

Code of Civil Procedure, 1908

Section 42 - Powers of Court in Executing Transferred Decree

1 [(1)] The Court executing a decree sent to it shall have the same powers in executing such decree as if it had been passed by itself. All persons disobeying or obstructing the execution of the decree shall be punishable by such Court in the same manner as if it had passed the decree. And its order in executing such decree shall be subject to the same rules in respect of appeal as if the decree had been passed by itself.

2 [(2)] Without prejudice to the generality of the provisions of sub-section (1), the powers of the Court under that sub-section shall include the following powers of the Court which passed the decree, namely:--

- (a) power to send the decree for execution to another Court under section 39;
- (b) power to execute the decree against the legal representative of the deceased judgment-debtor under section 50;
- (c) power to order attachment of a decree.

(3) A Court passing an order in exercise of the powers specified in sub-section (2) shall send a copy thereof to the Court which passed the decree.

(4) Nothing in this section shall be deemed to confer on the Court to which a decree is sent for execution any of the following powers, namely:--

- (a) power to order execution at the instance of the transferee of the decree;
- (b) in the case of a decree passed against a firm, power to grant leave to execute such decree against any person, other than such a person as is referred to in clause (b), or clause (c), of sub-rule (1) of rule 50 of Order XXI.]

1. Section 42 renumbered as sub- section (1) thereof by Act 104 of 1979, section 19 (w.e.f. 1-2-1977)

2. Inserted by Act 104 of 1976, section 19 (w.e.f. 1-2-1977).
