

(1916) 11 CAL CK 0015

Calcutta High Court

Case No: None

Ram Sundar Karmokar

APPELLANT

Vs

Sheikh Lochan

RESPONDENT

Date of Decision: Nov. 20, 1916

Citation: 38 Ind. Cas. 942

Hon'ble Judges: Newbould, J; N.R. Chatterjea, J

Bench: Division Bench

Judgement

1. We are of opinion that the learned Subordinate Judge is right in holding that an occupancy holding not transferable by custom or usage cannot be sold in execution of a money-decree when the raiyat objects to the sale. The same view was taken in an unreported case, Appeal from Order No. 412 of 1915 [Narayani v. Nabin Chandra Chowdhari 36 Ind. Cas. 803 : 21 C.W.N. 403]; and we see no reason to differ from the view taken in that case. The Rule is accordingly discharged.