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**[cpc](#) O. 21 R. 16 Transfer by operation of law - Declaratory decree.**

*Per Das J.: A decree declaring the [title](#) of the decree-holder to another decree previously passed in another suit does not effect a transfer of the earlier decree by operation of law and the decree-holder under the latter decree does not become the transferee of the earlier decree by operation of law within the meaning of O. 21, R. 16. A declaratory decree does not create or confer any new right but declares a pre-existing right. Therefore, when a declaratory decree declare the right of the decree-holder to another decree passed in an earlier suit, there is no divesting of [interest](#) of one person and vesting of it in another. There is no transfer at all and, therefore, the person in whose favour the declaratory decree is passed does not fall within O.21, R.16*

Read Here; [1955 PLRonline 0001](#) , [Jugal Kishore Saraf v. Raw Cotton Co. Ltd.](#)

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