

Param Sukh and ors. Vs. Ram Dayal

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Court : Allahabad

Decided On : Dec-31-1969

Reported in : (1886)ILR8All650

Judge : Oldfield and; Tyrrell, JJ.

Appellant : Param Sukh and ors.

Respondent : Ram Dayal

Judgement :

Oldfield, J.

1. This appeal is preferred against the order of the Subordinate Judge of Aligarh, passed upon objections of the judgment-debtor, against whom a decree of the Privy Council was being executed. The decree-holders took out execution for a sum of 119-11 awarded to them, and the question is, at what rate of exchange that sum should be made available to the decree-holders in rupees.

2. It appears to me that, under the last paragraph of Section 610, the amount payable must be estimated at the rate of exchange 'or the time being fixed by the Secretary of State for India in Council,' and that the words 'for the time being' mean the year in which the amount is realized, or paid, or execution taken out, and not the year in which the decree was passed. The rate of exchange being fixed yearly by the Secretary of State for India in Council, the rate of exchange on the

date of the application for execution was the proper rate of exchange the decree-holders were entitled to. On this point, therefore, this appeal succeeds.

3. The appellants' pleader gives up the other plea as to the decree-holder's right to costs of execution.

4. The lower Court must be directed to proceed with the application for execution of decree in accordance with the view of the law recorded above.

5. The decree-holders, appellants, are entitled to the costs of this appeal, which are fixed at one gold mohur or Rs. 16.

Tyrrell, J.

6. I concur.

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