delivered, ought to have been dated the 11th November—*Rámkrishna* v. *Ramábái*[1].

Ghanashám N. Nádkarni appeared for the opponents to show cause:—The present application is not one to be entertained under the extraordinary jurisdiction of the High Court. The Judge has not exercised his jurisdiction wrongly or with material irregularity—*Amir Hasan Khan* v. *Sheo Baksh Singh*[2].

BAYLEY, C. J. (Acting):—Having regard to the long established practice of the Courts in England—see *Miles* v. *Bough*[3]—and to the decision in *Rámkrishna* v. *Ramábái*[1], we think that the Judge's judgment of 30th November, 1892, should be treated as operating as if it had been delivered on the 11th November, 1892, when the arguments were closed and the Judge took time to consider his judgment. Under these circumstances nothing further remains to be done than for the original plaintiffs to apply for execution under section 234 of the Civil Procedure Code. There is no necessity to place the names of the opponents on the record for the purpose of re-hearing the appeal, and we, therefore, discharge the rule. The parties to bear their own costs of the rule.

Rule discharged.

(1) I. L. R., 17 Bom., 29. (2) I. L. R., 11 Cal., 6.
(3) 3 Dowl. and Lowndes, 105.

APPELLATE CIVIL.

Before Mr. Justice Farran and Mr. Justice Candy.

MORO NA'RA'YAN JOSHI (ORIGINAL PLAINTIFF), APPELLANT, *v.* BA'LA'JI RAGHUNA'TH AND OTHERS (ORIGINAL DEFENDANTS), RESPONDENTS.*

1894. *September* 25.

Limitation Act (XV of 1877), Sch. II, Arts. 140, 141 *and* 144—*Alienation by a Hindu widow—Subsequent adoption by widow—Suit by the adopted son to recover possession—Adverse possession—Adoption—Rights of adopted son.*

The childless widow of a separated Hindu being in possession of his property as his heir, alienated it in the year 1868. Twenty years afterwards (13th May, 1888) she adopted a son, who in 1890 brought the present suit to recover the alienated property.

* Second Appeal, No. 730 OF 1892.

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Held, that the suit was not barred by limitation.

Per FARRAN, J.:—Whether article 140 or article 144 of Schedule II of the Limitation Act (XV of 1877) applied to the case, the suit was not barred; for if it fell under article 140, the possession of the defendants adverse to the widow could not affect the plaintiff's rights, and if it fell, as it seemed to do, under article 144, the possession of the defendants did not become adverse to the plaintiff until he became entitled to possession of the property upon his adoption.

Srináth v. *Prosunno*(1) and *Kokilmoni Dassia* v. *Mánick Chandra*(2) followed.

Per CANDY, J.:—The suit was governed by article 144, under which the period of limitation began to run from the time when the possession of the defendants became adverse to the plaintiff on his adoption in 1888. Assuming that the possession of the defendants was adverse to the widow, that fact did not affect the plaintiff, who did not derive his right to sue from or through her.

SECOND appeal from the decision of R. S. Tipnis, Acting Assistant Judge of Thána, confirming the decree of Ráo Sáheb K. S. Bodas, Second Class Subordinate Judge of Mahád.

Pándurang Raghunáth and Malhár Báláji were two separated cousins. Pándurang died, leaving a son Náráyán, who died childless, leaving his widow Ramábái his heir.

Malhár left him surviving two sons, Raghunáth and Krishnáji.

In the year 1868, Náráyan's widow, Rámábái, who was in possession of her husband's property (consisting of certain lands and a moiety of a house and a yard) alienated it to Raghunáth and Krishnáji.

Twenty year afterwards, *viz.*, on the 13th May, 1888, Rámábái adopted the plaintiff Moro, one of the sons of Krishnáji. He sued (No. 200 of 1889) Krishnáji and the sons of Raghunáth for redemption, alleging that the lands had only been mortgaged to them by Ramábái in the year 1868. The defendants denied the mortgage and claimed the lands as their own. The mortgage-deed being unregistered was held not proved, and the suit was dismissed.

The plaintiff thereupon in the year 1890 brought the present suit against the defendants, the sons of Raghunáth, to recover joint possession of a moiety of the house and yard and separate possession of half the lands, together with mesne profits of two years. The plaint alleged that the other half of the lands, which was in Krishnáji's possession, had been restored by him to the

(1) I. L. R., 9 Cal., 934. (2) I. L. R., 11 Cal., 791.

plaintiff. He contended that Rámábai had no right to alienate the property, which yielded sufficient income to provide for her maintenance.

