

The pleader for the respondent raised a further question as to the form of the notice. With regard to this we need only say that the law prescribes no form of notice. The learned pleader for the respondent also says that the notice was given by the Munsiff and was not signed by the landlord. But the law does not apparently require that the notice should be actually signed by the landlord. It is sufficient, if the notice is at the instance of the landlord calling upon the under-raiyat to quit the land; and it is quite immaterial whether the notice is actually given by the landlord himself or at his instance, provided that the notice signifies to the under-raiyat that the landlord has called upon him to quit the land.

With these remarks we set aside the decree of the Lower Appellate Court and remand the case to the Subordinate Judge.

The costs will abide the result.

s. c. g.

*Appeal allowed; case remanded.*

## ORIGINAL CIVIL.

*Before Mr. Justice Sale.*

NANDO LAL

v.

CHUTTERPUT SING.\*

1903

February 15.

*Decree, transmission of—Execution—Assignee of Decree—Notice—Civil Procedure Code (Act XIV of 1882) s. 232.*

In an application by an assignee of a decree for transmission of the decree and for notice to issue under s. 232 of Civil Procedure Code.

*Held*, that such application can only be treated as one for execution.

THIS was an application in Chambers made by an assignee of a decree upon a tabular statement, for transmission of a decree to Murshidabad, and for a notice to issue under s. 232 of the Civil Procedure Code.

*Mr. Dunne* for the assignee. I ask, in the first instance, for a notice to issue under s. 232 of the Civil Procedure Code.

\* Suit No. 65 of 1900.

1902

NANDO LAL  
v.  
CHUTTERPUT  
SING.

An application was made some time ago, and a decree transmitted with intimation that no notice under s. 232 had gone to the judgment-debtor. The Murshidabad Court has sent back all papers feeling a difficulty as to notice under s. 232 going from any other Court than the Court which passed the decree. As there is this difficulty, I ask for notice to issue under s. 232 of the Code.

[SALE J. It has been the practice of this Court to consider applications to transmit decrees, not applications for execution, and there is no section which says that on an application to transmit for the purpose of execution in another Court, notice must go. It is only when an application is made for execution.]

But the only section under which an assignee can come in, is under s. 232 of the Code, and that section only provides for an application to the Court which passed the decree. There is no section under which an assignee can apply to transmit for execution to another Court. As the Code now stands, I submit, the assignee must come to the Court which passed the decree. At any rate, rather than run the risk of the judgment-debtor raising this point and incurring costs in the mofussil Courts, I ask in the first place for a notice to issue under s. 232 of the Civil Procedure Code.

SALE J. Very well, let this be treated as an application for execution under s. 232 of the Civil Procedure Code, and let notice issue under that section to the assignee and the judgment-debtor.

Attorney for the applicant. *Romesh Chandra Basu.*

R. G. M.

## CRIMINAL REVISION.

*Before Mr. Justice Harington and Mr. Justice Gupta.*

EBRAHIM SIRCAR.

v.

EMPEROR.\*

1901  
November 15.

*Public Servant, receiver appointed under Land Registration Act, whether a—Non-attendance in obedience to order from public servant—Omission to produce*

\*Criminal Revision Nos. 407, 480, 546, and 547 of 1901, made against the orders passed by P. C. Mitter, Esq., District Magistrate of Rangpur, dated the 28th of March 1901.