

APPELLATE CIVIL.

Before Mr. Justice Jackson and Mr. Justice Butler.

1934,
March 14.

VEDAVATHI *alias* LAKSHMI AMMA (PETITIONER),
APPELLANT,

v.

S. SADASIWA RAO AND ANOTHER (RESPONDENTS),
RESPONDENTS.*

Provincial Insolvency Act (V of 1920)—Official Receiver—Proof of person's debt—Order of Receiver rejecting—Appeal from—Limitation—Starting point—Notice of order not sent as per rules framed under the Act but aggrieved party having knowledge of order.

Time for an appeal from an order passed by the Official Receiver rejecting the proof of a person's debt runs from the date of his knowledge of that order, even though formal notice of the order was not sent to him as required by the rules framed under the Provincial Insolvency Act V of 1920.

APPEAL against the order of the District Court of South Kanara, dated 28th October 1930 and made in Original Petition No. 71 of 1930.

K. Srinivasa Rao for appellant.

K. P. Sarvothama Rao for respondents.

JACKSON J. The JUDGMENT of the Court was delivered by JACKSON J.—In this case the appellant knew of the order passed by the Official Receiver rejecting the proof of her debt in 1926 by 1927 and did not appeal till 1930. She argues that her knowledge was immaterial so long as formal notice was not conveyed to her, under this Court's rules. None of the cases cited before us go so far as this; cf. *Swaminathan v. Latchmanian*(1) and *Secretary of*

* Appeal against Order No. 292 of 1931.

(1) (1929) I.L.R. 53 Mad. 491.

State for India in Council v. Gopisetti Narayana-swami Naidu(1). And it is clear from the dictum of BLACKBURN J. quoted on page 506 that an order is complete and appealable before notice is issued. When an order has been duly issued, and a party is apprised of that order, time will run, even though it is directed that a notice of an order shall be sent.

The appeal is dismissed with costs.

A.S.V.

LAKSHMI
AMMA
v.
SADASIVA
RAO.
JACKSON J.

APPELLATE CIVIL.

Before Mr. Justice Madhavan Nair and Mr. Justice Jackson.

S. R. M. A. R. RAMANATHAN CHETTIAR (PLAINTIFF),
APPELLANT,

1934,
January 19.

v.

RAJA SIR ANNAMALAI CHETTIAR AND FOURTEEN
OTHERS (DEFENDANTS 1 TO 12 AND 14 TO 16),
RESPONDENTS.*

Code of Civil Procedure (Act V of 1908), O. I, r. 3—Applicability of, to joinder of causes of action—Minor—Trustee of estate of—Fraud committed by—Minor's remedies in case of—Agent of trustee aiding and abetting trustee in breach of trust—Suit for account by minor against trustee and agent in case of—Bad for multifariousness if—Dismissal of suit for multifariousness—Power of—Discretion as to—Liberal exercise of—Necessity—Plea of multifariousness tried as a preliminary issue—Finding as to multifariousness on—Election to amend plaint—Giving plaintiff opportunity for—Necessity—Application by plaintiff—Absence of—Effect—O. VI, r. 17.

The plaintiff's father, a money-lender with branches of his business in several places, died in 1915 leaving a widow,

(1) (1910) I.L.R. 34 Mad. 151.

* Appeal No. 418 of 1932.