dated the 17th March 1873. The Subordinate Judge issued a notice required by Sec. 216, and proceeded to execute the decree as if it were a decree of his own Court. This procedure is quite correct and is not at variance with the dictum of the Chief Justice in *Ládkuvarbái* v. *Ghoel Shri Sarsangji* (*supra*), where the decree had been transmitted for execution after a year. He also quoted *Govind Hari* v. *Shidrám* (*c*).

Nagindás Tulsidás appeared for the respondent.

PER CURIAM :—The observation of the Chief Justice in *Ládkuvarbái* v. *Ghoel Shri Sarsangji* has reference to a case in which more than a year had elapsed between the date of the decree and its transmission to another Court for execution. In the present case, there had been no such interval; and we can see no reason for holding that the Court, to which the decree was sent for execution, had not the power to take the same steps, including the issue of a notice under Sec. 216, which it could take in execution of its own decree. We reverse the order of the District Judge and order that execution do proceed. Costs on respondent Jámnadás.

Order accordingly.

[APPELLATE CIVIL JURISDICTION.]

Appeal No. 1 *of* 1874 *under Act XX. of* 1864.

March 27.

In re MOTIRA'M RU'PACHAND.

Minor—Procedure—Act XX. of 1864, *Secs.* 2 *and* 8—*Defendant—Certificate of Administration.*

Section 2 of Act XX. of 1864, does not prohibit a person having a claim against a minor from bringing a suit until a certificate of administration has been granted. He may properly bring his suit, but immediately after his doing so he should apply to the District Judge for the appointment of an administrator, and it is competent to the District Judge under Sec. 8 of the Act to make that appointment.

THIS was an appeal from the decision of G. A. Hobart, Judge of the District of Khandesh.

(*c*) 7 Bom. H. C. Rep. A. C. J. 37.

1874.

MOTIRA'M RU'PACHAND.

Motirám Ru'pachand applied to the District Judge requesting him to appoint an administrator to the estates of certain minors whose father owed him a debt exceeding Rs. 250 in value.

The District Judge rejected his application on the ground that the applicant was neither a relative nor a friend of the minors.

The appeal was heard by WESTROPP, C.J., and MELVILL, J.

Sha'nta'ra'm Nárayan for the appellant.

PER CURIAM :—Sec. 2 of Act XX. of 1864, except when the property of the minor is of small value not exceeding Rs. 250, prohibits any person from instituting or defending on behalf of the minor, any suit connected with the estate of the minor of which he claims charge, until he shall have obtained a certificate of administration under the Act. That does not amount to a prohibition to any person having a claim against the minor from bringing a suit in respect of such claim until a certificate of administration is granted, but he should immediately upon bringing it apply to the District Judge that an administrator should be appointed under Act XX. of 1864, if there be none. It is right and necessary that there should be some person to watch over the interest of the minor in such suit. Sec. 1 of the Act vests the care of the person and charge of the property of the minor in the Civil Court, *i.e.*, (Sec. 34) in the present case the District Judge. No relative having, as yet, been appointed as administrator of the estate of the minors, it is competent for the District Judge, under Sec. 8 of the Act, to appoint a suitable person to be administrator, and inasmuch as there has been a suit brought against the minors in respect of a part of their property, it is necessary for their interest that a proper provision should be made for the charge of that property and for their defence. The order of the District Judge is, therefore, reversed and he is directed to appoint such an administrator. This course is in accordance with that prescribed in *Dhondibá* v. *Kusá* (*a*) and in

(*a*) 6 Bom. H. C. Rep. A. C J. 219.

Appeals, under the Minor's Act XX. of 1864, No. 6 of 1870, decided 6th February 1871, and Nos. 10, 11, 14 and 15 of 1871, decided 12th February 1872. *See* also *Vijkor* v. *Jijibhái* (*b*).

1874.
MOTIRA'M RU'PACHAND

Order accordingly.

[APPELLATE CIVIL JURISDICTION.]

Special Appeal No. 233 *of* 1873.

March 30.

HARI YEMA'JI and others...*Defendants and Appellants.*

PARSHRA'M GUNDO .....*Plaintiff and Respondent.*

Rent—Notice of enhancement.

An *Inamdar* is not entitled to recover an increased rent if he has given notice of such increase in December 1870 for the current year 1870-71.

THIS was a special appeal from the decision of R.F. Mactier, District Judge of Satara, amending the decree of the Subordinate Judge of Karar.

Parshrám Gundo sued to recover the rent of certain *Inám* land belonging to him, for two years, viz., Rs. 20 for Shake 1791, and Rs. 50 for 1792, the latter being enhanced rent, and alleged that he had given notice of enhancement to the defendants. Hari and others denied the plaintiff's right to the enhanced rent. The first Court gave the plaintiff a decree for rent at the usual rate, rejecting his claim to the enhanced rent demanded. In appeal, this decree was amended by the District Judge who granted the enhanced rent claimed by the plaintiff for Shake year 1792 (A.D. 1870-71). In special appeal the case was remanded by the High Court for the determination by the lower appellate Court of certain issues one of which was :—Was notice of enhancement given in this case, before the beginning of the season of cultivation for which an enhanced rent was demanded ?

On this issue the District Judge returned the following findings—

(*b*) 9 Ibid 310.