

Civil Procedure Code, 1908 (V of 1908) , O.21 R.16— Transfer by operation of law.

AIR 1930 Rang 308, Not approved. *Per Das J. : When on a true construction of the deed it actually operates to transfer a decree then in existence, no equitable principle need be invoked, for in that case the transfer is by the deed itself and as such is by an assignment in writing. It is only when the deed does not effectively transfer the decree because, for instance, the decree is not then in existence, but constitutes only an agreement to transfer the decree after it is passed that the invocation of the equitable principle of assignment becomes necessary and it is in those circumstances that equity fastens and operates upon the decree when it is passed and effects a transfer of it. AIR 1939 Rang 308, Not approved.*

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