

In Re: Inderman

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Court : Allahabad

Decided On : Dec-31-1969

Reported in : (1896)ILR18All45

Judge : Aikman, J.

Appellant : In Re: Inderman

Judgement :

Aikman, J.

1. The appellant in this case is the son of Mathura Das, deceased. Mathura Das and Baiju Mal obtained a joint decree against Kuar Suparandhuj Prasad Singh. The appellant wished to put this decree into execution, but, in order to do so, he had to produce before the Court which had to execute the decree a certificate granted under Act No. VII of 1889, and having the judgment-debt specified therein. In order to enable him to comply with the requirements of Section 4 of this Act the appellant asked the District Judge of Aligarh to grant him a certificate in respect of the judgment-debt referred to in his application. The learned District Judge passed the following order: 'I cannot grant a certificate for partial collection. The applicant is at liberty to apply for certificate for all debts due to the deceased.'

2. It does not appear that there are any other debts, and, even if there were, I know of no law which compels an applicant under Section 6 of Act VII of 1889 to ask for a certificate in respect of more debts than he wishes to collect. There is

nothing to prevent a grant of such a certificate as that asked for by the appellant.

3. I allow the appeal, and, setting aside the Judge's order dated the 28th February 1895, direct him to restore the application to the file of pending applications and dispose of it according to law with reference to the remarks made above. As there is no respondent I make no order as to costs.

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