

(1910) 04 MAD CK 0046
In the Madras High Court

Nalupurakkal Tarwad Karnavan Syyali	APPELLANT
Vs	
Kakki Mutaliar and Others	RESPONDENT

Date of Decision : 01-04-1910

Acts Referred:

Citation : 6 Ind. Cas. 397

Hon'ble Judges : Ralph Benson, J; Krishnaswamy Aiyar, J

Bench : Division Bench

Judgement

1. The District Judge does not find that sufficient assets have come into the hands of the defendant. The proper decree to make is only one against the assets. The personal decree ought to be set aside. In Nathuram Siviji Sett v. Kutti Haji 20 M.a 446 there was a finding that the defendants had taken sufficient assets.
2. We modify the decrees of the Courts below " by striking out the portion relating to the personal decree.
3. The defendant denied liability altogether and although he succeeds in getting rid of the personal liability, it must be remembered he is in possession of some assets.
4. The proper order as to costs will be that the appellant do pay half the respondents' costs throughout.