
(1894) 10 MAD CK 0004
In the Madras High Court

Srinivasa Iyengar

APPELLANT

Vs

Seetharama Iyer and Others

RESPONDENT

Date of Decision : 22-10-1894

Acts Referred:

Citation : (1895) 5 MLJ 151

Hon'ble Judges : Muthusami Aiyar, J

Bench : Division Bench

Judgement

Muthusami Aiyar, J.—Three persons hold money-decrees against one Seetaramiah and one Venkatasami had with him certain stamps and other things of Rs. 95-2-0 value belonging to the-j judgment-debtor.

2. Petitioner had the property attached by prohibitory order on the 22nd December 1892. Another judgment-creditor Muni Ammal attached the

same on 16th January 1893 in execution of her own decree. Venkatasami paid Rs. 95-2-0 due by him to the judgment-1""", debtor into court on

the 3rd February 1893. On the same day but after payment into court one Manickam Chetty attached it as money due in the custody of the court

on the 30th March 1893. "The District Munsiff paid out of the deposit petitioner's costs and," divided the balance rateably among the three

creditors. To this order petitioner objects in revision and urges that Manickam Chetty attached after the money was realized and that this was not a

case for rateable distribution u/s 295, Code of Civil Procedure. Neither of these contentions seems tenable. Section 295 applies to every case

where by the process of the court in execution, property becomes available for distribution amongst judgment-creditors. Money paid into court by

reason of a prohibitory order does not become the property of the creditor at-

whose instance the prohibitory order was issued without a further order directing payment to him. Until then his position is that of an attaching creditor and under the CPC several decree-holders may successively attach the same property and claim rateable distribution. The mere payment into court does not constitute realization. There must be a further order directing its payment to a particular creditor or creditors. I see; no reason to disturb the order in revision. I dismiss the petition with costs.