

(1880) 04 CAL CK 0013

Calcutta High Court

Case No: None

In Re: In the Matter of
the Petition of Bhekraj
Koeri

APPELLANT

Vs

RESPONDENT

Date of Decision: April 5, 1880

Acts Referred:

- Civil Procedure Code, 1877 - Section 290

Citation: (1880) ILR (Cal) 878

Hon'ble Judges: Richard Garth, J; Pontifex, J; Morris, J; Mitter, J; Jackson, J

Bench: Full Bench

Judgement

Richard Garth, C.J.

Upon the assumption contained in the question referred, we are of opinion that the Court has power, under proper circumstances, to set aside the sale, notwithstanding the Judicial Commissioner's order.

2. Upon this opinion being pronounced by the Full Bench, the case was sent back to the Division Bench to determine, 1st, whether the requirements of Section 290 were, or were not, essential to the validity of the sale; and, 2ndly, assuming this to be so, whether, under the circumstances of the case, the sale ought to be set aside; but upon the matter coming on again before the Division Bench, the case was, at the suggestion of the Court, compromised by the parties.