The defendants answered (*inter alia*) that since their father's death, which took place about fifteen years before the institution of the suit, they had been in possession of the property as owners; that they were the sole owners of a part of the house and the court-yard; that the other part was in the joint ownership of themselves and Krishnáji, and that assuming that Rámábái had transferred the property to Krishnáji and Raghunáth, the plaintiff was not entitled to succeed, they being the reversionary heirs of Rámábái's deceased husband, Náráyan Pándurang.

The Subordinate Judge found (*inter alia*) that Rámábái had alienated the property in dispute, except the house and the yard, to defendants' father and Krishnáji Malhár in 1868; that it was not proved that the alienation was made for any of the purposes which would justify a Hindu widow in alienating her husband's property; that Rámábái was the owner of the house and the yard in dispute; that the claim to these was barred by the defendants' adverse possession; that the suit to recover possession of the rest of the property was not time-barred, and that the plaintiff was not entitled to recover possession, as the property had been already alienated to reversioners before his adoption. He, therefore, rejected the claim.

The plaintiff appealed, and the defendants presented cross objections. The Judge held that the defendants' possession of the lands as well as of the house and the court-yard was adverse to Rámábái, and, therefore, the plaintiff's claim to both sets of properties was time-barred. He, therefore, confirmed the decree.

The plaintiff preferred a second appeal.

Lang (Advocate General) with *Vishnu K. Bhatavdekar* appeared for the appellant (plaintiff):—The defendants obtained possession by virtue of an alienation by a widow and not as trespassers as found by the Judge. The original mortgage is not registered, and is, therefore, inadmissible, but there is another mortgage in the case (Exhibit 51) which contains a recital that the defendants had obtained the lands from Rámá-

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bái under an alienation by her. The alienation was, according to the findings of both the lower Courts, not for necessary purposes, and, therefore, invalid, and the plaintiff as the adopted son is entitled to question it. Our right to question it arose on the date of our adoption in 1888 and not on the date of the alienation or the death of our adoptive mother—*Srináth* v. *Prosunno*(1); *Kokilmoni Dassia* v. *Manick Chandra*(2). The present suit is governed by either article 141 or 144 of Schedule II of the Limitation Act, and under neither of the articles is the suit barred. As to article 143, Ramábái, who aliened the property, is still alive, and, therefore, there is no adverse possession. As to article 144, time would begin to run when the defendants' possession became adverse to us. Their possession became adverse to us when our adoption took place. The fact that the alienation was made to the reversioners cannot affect our right—*Rámphal Rái* v. *Tula Kuari*(3); *Giriowa* v. *Bhimáji*(4); *Lakshman* v. *Rádhábái*(5); *Krishnáji Janárdhan* v. *Morbhat*(6).

Inverarity with *Mahádeo C. Apte* appeared for the respondents (defendants):—The recital in another mortgage-deed is not an admission that the lands were held in mortgage. Our possession is not that of an alienee of the widow. Supposing we held possession under the mortgage-deed, that deed being unregistered, we acquired no title under it. Our possession from the date of the mortgage has been under a void deed, and has been consequently adverse to the widow. Adverse possession is possession without title—*Churcher* v. *Martin*(7); *Madhava* v. *Náráyan*(8). Adverse possession against a Hindu widow bars the remedy of a subsequently adopted son—*Krishnáji Janárdhan* v. *Morbhat*(6), and also that of a reversioner—*Bábu* v. *Bhikáji*(9).

The suit is governed by article 144 of Schedule II of the Limitation Act. The adopted son is not a reversioner and cannot claim under article 141 of the schedule—Starling on Limit-

(1) I. L. R., 9 Cal., 934.
(2) I. L. R., 11 Cal., 791.
(3) I. L. R., 6 All., 116.
(4) I. L. R., 9 Bom., 58.
(5) I. L. R., 11 Bom., 609.
(6) I. L. R., 13 Bom., 276.
(7) L. R., 42 Ch., 312.
(8) I. L. R., 9 Mad., 244.
(9) I. L. R., 14 Bom., 317.

ation, p. 239 (2nd Ed.); *Azam Bhuyan* v. *Faizuddin*[1]; *Hashmat Begum* v. *Mazhar Husain*[2].

