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SHIVA NATH  
PRASAD  
v.  
TULSHI RAM.

*Brij Narain v. Mangal Prasad* (1) conclude this point and make the entire estate free from liability in case the debt is contracted for immorality. We think that the propositions laid down by their Lordships do not cover the point now before us. The question whether the interest of one coparcener can be attached and sold in execution of a decree against him was not a matter before their Lordships. The previous cases referred to above therefore still hold good. We are of opinion that this appeal has no force. It is accordingly dismissed with costs.

*Appeal dismissed.*

*Before Mr. Justice Sulaiman and Mr. Justice Daniels.*

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May, 21.

FAQIR CHAND AND ANOTHER (JUDGMENT-DEBTORS) v. SANT LAL (DECREE-HOLDER).\*

*Hindu law—Joint family property—Attachment of undivided share—Death of judgment-debtor—Attachment not there-by raised.*

The attachment of the undivided interest of a co-parcener creates a charge on his interest which is not extinguished by the death of that co-parcener. *Suraj Bansi Koer v. Shoo Prasad Singh* (2) and *Lachmi Narain v. Kunji Lal* (3), followed.

THE facts of this case so far as they are necessary for the purpose of this report, sufficiently appear from the judgment of the Court.

Dr. *Kailas Nath Katju*, for the appellants.

Babu *Piari Lal Banerji*, for the respondent.

SULAIMAN and DANIELS, JJ. :—This is an appeal by the judgment-debtors from an order passed in execution. *Faqir Chand* is the father and *Musammatt*

\* First Appeal No. 449 of 1924, from a decree of *Abdul Hasan*, Subordinate Judge of Dehra Dun, dated the 5th of August, 1924.

(1) (1923) I.L.R., 46 All., 95.

(2) (1879) I.L.R., 5 Cal., 148.

(3) (1894) I.L.R., 16 All., 449.

Śrīmati the widow of one Amir Chand, against whom the respondent had obtained a money decree in execution of which he attached his undivided share in the family house to the extent of a half. After the attachment but before the sale Amir Chand died and the decree-holder wanted to proceed with the execution against the attached property in the hands of the father and the widow. Objections were raised on behalf of the father which have been disallowed, hence this appeal.

Two points have been urged before us. The first is that the effect of the attachment ceased as soon as Amir Chand died inasmuch as the property was undivided joint family property which has survived to the father. The second point is that the father is in no case the legal representative of the deceased Amir Chand.

The first contention is contrary to what was laid down by their Lordships of the Privy Council in the case of *Suraj Bansi Koer v. Sheo Persad Singh* (1) where it was clearly held that the attachment of an undivided interest of a co-parcener created a charge on his interest which was not extinguished by the death of that co-parcener. That case has been followed by this Court in the case of *Lachmi Narain v. Kunji Lal* (2).

As to the second point we think that too has no force. If by attachment the decree-holder had created a charge on the interest of the deceased Amir Chand, the equity of redemption must vest in the father who is a surviving member. If for any reason the attachment were to cease, the property would vest in the father. Under these circumstances Faqir Chand, the father, was the legal representative against whom execution ought to proceed. By way of precaution the learned Subordinate Judge has also impleaded

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Musammat Srimati, the widow, in case she wanted to file objections. This she did not do. Under these circumstances the order passed cannot be said to be in any way wrong. The appeal is dismissed with costs.

*Appeal dismissed.*

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May, 22.

*Before Mr. Justice Lindsay and Mr. Justice Kanhaiya Lal.*

KASHI PRASAD AND ANOTHER (JUDGMENT-DEBTORS) v.  
MATHURA PRASAD AND OTHERS (DECREE-HOLDERS).\*

*Partition—Appeal against final decree—Execution—Application for execution by parties who did not themselves dispute the decree—Limitation.*

A decree in a suit for partition must be treated as a single decree and not as a series of decrees in favour of or against various parties to the case. Where, therefore, there has been an appeal and parties to the suit and the appeal are seeking to recover in execution sums of money awarded to them by the decree, limitation will run from the date of the appellate decree and not from the date of the final decree of the original court. Nor is the situation affected by the fact that the parties seeking execution did not, in the appellate court, take any exception to the decree. *Mashiat-un-nissa v. Rani* (1), distinguished.

THE facts of this case sufficiently appear from the judgment of the Court.

Mr. *Sankar Saran* and *Munshi Janki Prasad*, for the appellants.

*Munshi Gulzari Lal*, for the respondents.

LINDSAY and KANHAIYA LAL, JJ. :—This is an appeal in the execution department. It appears that on the 19th of March, 1923, B. Mathura Prasad and Harbans Prasad made an application for execution against the appellants here, namely, Kashi Prasad and Madan Mohan Prasad to recover a sum of Rs. 3,152.

\* First Appeal No. 316 of 1924, from a decree of Raj Behari Lal, Subordinate Judge of Ghazipur, dated the 12th of March, 1924.

(1) (1899) I.L.R., 18 All., 1.