

Queen-empress Vs. Gasper

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SooperKanoon Citation : sooperkanoon.com/857737

Court : Kolkata

Decided On : Sep-11-1894

Reported in : (1895)ILR22Cal935

Judge : W. Comer Petheram, C.J. and ;Beverley, J.

Appellant : Queen-empress

Respondent : Gasper

Judgement :

W. Comer Petheram, C.J. and Beverley, J.

1. It does not appear that the Code contains any provision for the trial of claims which may be preferred to property which is distrained under Section 386, and any orders which this Court might issue could only be by way of advice. We are of opinion that when the Magistrate had issued his warrant under that section in the form given in the schedule, he had done all that was required of him by the Code, and that he is nowhere required by law to try any claim that may be preferred to the ownership of the property distrained. We express no opinion as to how such claims can be determined.