APPELLATE CIVIL.

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

SAMBASIVA (PETITIONER), APPELLANT,

v.

SRINIVASA AND OTHERS (DEFENDANTS), RESPONDENTS.*

1889. April 1.

Civil Procedure Code, s. 232—Order rejecting petition for execution by transferee of decree—No appeal from such order.

A petition, by one claiming to be the purchaser at a Court sale of the interest of a decree-holder under a decree, for execution of the decree was rejected:

Held, no appeal lay from the order rejecting the petition.

APPEAL against an order made by the Subordinate Judge of Negapatam on a petition for the execution of the decree in original suit No. 80 of 1878.

The petitioner, claiming to be the transferee by operation of law of the decree in original suit No. 80 of 1878 by virtue of his purchase of the decree-holder's interest at a sale held in execution of another decree, applied for execution under section 232, Civil Procedure Code.

The Subordinate Judge rejected his petition.

The petitioner appealed to the High Court.

Sundara Ayyar for appellant.

Kalianaramayyar for respondent.

JUDGMENT.—We are of opinion that no appeal lies from the order of the Subordinate Judge.

The order passed is under section 232, Civil Procedure Code, and refuses to recognize the petitioner as the transferee of the decree by operation of law. The case seems identical with that decided by the High Court of Bengal in *Mohabir Singh* v. *Ram Baghowan Chowbey*(1).

We must dismiss the appeal with costs.

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* Appeal against Order No. 63 of 1888.

(1) I.L.R., 11 Cal., 150.