

JUDGMENT.

MUNISAM
MUDALI
*
MEENAKSHI
AMMAL.

This is an application to revise the order of the District Munsif of Vellore. The order is "the petition will be recorded". This is no order at all. Such an order should not have been passed on any petition. The District Munsif should have either allowed the petition or dismissed it. The order is therefore set aside and he is directed to hear the petition on the merits and dispose of it.

Costs of this application will abide the result.

K.R.

 APPELLATE CIVIL.

Before Mr. Justice Waller.

SREE RAJAH BOMMADEVARA NAGANNA NAYUDU
BAHADUR ZAMINDAR GARU (PRESENTANT), PETITIONER,

1927,
November 9.

v.

THURAGA PATTABHIRAMAYYA (OBJECTOR),
RESPONDENT.*

Indian Registration Act (XVI of 1908), sec. 75 (4)—Order under the section, made by a Joint Sub-Registrar—Revision against order, whether competent—Joint Sub-Registrar, whether a Court, subordinate to High Court—"As if he were a Civil Court", meaning of.

The Joint Sub-Registrar acts, under section 75 (4) of the Indian Registration Act, merely as if he were a Civil Court; but he is not a Court subordinate to the High Court within the meaning of section 115 of the Civil Procedure Code; consequently the High Court cannot interfere in revision with his orders.

PETITION under section 115, Civil Procedure Code, and section 107 of the Government of India Act to revise

* Civil Revision Petition No. 1017 of 1926.

NAGANNA
NAYUDU
v.
PATTABHI-
RAMAYYA.

the order of the District Registrar, Kistna, passed in Will Inquiry No. 6 of 1925.

The material facts appear from the judgment.

L. Venkatanarasayya for petitioner.

Gh. Raghava Rao and *S. Ramachandran* for respondent.

JUDGMENT.

I do not think that this Court has any power to interfere. The Joint Sub-Registrar acts under section 75 (4) of the Indian Registration Act merely as if he were a Civil Court. I do not think that he is a Court subordinate to this Court within the meaning of section 115 of the Code of Civil Procedure.

The petition is dismissed with costs.

K.R.

APPELLATE CIVIL.

Before Mr. Justice Jackson.

1927,
November 25.

RAMACHANDRA UPADYA AND ANOTHER (PETITIONERS),
PETITIONERS,

v.

SRINIVASA TANTRI AND ANOTHER (1ST AND 3RD RESPONDENTS,
DECREE-HOLDER AND PURCHASER), RESPONDENTS.*

*Civil Procedure Code (Act V of 1908), O. XXI, r. 89—
Sale in auction of the share of a member of a joint Hindu
family—Application by another member to set aside sale
under O. XXI, r. 89, whether competent.*

In a joint Hindu family, when the share of one brother is sold in execution, another brother can apply, under Order XXI, rule 89, of the Civil Procedure Code, to set aside the sale on depositing the amount specified in the rule, as a person holding

* Civil Revision Petition No. 1062 of 1926.