clear, as in this case they are, the Judge is bound to give effect to them; and after a decree is confirmed by this court, no subordinate court has the power of making any alterations whatever in it. The act of the District Judge in altering the decree is, therefore, set aside.

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A review of the decree of this Court may, however, be applied for in the present case; and the lapse of time is not to prejudice the application.

Application granted.

Civil Petition.

March 23.

AMBA'RA'M HARIVALLABHDA'S .....*Applicant.*
HIMATSING KALIA'NJI .....*Opponent.*

Execution of Decree—Application for—Representatives of Judgment Creditor—Powers of Attorney—Act VIII. of 1859, *Secs.* 17 *and* 315—*Reg. II. of* 1827, *Sec.* v., *Cl.* 2.

Held that where one of several representatives of a deceased judgment creditor applies for the execution of a decree, the general powers of attorney contemplated by Sec. 17, Cl. 1, of Act VIII. of 1859 are not necessary; but it is sufficient, if the applicant is authorised, under Sec. 115, to act for the other representatives.

Held also that in executing a decree of a court of competent jurisdiction, the court executing it cannot question the validity of any portion of it Its duties are only of a ministerial character.

THIS was an application to set aside an order passed by E. P. Down, District Judge of Ahmedábád, confirming, in appeal, an order made by the Munsif of Viramgám, refusing to enforce a decree.

In 1837 a decree was passed, by mutual consent of the parties, by the Munsif of Viramgám, in favour of Rájíbhái Harivallabhdás and against Gulábdás Sablábhái, for the sum of Rs. 2,145-8-9, with interest, from the date of the decree until full payment, at the rate of twelve per cent. per annum.

The decree was partially executed in 1856.

On the 3rd of May 1862, the original judgment creditor, Rájíbhái, having died, his brother Ambárám, for himself and as mukhtyár for his nephews, Baldev Bálmukan, Vrijbhúkan Lálbhái, Gulábchand Lálbhái, and Ranchhod Lálbhái, they all jointly representing Rájíbhái, applied to the Munsif

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of Viramgám for a further execution of the decree against the legal representatives of the judgment debtor, who, on being served with a notice of such application, replied that the decree had been more than fully satisfied.

The Joint Munsif of Viramgám, A'zam Temulji Hormasji, rejected the application on the following grounds:—

"1st. That the petitioner, Ambárám, could not be allowed to act under the mukhtyárnámás produced by him, as they were each given for a particular purpose, namely, to get the decree executed, and on a stamp of the value of eight annas; whereas, under Sec. 17, Cl. 1, of the Code of Civil Procedure, a mukhtyárnámá should be general, and on a stamp of the value of Rs. 4.

"2nd. The mukhtyárnámá given to the petitioner, Ambárám, by Gulábchand, was not produced by him with the above application for the execution of the decree, but, as admitted by Ambárám himself, a long time after it was presented. He had, therefore, no authority to make the application at the time he did.

"3rd. It was ruled by the Judges of the late Sadr Court in Special Appeal No. 3349, decided on 1st July 1854 (*a*), that under the old Regulations interest could be awarded in a decree only up to the date of the decree itself. The decree in question, therefore, which allowed interest to accrue until the full liquidation of the amount decreed for, was illegal."

This decision was confirmed on appeal, upon the same grounds, by E. P. Down, District Judge of Ahmedábád.

The case was heard before COUCH, NEWTON, and WARDEN, JJ.

Nánábhái Haridás, for the applicant:—The lower courts were not justified in refusing to execute the decree in question. The provisions of Sec. 17, Cl. 1, of the Civil Procedure Code, as to general powers of attorney, did not apply to the present case; the application for execution being made by the legal representatives of the original decree-holder: Sec. 115 empowering one of them to appear for the others, if authorised in writing to do so, which Ambárám was. As to

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the second objection, although Ambárám had no power of attorney from Gulábchand at the time he made the application, it was allowed to be filed shortly afterwards, and was on the record for about two years before the application was disposed of by the Munsif. As to the third objection, the decree standing as it did, it was not competent to the Munsif or the Judge, whose duty it was to execute it, to pronounce upon the validity or otherwise of any portion of it.

Shántárám Náráyan, contra :—The decision of the District Judge on appeal in a matter like this is final. There is no special appeal allowed by law against it; and, the applicant not having made out a case for the court to exercise its powers of general supervision, under Reg. II. of 1827, Sec. v., Cl. 2, the application should be rejected.

COUCH, J. :—The Munsif rejected the application on three grounds: 1st, that the powers of attorney filed by Ambárám were special, and not general; 2nd, that Gulábchand's power of attorney was not presented with the application; and 3rd, that the award of interest in the decree after the date of the decree was illegal.

As to the first of these grounds, the Munsif was clearly wrong in holding that general powers of attorney were necessary to make this application. Sec. 115 of the Civil Procedure Code applies to this case. The persons making the present application stand in the place of the original plaintiff.

As to the second ground, it seems that the power of attorney signed by Gulábchand was not presented with the application; but it was filed long before the Munsif passed his decision upon the application. It was received *nunc pro tunc*; and he was, therefore, equally wrong in rejecting the application upon that ground.

Then with regard to the last ground, his duty was to enforce the Court's decree, and not to determine whether it was illegal or not.

The Judge has upheld the decision of the Munsif: we, therefore, set aside the orders of both; and direct that inquiry be made into the merits of the application.

Application granted.