

twelve years from the date thereof: *Kishen Kinkur Ghose and others v. Buroda Kant Roy and another* (b). Thereupon Bápúráv presented a petition to the High Court praying that the Agent's order should be set aside, on the grounds (1) that he (the Agent) had ordered the execution of a time-expired decree; (2) that he had confounded the periods of limitation applicable to the execution of decrees of the High Court and of the subordinate courts; and (3) that the execution sought was the execution of the Agent's decree, and not that of the High Court.

1868.  
BA'PURA' V  
KRISHNA  
v.  
MA'DHAVRA' V  
RA'MRA' V  
et al.

The case was heard this day before NEWTON and TUCKER, JJ.

*Vishvanáth Náráyan Mandlik* for the petitioner.

*Dhirajlál Mathurádás* for the opponents.

NEWTON, J.:—If the operative part of the High Court's decree is sought to be executed, the twelve years' limitation will apply to it, under Sec. 19 of Act XIV. of 1859; and I am of opinion that when we confirm the lower court's decree, it is embodied in ours. In this case I hold that the application was substantially to execute the substantial part of the High Court's decree. I agree with the rulings of the High Court of Calcutta, as stated by the Agent, and would not, therefore, interfere.

TUCKER, J.:—I concur.

*Petition rejected.*

(b) 8 Calc. W. Rep., Civ. R. 470.

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*Civil Petition.*

NA'GA'PPA' bin HULGAPPA' ..... *Applicant.*

Nov. 12.

*Practice—Extraordinary Applications—Copy of Orders passed by Lower Courts.*

All applications to the High Court in the exercise of its extraordinary Civil Jurisdiction should be accompanied by a copy of the orders of the lower courts made in respect of the matter of such application, and should be presented within the time allowed for the presentation of special appeals.

**I**N this case the petitioner applied to the Munsif of Mudebihál, in the Kaládghi District, to obtain a division of

1838.  
*In re*  
 NA'GA'PPA'  
 HULGAPPA'.

certain lands in execution of a decree, but his application was refused, on the ground that the Collector objected to the division sought.

In appeal the Judge, A. R. Grant, confirmed the Munsif's decree.

Thereupon the petitioner presented the present application to the High Court for the exercise of its extraordinary jurisdiction, under cl. 2, Sec. v. of Reg. II. of 1827. The application was not accompanied by a copy of the orders passed by the lower courts, but only by a translation of the Judge's order; the Registrar, therefore, objected to receive it. It was brought before the Court (NEWTON and TUCKER, JJ.).

*Nánábhái Haridás* for the petitioner.

NEWTON, J. :—Sec. 38 of Act XXIII. of 1861 requires that the procedure prescribed by Act VIII. of 1859 should be followed in all miscellaneous cases and proceedings. We, therefore, hold that all applications for the exercise of the Court's extraordinary jurisdiction should be accompanied by a copy of the orders of the lower courts, and also that such applications should be presented within the same period in which special appeals are required to be presented. In the present case a copy of the Munsif's order is not produced, nor is a copy of the order, which the Judge is required to record in English, produced, but only a translation in Canarese of the latter order; a translation of such an order, however, cannot be received as an accompaniment required by the Code of Civil Procedure.

At the request of the petitioner's *vakil*, we allow the application to be withdrawn, in order that he may present it again with the necessary accompaniments.