
(1908) 02 CAL CK 0018
In the Calcutta High Court
Case No : Appeal from Order No. 95 of 1907

Rani Keshabati Kumari

APPELLANT

Vs

W.O. Macgregor

RESPONDENT

Date of Decision : 19-02-1908

Acts Referred:

Citation : (1908) 02 CAL CK 0018

Final Decision : Dismissed

Judgement

1. This appeal purports to be against an order of the Deputy Commissioner of Dumka, dated the 26th February 1907, in respect of certain accounts filed before him by a gentleman who had been appointed ad interim receiver to a certain estate. This receiver has now been removed from the management and has submitted his accounts to the Deputy Commissioner, who has considered the accounts and given certain instructions with regard to them. Now the Petitioner, Rani Keshabati Kumari, has appealed to this Court saying that she is not satisfied with the order passed by the Deputy Commissioner on the 26th February 1907. A preliminary objection has been taken by the Respondent to the hearing of the appeal, namely, that no appeal lies. The pleader for the would-be-Appellant maintains that the order of the Deputy Commissioner is appealable, under cl. (24) to sec. 588, C.P.C. Cl. (24) of the section gives an appeal against orders under sec. 503, C.P.C. Now, the orders which appear to be appealable under sec. 503 are of four classes, first, orders appointing a receiver; secondly, orders removing a person in whose possession or custody the property may be from the possession or custody thereof; thirdly, orders committing property to the custody or management of a receiver and; fourthly, orders granting to such receiver such fee or commission on the rents and profits of the property by way of commission as the Court thinks fit.

2. The learned pleader for the Appellant contends that the order which the Deputy Commissioner has passed comes under cl. (f) of sec. 503. But cl. (f) of sec. 503 occurs in that part of the section which enumerates the receiver's

liabilities and it does not, it seems to us, contemplate the passing of any orders by the Court. This clause says that "every receiver so appointed shall pass his accounts at such periods and in such form as the Court directs. No doubt, in passing the receivers accounts the Court may have to give certain directions, but it does not appear to us that these directions are subject to an appeal to this Court under sec 688, cl. (24), C.P.C.

3. We, therefore, dismiss this appeal with costs, which we assess at Rs. 250. The application under sec. 622, C.P.C., filed on the 14th March 1907, is also dismissed.