

In Re: Anonymous

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Court : Kolkata

Decided On : Jun-16-1878

Reported in : (1878)ILR3Cal767

Judge : Richard Garth, C.J., ;Jackson and ;Ainslie, JJ.

Appellant : In Re: Anonymous

Judgement :

Richard Garth, C.J.

1. Upon the question addressed to this Court by the Board of Revenue of the North-Western Provinces on the 29th of March last, we are of opinion that if a pleader is authorized by the vakalatnama under which he acts to receive monies or documents for his client in the course of the cause, which he is empowered to conduct, or as a consequence of the decree or any order of the Court in such cause, a Court of Justice might legally and with propriety direct a public officer to pay money or make over valuable documents to the pleader, provided that such money or documents have become receivable by the client in the ordinary course of the suit, or in consequence of the order or decree.

2. The receipt of money or documents under such circumstances is one of those ordinary duties which pleaders are continually called upon to perform for their clients, and a vakalatnama properly framed generally contains a power to perform such duties.

3. If, therefore, the Legislature had intended that in every such case a general or special power-of-attorney should be necessary to enable the pleader to receive the money or documents, it may be assumed that they would have said so in express terms.

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