

Krishnayyar Vs. Venkayyar

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SooperKanoon Citation : sooperkanoon.com/785337

Court : Chennai

Decided On : Nov-10-1882

Reported in : (1883)ILR6Mad81

Judge : Charles A. Turner, Kt., C.J. and ;Kindersley, J.

Appellant : Krishnayyar

Respondent : Venkayyar

Judgement :

Charles A. Turner, Kt., C.J. and Kindersley, J.

1. The Court to which the decree was sent was bound to certify the fact of such execution, or, where such Court fails to execute the decree, the circumstance attending such failure.
2. Until that certificate has been received, it would ordinarily be the duty of the Court by which the decree was passed to abstain from issuing execution, for it might be assisting the decree-holder to recover a second time the amount of the decree. In moving the Court of Palmaner to transmit its certificate, we hold that the decree-holder applied to the proper Court to take a step in aid of execution.
3. This appeal fails, and is dismissed with costs.