Supposing we came in as alienees of the widow, the plaintiff cannot question our title. A widow is competent to alienate with the consent of her next reversioners. She can also alienate to them—*Rájkristo* v. *Kishoree*[3]; *Mohunt Kishen Geer* v. *Busgeet Roy*[4]; *Ráj Bullubh Sen* v. *Oomesh Chunder Rooz*[5]; *Shama Soonduree* v. *Shurut Chunder Dat*[6]. At the time of the alienation, Raghunáth and Krishnáji were the next reversioners, and to them Ramábái conveyed the estate—*Nobo Kishore* v. *Harináth*[7].

FARRAN, J.:—The facts which give rise to this appeal are accurately stated in the judgment of my learned colleague. The Assistant Judge has found that the defendant's possession of the lands, as well as of the house and yard, has been adverse to the widow, and that the suit of the adopted son to recover possession is barred as to both classes of property. Though it may be open to question whether his decision as to the defendants' possession of the lands being adverse to the inheritance is correct in law, I deal with the case upon the footing that there is no distinction to be taken between the two classes of property.

As the cause of action of the widow to recover possession of the property accrued in 1868, only three years before the coming into force of Act IX of 1871, the case must be considered with reference to the provisions of that Act and of the Act (XV of 1877) at present in force. The rulings under Act XIV of 1859 cannot now be relied on. This is pointed out in *Hurináth* v. *Mohunt Mothoor*[8], and indeed there is a marked difference between the wording of the old and of the new enactments. The case of *Krishnáji* v. *Morbhat*[9], in which the dates show that the cause of action had accrued more than twelve years before the coming into operation of Act IX of 1871, and which at first sight appears to be a ruling on the question of limitation raised in this case, is not for that reason an authority to guide us. The

(1) I. L. R., 12 Cal., 594.
(2) I. L. R., 10 All., 343.
(3) 3 Cal. W. R., 14.
(4) 14 Cal. W. R., 379.
(5) I. L. R., 5 Cal., 44.
(6) 8 Cal. W. R., 500.
(7) I. L. R., 10 Cal., 1102.
(8) L. R., 20 I. A., p. 183.
(9) I. L. R., 13 Bom., 276.

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possession of the defendant there had ripened into ownership before the Act of 1871 came into force, and the passing of that Act did not affect his title or revive the plaintiff's right to sue—section 2, and see *Appasami* v. *Subramanya*[1]. This consideration must, I think, have been present to the minds of the Judges who decided *Krishnáji* v. *Morbhat*, as they do not advert to the altered wording of the new Acts.

We have first to consider what article in the schedule is to be applied. Article 141 of the Act of 1877 is not applicable, as the plaintiff became entitled to possession of the property on his adoption, and not on the death of Ramábái, who is still living. That, I think, is perfectly clear. As to article 140, the plaintiff may perhaps in one sense be called a reversioner, the particular estate of the widow, on the failure of which he succeeds, being carved out of the fee-simple by operation of law and not by the grant of Náráyan Pándurang. If he ought so to be regarded, he would fall within article 140; but as that article is certainly applicable to reversioners of a different class, which (rather than the case of an adopted son) may be presumed to have been within the contemplation of the Legislature, it would be an unnecessary extension of the ordinary legal meaning of the term reversioner to apply it to an adopted son. Moreover, the full heir succeeding after the widow's death is treated in the Act not as a reversioner but as falling into a separate category.

The case of an adopted son superseding the widow's estate on his adoption is, I am inclined to think, a *casus omissus* in articles 140 and 141, and must, therefore, fall under the provisions of article 144. It is not, however, necessary actually to decide this, for it does not, I think, make any practical difference whether article 144 or article 140 is applied to the case. Under article 144 limitation does not run, as under the old law, from the time when the cause of action arose, but from the date when the possession of the defendant becomes adverse to the plaintiff or (section 3) to those from or through whom the plaintiff claims. Now an adopted son claims from and through his adoptive father. His adoption, however, does not relate back to the death of his adoptive father—*Bamundoss* v. *Mussamut*

(1) L. R., 15 I. A., p. 169.

