

In Re: Isaac Shrager and ors.

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SooperKanoon Citation : sooperkanoon.com/859569

Court : Kolkata

Decided On : Jul-20-1906

Reported in : (1906)ILR33Cal1062

Judge : Sale, J.

Appellant : In Re: Isaac Shrager and ors.

Judgement :

Sale, J.

1. I think the Official Receiver and the Trustee in Bankruptcy are only entitled to appear in so far as they apply to carry out the order in aid: they have no locus standi to oppose the application for personal discharge, which is a proceeding under the Indian Act. The only question is as to the form the public examination shall take. My attention has been drawn to the procedure previously adopted in a similar case, where the Court here appointed a Commissioner, upon petition in the ordinary way, to take the evidence for transmission to the English Court. I prefer to follow that procedure rather than constitute myself a Commissioner to take the evidence in Court. Let the insolvents be sworn and discharged, they undertaking to attend on the public examination.