

*Vithaldas v. Ebrahim Osman*.(1) There is a Full Bench decision of the Allahabad High Court, *Lal Singh v. Kunjan*,(2) in which a majority of the Court held that no appeal would lie. We are, however, not prepared to dissent from the view taken by the Division Bench of this Court. This second appeal must therefore fail, and we dismiss it with costs.

KARUPPAN  
v.  
AYYATHORAI.

## APPELLATE CIVIL.

Before Sir Arthur J. H. Collins, Kt., Chief Justice, and  
Mr. Justice Parker.

RÁJAGOPÁL AND OTHERS, *in re*.\*

1886,  
August 3.

*Letters Patent, s. 15—Civil Procedure Code, ss. 588, 592.*

Section 15 of the Letters Patent of the High Court at Madras being controlled by s. 588 of the Code of Civil Procedure, no appeal lies from the order of a single Judge of the High Court made under s. 592 of the Code of Civil Procedure rejecting an application for leave to appeal *in formâ pauperis*.

APPEAL under s. 15 of the Letters Patent against an order made by Brandt, J., dated 27th April 1885, rejecting an application for leave to appeal *in formâ pauperis* against the decree in Suit No. 74 on the Original Side of the Court.

Ammayi Ammal, next friend of the appellants, Rájagopál Pillai and others, her minor sons, appeared in person.

The facts necessary for the purpose this report appear from the judgment of the Court (Collins, C.J., and Parker, J).

JUDGMENT:—An order passed under s. 592 of the Code of Civil Procedure rejecting an appeal *in formâ pauperis* is not appealable under s. 588, which provides that no appeal shall lie from orders not specified in that section.

It has already been decided in *Achaya v. Ratnavelu*(3) that s. 15 of the Letters Patent is controlled by a similar section in the Civil Procedure Code which provided that an order shall be final, and that enactments to such effect are not beyond the legislative powers of the Governor-General in Council.

There is no appeal and this application must be rejected.

\* Letters Patent Appeal 8 of 1886.

(2) I.L.R., 4 All., 387.

(1) I.L.R., 2 Bom., 644.

(3) I.L.R., 9 Mad., 263.