

(1887) 02 CAL CK 0008
In the Calcutta High Court

Supramanyan Setty

APPELLANT

Vs

Hurry Froo Mug.

RESPONDENT

Date of Decision : 24-02-1887

Acts Referred:

Citation : (1887) ILR (Cal) 374

Hon'ble Judges : Trevelyan, J

Bench : Single Bench

Judgement

Trevelyan, J.—The question is whether the attorney has a lien in priority to the attaching creditor for costs incurred subsequent to the attachment.

2. It is admitted by Mr. Bonnerjee that the attorney is entitled to a lien for any costs incurred prior to the attachment. There is apparently no authority on the point. It seems to me to be wrong to decide that the attorney can go on holding this fund subject to a lien for his costs subsequently incurred. It seems to me what is attached is the right of the judgment-debtor at the time of the attachment, that is, the money subject to the lien for costs then incurred. Babu Nobin Chund Bural will be entitled to be paid the amount due to him for costs up to the 18th June 1886, the date of the attachment. Then Mr. Bonnerjee's client will be entitled to any balance that may remain as far as his claim extends ; any further balance, if any, to Babu Nobin Chund Bural in satisfaction of his claim for costs. Costs of both parties to be paid out of the fund in the first instance.