

(1912) 05 CAL CK 0013
In the Calcutta High Court

Mohesh Chandra Shaha and Another	APPELLANT
Vs	
Rani Brindarani Chowdhurani and Others	RESPONDENT

Date of Decision : 20-05-1912

Acts Referred:

Citation : 15 Ind. Cas. 529

Hon'ble Judges : Stephen, J;Richardson, J

Bench : Division Bench

Judgement

1. This is an appeal against an order made in the execution of a mortgage-decree on the 6th April 1910, directing that the mortgaged properties should be sold in the order in which they stood in the sale proclamation. Since this order was made, the properties have been sold in. that order. That sale still stands although objections were taken to it not by the appellant now before us but by a third person. Now should the appellant succeed in making out that the order now before us is bad or improper, it would be futile for us to set it aside when that could not affect the sale which subsequently took place.

2. We say nothing as to the merits of the case before us which, in fact, hare not been gone into. Bat we dismiss the appeal merely because the appeal, if it were successful, would be fruitless. The " appeal is, therefore, dismissed with costs. We assess the hearing-fee at two gold mohurs.