

(1908) 06 AHC CK 0002
In the Allahabad High Court

Partap Singh

APPELLANT

Vs

The Delhi and London Bank, Ltd.

RESPONDENT

Date of Decision : 05-06-1908

Acts Referred:

Citation : (1908) ILR (All) 393

Hon'ble Judges : Karamat Husain, J; Aikman, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Aikman and Karamat Husain, JJ.—This is an appeal from an order of the Court below refusing the appellant's application for the appointment of a receiver. The respondent Bank, which is not represented here, held a decree against the appellant for Rs. 35,000. In execution of this decree the respondent Bank attached two decrees held by the appellant, the aggregate amount of which is said to be upwards of a lakh of rupees. The Bank applied for sale of the decrees. The judgment-debtor presented an application to the lower Court stating that if the decrees were sold, the result would be that both he and the Bank would be losers, and he prayed the Court to appoint a receiver to realize the amounts of his decrees attached by the Bank. The learned Subordinate Judge in his order under appeal states that the judgment-debtor's case is a pitiable one, as there is very little likelihood of the decrees fetching a suitable price at the auction sale. But he was of opinion that Section 503 of the CPC did not apply to a case like the present, and accordingly rejected the application. In our opinion the opening words of the section are wide enough to cover a case like the present. We accordingly allow the appeal, set aside the order of the lower Court, and remand the case to that Court with instructions to re-admit the application under its original number in the register and adopt proper steps for the appointment of a receiver. We make no Order as to costs.