

WILSON, read as a whole, to suggest that the vesting under section 4, or the power of disposal under section 90, is dependent upon the grant of probate.

For the reasons given their Lordships are of opinion that the order of remand made by the High Court on the 9th December 1925, was right, and that this appeal should be dismissed, and they will humbly advise His Majesty accordingly. The appellants must pay the costs of the respondents of the appeal.

Solicitors for appellants—*Douglas Grant & Dold.*

Solicitors for respondents—*Chapman-Walker & Shephard.*

VENKATA  
SUBAMMA  
v.  
RAMAYYA.

SIR GEORGE  
LOWNDES.

A.M.T.

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## APPELLATE CIVIL—FULL BENCH.

*Before Mr. Justice Waller, Mr. Justice Jackson and  
Mr. Justice Krishnan Pandalai.*

CHINTADA CHITTAYYA AND TWO OTHERS (PLAINTIFFS  
1 TO 3), APPELLANTS,

1931,  
November 27.

v.

THE SECRETARY OF STATE FOR INDIA IN COUNCIL  
REPRESENTED BY THE COLLECTOR OF KISTNA AND ANOTHER  
(DEFENDANTS 1 AND 2), RESPONDENTS.\*

*Madras Revenue Recovery Act (II of 1864)—Auction sale under—Confirmation of sale by Revenue Divisional Officer—District Collector's powers of revision—Madras General Clauses Act (I of 1891), sec. 3 (6)—Definition—Collector—Inapplicability to Madras Regulation VII of 1828 or Act II of 1864.*

G was in arrears of revenue and his land was put up to auction by the revenue authorities and was purchased by C. The Revenue Divisional Officer confirmed the sale in C's favour.

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\* Second Appeal No. 1938 of 1926.

CHITTAHYA  
 9.  
 SECRETARY  
 OF STATE  
 FOR INDIA.

On a petition put in by G, the District Collector cancelled the sale in favour of C.

*Held*, that confirmation of sales held under the Revenue Recovery Act and the issue of certificates, etc., are to be done by the Collector of the District and the exercise of similar power by the Deputy Collector in charge of a division is subject to the complete control of, and supervision and revision by, the Collector of the District who may "confirm, modify or annul" the order of his subordinate and issue "any further order in the case as he may see fit."

*Gnana Sambanda Pandaru Sannadhi v. David Nadar*, (1904) 14 M.L.J. 433, followed.

*Brahmayya v. Pappasetty*, (1921) I.L.R. 51 Mad. 695, overruled.

APPEAL against the decree of the District Court of Kistna at Masulipatam in Appeal Suit No. 201 of 1925 preferred against the decree of the Court of the Principal District Munsif of Gudivada in Original Suit No. 255 of 1923.

The second appeal came on for hearing in the first instance before MADHAVAN NAIR J. when his Lordship directed it to be posted before a Bench. The second appeal then came on for hearing before WALLER and JACKSON JJ. when their Lordships directed the matter to be placed before His Lordship the Chief Justice for being posted before a Full Bench. Pursuant to the orders of the Chief Justice, the second appeal came on for hearing before the Full Bench constituted as above.

*A. Venkatasubba Rao* for appellants.

*Government Pleader (P. Venkataramana Rao)* for first respondent.

*C. S. Govindaraja Mudaliar* for second respondent.

The JUDGMENT of the Court was delivered by

WALLER J.

WALLER J.—This Second Appeal has been referred to a Full Bench on account of a conflict between the cases reported as *Gnana Sambanda Pandara Sannadhi v. David*

*Nadar*(1) and *Brahmayya v. Pappasetty*(2). We do not think it necessary to say more than that, in our opinion, the first case, which was not brought to the notice of the Bench in the second, was rightly decided. The second case proceeds on the misconception that the definition in section 3 clause 6 of the Madras General Clauses Act of 1891 applied to Regulation VII of 1828 or to Act II of 1864.

CHITRAYYA  
v.  
SECRETARY  
OF STATE  
FOR INDIA.  
WALLER J.

Following the decision in *Gnana Sambanda Pandara Sannadhi v. David Nadar*(1) we dismiss the second appeal with costs (two sets).

G.R.

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## APPELLATE CIVIL.

*Before Sir Owen Beasley, Kt., Chief Justice and  
Mr. Justice Cornish.*

P. KRISHNAMACHARIAR (CLAIMANT—APPLICANT),  
APPELLANT,

1931,  
November 24.

v.

THE OFFICIAL ASSIGNEE OF MADRAS (RESPONDENT),  
RESPONDENT.\*

*Advocate—Property recovered by his exertions for client—Lien.*

An advocate has no lien upon property recovered by his exertions for a client, apart from any express agreement with the client to that effect.

APPEAL from the judgment of STONE J., dated 13th April 1931, and passed in the exercise of the Insolvency Jurisdiction of the High Court in Application No. 256 of 1931 in Insolvency Petition No. 79 of 1926.

(1) (1904) 14 M.L.J. 433.

(2) (1921) I.L.R. 51 Mad. 695.

\* Original Side Appeal No. 70 of 1931.