Tarinee[1]. He comes in bound by such acts of the widow as would bind the natural heirs of the husband after her, and entitled to set aside (in the absence at all events of stipulations to the contrary) such unauthorised alienations of the widow as they succeeding upon her death would be entitled to set aside: Mayne's Hindu Law, para. 181 (5th Ed.). The only difference between him and other full heirs of the husband for the purpose I am considering seems to be that his rights spring into existence the moment of his adoption and displace the rights of the widow, while the rights of other reversioners await the determination of the widow's estate by her death. This view of the position of the adopted son and the exact wording of article 144 already referred to, appear to me to show that the considerations applicable to possession adverse to a Hindu widow barring or not barring under article 141 the person entitled to possession on her death, are also applicable to an adopted son superseding a Hindu widow. The reasoning, I mean in the cases decided under article 141, is applicable to the case of an adopted son. It would be a strange anomaly if the right of a defendant to retain the property of a Hindu husband wrongfully wrested from his widow should depend upon whether the husband is eventually succeeded after the widow by an adopted son or by a collateral heir.

Now, the Full Bench at Calcutta has decided that under the present law possession adverse to a Hindu widow for twelve years, where she has obtained possession and lost it, is not a bar to a suit for possession on the part of the heir succeeding upon her death—*Srináth* v. *Prosunno*[2]. *Kokilmoni* v. *Mánick Chandra*[3] is to the same effect. The High Court at Allahabad has, however, ruled that where (at all events) the possession of the adverse holder is founded upon a title destructive alike of the estate of the widow and of the person entitled to succeed upon her death, the possession which is adverse to the widow, if continued for the requisite period, bars the heir who succeeds her: *Ghandarap* v. *Lachman Singh*[4]; *Adi Deo* v. *Dukharan*[5]. In the Madras cases

(1) 7 M. I. A., p. 169.
(2) I. L. R., 9 Cal., 934.
(3) I. L. R., 11 Cal., 791.
(4) I. L. R., 10 All., 485.
(5) I. L. R., 5 All., 532 at p. 537.

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cited by Mr. Starling in his work on Limitation (p. 244) the change in the law is not discussed. I think that we should follow the Calcutta decisions to the extent above indicated, which is sufficient for the determination of the present case. It is unnecessary now to consider what would be the result if the widow had not been in possession. These decisions are, I think, tacitly approved by the Privy Council in *Hurrináth* v. *Mohunt Mothoor* (*supra*). They are in accordance with the literal wording of the article under which they are decided, which can only be escaped from by a rather strained process of judicial reasoning such as that adopted in *Saroda* v. *Doyamoyee*[1]. Moreover, this interpretation removes the anomaly in the previous law that a defendant in possession of land by the unauthorised grant of a Hindu widow could be displaced by the next full heir on the death of the widow though he had held possession as owner for more than twelve years, while he could not be so displaced if he had gained possession by force or fraud from the widow, or if, as in this case, (if the Assistant Judge is right) he entered under a grant from the widow and omitted to register it. The suit, therefore, is not barred if the case falls within article 140 of the Act. If, as I think it does, it falls within article 144, it is also not barred, as the possession of the defendant did not become adverse to the plaintiff until the plaintiff became entitled to possession of the property upon his adoption.

In coming to this conclusion I have fully considered the judgment in the Full Bench case of *Rádhábái* v. *Anantráv*[2], but I do not think that this judgment in any way conflicts with it or with the decision in that case.

The alternative defence of the defendants as to the lands also fails, as they do not in fact allege, and cannot prove, an alienation in favour of the reversionary heirs. They have succeeded by their defence in the former suit in having made *res judicata* against them the only alienation which could have been presumed in their favour. I think, therefore, that it is not necessary for me to consider the effect of an alienation by a Hindu widow in favour of reversionary heirs as against the rights of a subse-

(1) I. L. R., 5 Cal., 938. (2) I. L. R., 9 Bom., 198.

quently adopted son. I would reverse the decrees of the Courts below and award the plaintiff possession of the lands and premises claimed in the plaint, with costs. The mesne profits, if insisted on, can be ascertained in execution, being calculated during the three years before suit and until possession is given to the plaintiff.

CANDY, J.:—The facts of this case are these.

Ramábái, the childless widow of a separated Hindu, was in possession, in 1868, of certain property which had belonged to her deceased husband, *viz.*: (*a*) share in a house and a yard; (*b*) certain divided lands.

In 1868 that property passed into possession of her husband's divided cousins, Raghunáth and Krishnáji.

In May, 1888, Ramábái adopted the plaintiff, the son of Krishnáji. Raghunáth in the meanwhile had died.

