decision: March 23, 1870

Judgement

Markby, J.

I shall speak to Mr. Justice Phear, and give my decision to-morrow. I have consulted Mr. Justice Phear on the point raised by Mr. Woodroffe. He informs me that he did not intend to decide it in Brajanath Kundu Chowdhry v. S.M. Govindmani Dasi 4 B.L.R., O.C., 83. It appears to me that the order may be granted; but I must say that, if it had not been for the proviso in section 271 of Act VIII of 1859, I Should have had considerable difficulty in granting the application. As it is, the plaintiffs are entitled to their order, but they must first of all put in an affidavit showing the value of the equity of redemption.

2. On a subsequent day, Mr. Bonnerjee applied to Mr. Justice Norman on affidavit showing the value of the property, and the order for sale was granted.