

**Civil Procedure Code, 1908 (V of 1908) , O.21 R.11(2)(j), O.21 R.16, O.21 R.17—
Defective application.**

SC379 Per Das J: The application for execution was defective in that although it purported to be an application for execution under O. 21, R. 11, it did not comply with the requirement of that rule in that it did not specify any of the several modes in which the assistance of the court was required, but where this objection was not taken before the executing Court which could then have returned the application, nor was any objection taken by the appellant at any later stage of the proceedings, it is not open to the appellant to contend that the application is not maintainable.(Para 41)Per Bhagwati J.: Where the transferees had in their application for execution filed before the Civil Court not mentioned any of the particulars under O. 21, R. 11(2)(j) but had only stated that the Court should declare them the assignees of the decree as the decretal debt along with other debts were transferred by the transferors to them by the deed of assignment this was no compliance with the provisions of O. 21, R. 11(2)(j). An application made by an assignee of a decree must under O. 21, R. 16 be for the execution of the decree and not merely for the recognition of the assignment and for leave to execute the decree. This defect however, is not such as to preclude the transferees from obtaining the necessary relief. The defect is purely technical and might be allowed to be cured by amendment of the application

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