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ment of the maker, such an introduction of the name is a sufficient signature. We do not mean to say that every introduction of the name of the maker into an instrument is a signature. As expressed in an English decision on the Statute of Frauds, the introduction of the name must amount to an acknowledgment by the party that it is his instrument, and if the name does not give such authenticity to the instrument it does not amount to what the Statute requires, Addison on Contracts, 7th ed., 159. In the heading of such a letter as that which is before us it is clear the name of the sender is introduced to authenticate the letter, or, in other words, to assure the person to whom it is addressed that the letter is sent by the person named. We consequently find that the letter is "signed" by the sender within the meaning of the Limitation Act, and that it constitutes a sufficient acknowledgment of the debt to satisfy that Act. The claim is therefore in no particular barred by limitation. (The learned Judge then proceeded to determine the appeal on its merits.)

*Appeal allowed.*

## APPELLATE CIVIL.

1878
*June* 24.

*Before Mr. Justice Turner, Officiating Chief Justice, and Mr. Justice Pearson.*

KARAM ALI (DECREE-HOLDER) *v.* HALIMA AND OTHERS (JUDGMENT-DEBTORS).*

*Execution of Decree—Transfer of Decree by Operation of Law—Act XXVII of 1860—Certificate to collect Debts—Act VIII of 1859 (Civil Procedure Code), s. 208.*

To enable the heir of a deceased person to apply, under s. 208 of Act VIII of 1859, for the execution of a decree held by such person, a certificate under Act XXVII of 1860 is not indispensable.

KARAM ALI, the son of Mir Ali, deceased, applied for the execution of a decree for money which had been held by his father. The Court of first instance rejected the application for the reason that Karam Ali had not obtained a certificate under Act XXVII of 1860 in respect of his deceased father's debts. On appeal by Karam Ali, the lower appellate Court affirmed the order of the Court of first instance.

* Miscellaneous Second Appeal, No. 12 of 1878, from an order of H. Lushington, Esq., Judge of Allahabad, dated the 19th December, 1877, affirming an order of Babu Mrityunjoy Mukarji, Munsif of Allahabad, dated the 13th August, 1877.

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Karam Ali appealed to the High Court.

Mir *Akbar Husain*, for the appellant, contended that Karam Ali was entitled to apply for execution of the decree, being admittedly the son of the original decree-holder, deceased. He relied on *Ikram Hossein* v. *Kirtee Chunder* (1); *Gopal Singh Deh* v. *Gopal Chunder Chukerbutty* (2); and *Kalee Churn Singh* v. *Ram Surun Singh* (3).

Babu *Ram Das*, for the respondent.

The Court delivered the following

JUDGMENT.—The Munsif appears to think that obtaining a certificate is indispensable to the competency of an heir to apply for execution under s. 208 of Act VIII of 1859. This is erroneous. A person who has not obtained a certificate may apply under that section. It will of course be open to the Court, in the exercise of the discretion vested in it, if there is any doubt that the person applying for execution is entitled by inheritance to the rights decreed, to refuse the application until a certificate has been obtained (4). The Munsif appearing to consider himself precluded from exercising his discretion, we must set aside his order and the order of the Judge, and remit the case to the Munsif that the discretion may be exercised. Each party will bear his own costs of the proceedings in the Judge's Court and in this Court.

*Cause remanded.*

## APPELLATE CIVIL.

1878
*June* 27.

*Before Mr. Justice Turner, Officiating Chief Justice, and Mr. Justice Pearson.*

HAIDRI BAI (PLAINTIFF) *v.* THE EAST INDIAN RAILWAY COMPANY (DEFENDANT).*

*Act X of* 1877 *(Civil Procedure Code), s.* 549*—Procedure in Appeal from Decree—Security for costs.*

Where the Appellate Court demands from an appellant security for costs, the Court may extend the time within which it orders such security to be furnished, but if no application is made for such extension of time and such security is not furnished within the time ordered, it is imperative on the Court to reject the appeal.

* First Appeal, No. 45 of 1878, from a decree of Rai Makhan Lal, Subordinate Judge of Allahabad, dated the 21st December, 1877.

(1) 3 W. R. Misc. 9.
(2) 7 W. R. 393.
(3) 11 W. R. 204.
(4) Where important questions arise, such as the legitimacy or illegitimacy of the heir, the Court executing the decree ought not to decide them—see *Abidunnissa Khatoon* v. *Amirunnissa Khatoon*, I. L. R., 2 Calc., 334.