

Haridas Nanabhai Vs Vithaldas Kisandas

Court: Bombay High Court

Date of Decision: June 27, 1912

Citation: 17 Ind. Cas. 30

Hon'ble Judges: N.G. Chandavarkar, Acting C.J.; Batchelor, J

Bench: Division Bench

Judgement

1. We are of opinion that the application for time, which was made by the appellant after he had given the darkhast of November 1906, to enable

him to procure copies of the decree and judgment, was a step-in-aid of execution. We agree with the judgment of the Madras High Court in Kunhi

Mannan v. Seshagiri Bhakthan 5 M. 141 and dissent from the judgment of the Calcutta High Court in Kartick Nath Pandey v. Juggernath Ram

Marwari 27 C. 285.

2. The decree is, therefore, reversed and the darkhast sent back to be disposed of according to law on the merits.

3. Costs hitherto incurred will be costs in the darkhast.