In 1889 plaintiff in virtue of his adoption sued Krishnáji and the sons of Raghunáth to recover the lands, alleging a mortgage of them by Ramábái to Raghunáth and Krishnáji in 1868, and offering to redeem the same.

The sons of Raghunáth pleaded (*inter alia*) that they had been in possession as owner for many years. One of the issues framed by the Subordinate Judge was—

Whether the lands in suit are proved to have been given in mortgage to Raghunáth and Krishnáji by Ramábái? On this he found in the negative.

A copy of an unregistered mortgage deed in Raghunáth's handwriting was sought to be put in; but this was rejected, it being admitted that registration of the original deed was compulsory. There being no such evidence unconnected with the alleged mortgage deed as could afford basis for the conclusion that defendants held as mortgagees, the claim was rejected with costs (31st January, 1890).

Plaintiff then filed the present suit (No. 294 of 1890) against the sons of Raghunáth for possession of the share of the house and yard and of half the lands, alleging that Krishnáji had given up the half of the lands which had been in his possession

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and that as Ramábái had no right to alienate the property, he as adopted son was entitled to recover possession.

The Subordinate Judge found (*inter alia*) that the lands had been alienated in 1868 by Ramábái, but not for any purposes which would justify alienation by a Hindu widow, that the claim thereto was not barred by limitation, but must be dismissed, the alienees at the time being the next reversioners, and that the claim to the house and yard was barred by limitation.

Plaintiff appealed to the District Court. The Assistant Judge found that the claim to both items of property was barred by defendants' adverse possession, there being in his opinion no alienation by the widow.

Plaintiff has now made a second appeal to this Court; and the only points argued before us were the question of limitation, and the question whether defendants being in 1868 the reversionary heirs could on that ground resist the plaintiff's claim.

On the question of limitation I understood the learned Advocate General for plaintiff to rely on two points:

(*a*) The statement of the Assistant Judge that "defendants entered into possession (of the lands) by virtue of an alleged mortgage-deed."

(*b*) Article 141 of the Limitation Act is applicable.

Neither point is, in my opinion, in favour of plaintiff.

The Assistant Judge could not mean that defendants are mortgagees of the lands. As he pointed out, it is *res judicata* that they are not mortgagees. Article 141 of Act XV of 1877 is certainly not in express terms applicable; for it refers to a particular class of suit brought by a person entitled to possession of property on *the death of a female*. Here plaintiff sues as the adopted son of Náráyan, Ramábái's husband. He is entitled to possession, if at all, now, not at the death of any female.

I agree with Mr. Apte, who appeared for defendants, that the article of the Limitation Act to be applied is article 144, and according to that article the claim is not barred. For in the case of suits under that article the period of limitation begins to run from the time when the possession of the defendant becomes adverse to

the plaintiff. Here the possession of defendants could not have been adverse to plaintiff till his status as adopted son of Náráyan commenced in May, 1888. Assuming that the possession, held by the sons of Raghunáth, both of the lands as well as of the house and yard, was adverse to Ramábái, that fact does not affect plaintiff. He does not derive his right to sue from or through Ramábái (section 3, Act XV of 1877). She was merely the performer of a certain ceremonial which gave validity to his adoption. No doubt the position may be anomalous (the Calcutta High Court pointed out as startling an anomaly in the case of a widow and reversioners, see *Hurrináth* v. *Mohunt Mothoor*(1)); and there is a reported case which at first sight seems directly opposed to the view now proposed of article 144. It is *Krishnáji* v. *Morbhat*(2). But in that case, though article 144 of Act XV of 1877 was applied, no authorities were quoted, and it was expressly taken for granted that if the defendant had held adversely to the widow for twelve years, the suit would not be maintainable. Whether this would be true, supposing the property had never reached the widow's hands, and she thus had never been dispossessed, need not now be considered. But in the present case, and in the case just quoted, possession had passed from the widow to the defendant; and it is clear that if the possession adverse to the widow is not necessarily a bar to the subsequently adopted son, then there is no objection to the claim of the latter on the score of limitation. It is unnecessary to consider the numerous cognate cases which have arisen in reference to articles 140, 141 of the Limitation Act. As said before, the present suit cannot be brought within the terms of those articles. An adopted son, as such, suing for present possession of his father's estate, is not a remainder man, or reversioner, or devisee, nor is he one who is entitled to possession of that estate on the death of a female.

