

(1912) 06 BOM CK 0015**Bombay High Court****Case No:** None

Haridas Nanabhai

APPELLANT

Vs

Vithaldas Kisandas

RESPONDENT

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.