

**Ram Nihora Misir Vs. Ram Rup Misir and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/464306](http://sooperkanoon.com/464306)

**Court :** Allahabad

**Decided On :** Dec-03-1909

**Reported in :** 4Ind.Cas.408

**Judge :** Karamat Husain, J.

**Appellant :** Ram Nihora Misir

**Respondent :** Ram Rup Misir and ors.

**Judgement :**

**Karamat Husain, J.**

1. The facts are briefly these;--Ram Nihora Misir presented an application to be declared an insolvent. The Court below after a careful consideration of the evidence tendered by him and by his creditors came to the conclusion that the applicant was in a position to pay his debts and rejected his application.

2. The learned District Judge at the end of his judgment says: 'it will thus be seen that he is at present worth over Rs. 250 and can liquidate his debts. I find that he has failed to make out a case for a declaration of insolvency, and I reject his petition with costs.' The applicant has preferred an appeal from that order. It is argued by his learned Vakil that the learned District Judge was in error in dismissing the petition under Section 15 of the Insolvency Act. In my opinion the Court below was perfectly right in dismissing the petition under the said section.

The learned Vakil for the appellant, however, contends that as soon as an application for a declaration of insolvency is made, the Court notwithstanding a finding that the applicant can pay his debts is bound to declare him insolvent.

3. I am unable to accept this contention. Section 15 confers very wide powers upon Court and authorises it for 'any other sufficient cause' to dismiss the petition. The fact that the applicant is able to pay off his debts is, in my opinion, a sufficient cause for the dismissal of the applicant's petition. The result is that I dismiss this appeal with costs.

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