

to have been a combination of two punishments one imposed under section 147 and the other under section 379 of the Indian Penal Code, but if a separate sentence of fine had been imposed under each of those sections, it would nevertheless have been a combination of punishments within the meaning of section 415.

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Smith, J.

The result is that in the present case the men concerned could have appealed, and as they did not do so, their application in revision cannot be entertained, and I agree with my learned brother that it must be dismissed.

1937

September, 10.

BY THE COURT (ZIAUL HASAN and SMITH, JJ.):—
For the reasons stated by us in our separate judgments, the revisional application is dismissed.

Application dismissed.

REVISIONAL CIVIL

Before Mr. Justice Bisheshwar Nath Srivastava, Chief Judge

LAL NARSINGH PRATAB BAHADUR SINGH (DECREE-HOLDER-APPLICANT) v. BABU SHEO NARAIN SINGH (JUDGMENT-DEBTOR-OPPOSITE-PARTY)*

1937

September, 14.

United Provinces Temporary Regulation of Execution Act (XXIV of 1934), sections 6 and 7—Application under section 6 rejected owing to applicant's failure to make necessary deposit within the time allowed—Second application under section 6, if maintainable.

There is no provision in the United Provinces Temporary Regulation of Execution Act (XXIV of 1934), debarring a cultivator from making a second application under section 6 of that Act where an earlier application has been rejected on account of the applicant's failure to deposit one-fourth of the decretal amount as required by section 7 of that Act within the time allowed by the court. If all the conditions prescribed by the Act are satisfied when the second application is made, the second application is maintainable.

Mr. Hyder Husain, for the applicant.

Mr. M. P. Srivastava, for the opposite-party.

*Section 115 Application No. 157 of 1936, against the order of Babu Mahesh Chandra, Munsif of Rae Bareilly, dated the 23rd of May, 1936.

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SRIVASTAVA, C.J.:—In this case an application made by the judgment-debtor under section 6 of the United Provinces Temporary Regulation of Execution Act (XXIV of 1934) was rejected on the 27th of February, 1936, on account of the applicant's failure to deposit one-fourth of the decretal amount as required by section 7 of that Act within the time allowed by the court. The judgment-debtor made a second application on the 21st of April, 1936, and made the necessary deposit. The learned Munsif accepted the application and passed an order under section 8 allowing the debtor to pay the balance in certain instalments.

The only contention urged on behalf of the decree-holder-applicant is that the first application having been rejected the second application was not maintainable. He is unable to point to any provision in the Act preventing the filing of a second application. The whole object of the legislation is to give relief to the cultivator if he satisfies certain conditions. It is not denied that all the conditions prescribed by the Act were satisfied when the second application was made. In the absence of any provision debarring the cultivator from making a second application after an earlier application has been rejected in the circumstances stated above, I can see no reason to hold that the present application was not maintainable.

I accordingly reject the application with costs.

Application rejected.