

Munsuk Mosundas Vs. Shivram Devising

Munsuk Mosundas Vs. Shivram Devising

SooperKanoon Citation : sooperkanoon.com/327867

Court : Mumbai

Decided On : Jan-31-1878

Reported in : (1878)ILR2Bom532

Judge : Michael Westropp, C.J. and ;Melvill, J.

Appellant : Munsuk Mosundas

Respondent : Shivram Devising

Judgement :

1. Section 5 of Act X of 1877 enacts that the sections of that Act, which are mentioned in the second schedule, shall be applicable to Courts of Small Causes in the Mofussal. We do not find in that schedule any of the sections from Section 223 to Section 229 inclusive, nor any portion of Section 648, except that which relates to the subject of arrests, and we, consequently, have come to the conclusion that the Legislature has deliberately resolved that Small Cause Courts in the Mofussal shall not be at liberty to execute decrees against property beyond their local jurisdiction. Under these circumstances, we must answer the question submitted to us in the negative, and we decline to make any such representation to Government, as suggested by the learned Judge of the Small Cause Court of Ahmedabad.