

Nando Lal Vs. Chutterput Sing

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Court : Kolkata

Decided On : Feb-15-1902

Reported in : (1902)ILR29Cal235

Judge : Sale, J.

Appellant : Nando Lal

Respondent : Chutterput Sing

Judgement :

Sale, J.

1. It has been the practice of this Court to consider applications to transmit decrees, not applications for execution, and there is no section which says that on an application to transmit for the purpose of execution in another Court, notice must go. It is only when an application is made for execution.

2. But the only section under which an assignee can come in, is under Section 232 of the Code, and that section only provides for an application to the Court which passed the decree. There is no section under which an assignee can apply to transmit for execution to another Court. As the Code now stands, I submit, the assignee must come to the Court which passed the decree. At any rate, rather than run the risk of the judgment-debtor raising this point and incurring costs in the mofussil Courts, I ask in the first place for a notice to issue under Section 232 of

the Civil Procedure Code.

Sale, J.

3. Very well, let this be treated as an application for execution under Section 232 of the Civil Procedure Code, and let notice issue under that section to the assignee and the judgment-debtor.

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