

(1870) 08 CAL CK 0005

Calcutta High Court

Case No: Special Appeal No. 182 of 1870

Srinibas Misser and
Others

APPELLANT

Vs

Dubo Misser

RESPONDENT

Date of Decision: Aug. 18, 1870

Judgement

Mitter, J.

We are of opinion that the conclusion arrived at by the lower Courts in this case is correct. There can be no doubt whatever that the right which the defendant, special appellant, alleges to have purchased was one which could not be sold in execution of a decree. The shebait of a Hindu idol has to perform services for the idol, that is to say, to perform the worship of the idol, and to prepare food for it; and such a right cannot be sold at a public sale in execution of a decree. The special appellant has failed to give us any authority in support of his contention, and we do not therefore find any reason for disturbing the judgment of the lower Appellate Court. The plaintiffs have established, to the satisfaction of the lower Appellate Court, that they had a right to maintain this suit; and on this point, no objection has been taken before us in special appeal.

2. The special appeal is dismissed with costs.