No doubt the widow may be regarded as having committed suicide (so to speak) by adopting a son to her husband, and thus destroying her widow's estate; and in this view the adopted son holds an analogous position to that of a claimant who is entitled to possession on the death of a female (article 141). By

(1) L. R., 20 I. A., 183 at p. 187. (2) I. L. R., 13 Bom., 276.

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that analogy he would not be barred in the present case, notwithstanding that Ramábái's right of action may be barred by twelve years' adverse possession. That was the question referred to the Full Bench in *Srináth* v. *Prosunno*[1], and decided in favour of the claimant. But as already remarked, I think that we are not entitled to apply article 141. We must, therefore, fall back on article 144. In such a claim made by an adopted son to recover his father's estate, if that estate has come into the hands of his father's widow, and has subsequently gone out of her possession, and if there has been no final judgment against her in a suit brought by her to recover the property, then *primâ facie* the only plea which the defendant in possession can raise, (supposing the son is suing within twelve years of his adoption) is that the widow parted with the property for necessary purposes. That plea cannot be raised in the present case by the sons of Raghunáth. They deny any alienation by the widow at all.

But it is contended on the authority of *Rájkristo* v. *Kishoree*[2], that as Raghunáth and Krishnáji were in 1868 the next reversioners, any act or omission of the widow in 1868 by which the property passed to Raghunáth and Krishnáji cannot be questioned by the subsequently adopted son. Reference was also made to the case of *Nobokishore* v. *Harináth*[3]. But in the former case what was decided was that a sale by a widow with the consent of all legal heirs at the time existing, ratified by solemn decrees of legal tribunals, delivered in cases wholly contested up to the highest Court of appeal, was binding upon the son adopted by the widow after thirty years. That is not the case here. In the latter case it was held that the relinquishment by a Hindu widow of her estate to the next male heir of her husband is valid, and that she can alienate it merely with his consent wthout any legal necessity. But here defendants, the sons of Raghunáth, do not plead relinquishment or sale by the widow.

From the remarks of the Subordinate Judge in his judgment in the suit of 1889 between the same parties it would seem that if defendants had pleaded a conveyance by the widow, nominally

(1) I. L. R., 9 Cal., 934. (2) 3 Cal. W. R., 14.
(3) I. L. R., 10 Cal., 1102.

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a mortgage, but really intended to convey the whole estate to the next heirs, there would have been some ground for holding that this is what was intended in 1868. But that is just what the defendants cannot now plead. They assert that they are trespassers. As such they must give way to the superior claims of the adopted son. Under this view the decision of the lower Courts must be reversed, and the plaintiff's claim to possession decreed, the claim as to profits being determined in execution.

Decree reversed.

APPELLATE CIVIL.

Before Mr. Justice Ránade and Mr. Justice Fulton.

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September 25.

MANCHHA'RA'M (ORIGINAL OPPONENT), APPELLANT, *v.* KA'LIDA'S AND ANOTHER (ORIGINAL APPLICANTS), RESPONDENTS.*

Res judicata—Estoppel—Fraud—Judgment obtained by fraud—Not conclusive inter partes—Succession Certificate Act (VII of 1889), *Sec.* 18, *Cls.* (*b*) *and* (*c*)—*Revocation of certificate.*

One Punja died in 1889, leaving behind him his daughter Máháli. Punja, it was alleged, had made a will appointing Kálidás and Kasandás as his executors. The executors applied for a certificate under the Succession Certificate Act VII of 1889 to recover a debt due to the deceased's estate from one Motirám. Máháli opposed this application, and claimed the certificate for herself by a separate application. The District Judge rejected Máháli's application, and issued a certificate to the executors on 14th September, 1892.

In the meantime, one Manchhárám obtained a decree against Máháli as legal representative of Punja, and in execution bought Punja's right, title and interest in the debt due from Motirám. On 12th September, 1892, Manchhárám applied for a certificate under Act VII of 1889 to recover this debt. The District Judge rejected this application. Manchhárám appealed to the High Court. To this appeal the executors were made parties at their own request. The High Court reversed the District Judge's order and remanded the case for disposal on the merits. Upon the remand the executors did not appear before the District Judge to contest Manchhárám's application, and the District Judge granted him a certificate. Thereupon he applied for revocation of the certificate previously granted to the executors; and the executors in their turn applied for a revocation of the certificate granted to him. The District Judge revoked Manchhárám's certificate on the ground that he had fraudulently concealed from the Court the previous grant of a certificate to the executors.

*Appeal, No. 59 of 1894.