

PAUFAYYA
AND SUBAYYA
v.
NARASANNAH
AND
K. SUBBAYYA.

235 puts on the party applying for execution the obligation of stating any adjustment between the parties after decree, that is, any matter not done through the Court, as well as any agreement through the Court.

The party making the application for execution of July 1880 did not state the adjustment as he was bound to do, and the result was that the Court was misled in granting the execution for the full unpaid balance.

We set aside the order for execution in favour of the alleged transferees with costs.

APPELLATE CIVIL.

Before Mr. Justice Kindersley and Mr. Justice Muttusami Ayyar.

1881.
January 21.

NÚKANNA AND TWO OTHERS, MINORS (BY THEIR MOTHER AND
GUARDIAN SÍTAIRINA), v. RAMASÁMI.*

Under the Civil Procedure Code (Act VIII of 1859) an application to the Court to continue the attachment of immovable property, but to stay the sale of it; *Held* to be a proceeding to keep in force the decree.

THIS was a second appeal against the order of the Acting Sub-Judge of Cocanada reversing the order of the District Munsif of Peddápúram.

Ratnavélu Mudaliar for the Appellant.

Subba Ráu for the Respondent.

The Court (KINDERSLEY, J., and MUTTUSÁMI AYYAR, J.) delivered the following

JUDGMENT :—Under the final clause of Section 230 of the Code of Civil Procedure, the Limitation Act of 1871 should be applied to the present case. We think that the application of the 5th October 1876, which in substance was to stay the sale, but to continue the attachment, which would otherwise be terminated by the sale, was one to keep in force the decree. It follows that in our opinion the application made on the 29th November 1878 is not barred.

We dismiss this appeal. There will be no order for costs.

* Civil Miscellaneous Second Appeal No. 589 of 1880 against the order of K. Kristnasámi Ráu, Acting Subordinate Judge of Cocanada, dated 13th August 1880.