

**(1916) 11 CAL CK 0015**

**Calcutta High Court**

**Case No:** None

Ram Sundar Karmokar

APPELLANT

Vs

Sheikh Lochan

RESPONDENT

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**Date of Decision:** Nov. 20, 1916

**Citation:** 38 Ind. Cas. 942

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

**Bench:** Division Bench

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### **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.