

FULL BENCH.

1896
July 21.

Before Sir John Edge, Kt., Chief Justice, Mr. Justice Knox, Mr. Justice Blair, Mr. Justice Banerji and Mr. Justice Aikman.

DIN DAYAL (DECREE-HOLDER) v. PATRAKHAN (JUDGMENT-DEBTOR).

Execution of decree—Suit of the nature cognizable in Courts of Small Causes—Civil Procedure Code, section 536.

Where the original suit is a suit of the nature cognizable in Courts of Small Causes, and the subject matter of the suit does not exceed Rs. 500 in value, no second appeal will lie in respect of an order made in execution proceedings relating thereto. *Harakh v. Ram Sarup* (1) approved. *Sri Bullov Bhattacharji v. Baburam Chattopadhyaya* (2) and *Aithala v. Subbanna* (3) referred to.

THIS case was referred to the Full Bench in respect of a point other than that upon which it was ultimately decided. At the hearing before the Full Bench it was, however, brought to the notice of the Court that the case was governed by the ruling in *Harakh v. Ram Sarup* (1).

Babu Durga Charan Banerji for the appellant.

Munshi Gobind Prasad for the respondent.

The judgment of the Court (EDGE, C. J., KNOX, BLAIR, BANERJI and AIKMAN, J.J.) was delivered by EDGE, C. J. :—

This is an appeal from the order of a Subordinate Judge passed in an appeal from an order of a Munsif on an objection filed to an application for execution of a decree. The suit was one of the nature cognizable by a Court of Small Causes, and the value of the subject matter did not exceed Rs. 500. It has been held by this Court in *Harakh v. Ram Sarup* (1) that section 536 of the Code of Civil Procedure bars such an appeal in such a case. The same view of the law was taken by the Calcutta Court in *Sri Bullov Bhattacharji v. Baburam Chattopadhyaya* (2) and by the Madras Court in *Aithala v. Subbanna* (3). We accordingly dismiss this appeal with costs.

Appeal dismissed.

(1) I. L. R., 12 All., 579.

(2) I. L. R., 11 Calc., 169.

(3) I. L. R., 12 Mad., 116.