

When the plaintiff proceeded to get execution under this decree, the defendant, to my mind most unfairly, raised an objection that the plaintiff could not have execution for a greater quantity of land in the particular plot than he had originally claimed. The Munsif being misled, in my judgment, as to the law, declined to make an order for the larger amount of land mentioned in the decree. Unfortunately the order was not appealed against, but the present suit was brought. It appears to me, so far as this suit is concerned, that it comes within s. 244 of the Civil Procedure Code, which prohibits a separate suit in a case of this kind. Therefore I am of opinion that the present suit cannot be maintained. I, however, throw out this suggestion, that the Munsif, having made an error in law, and having been misled into that error by an objection which had been improperly taken by the defendant, may properly, in an application for review, reconsider the order of the 9th April, 1885 and give the present plaintiff the benefit of the compromise, so that no injustice and hardship may occur.

The appeal is dismissed with costs.

OLDFIELD, J.—I concur.

Appeal dismissed.

Before Sir John Edge, Kt., Chief Justice, and Mr. Justice Oldfield.

NAURANGI KUNWAR (APPLICANT) v. RAGHUBANSI KUNWAR
(OBJECTOR). *

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Act XXVII of 1860, s. 6—Appeal to High Court—"Fresh certificate."

The fresh certificate contemplated by s. 6 of Act XXVII of 1860 means a certificate granted to a person other than the person to whom the first certificate was granted.

Where, therefore, a person to whom the District Court had granted a certificate under Act XXVII of 1860 appealed to the High Court and prayed for a fresh certificate, on the ground that the District Court should not have made the grant of certificate conditional upon her giving security to another person,—held that no appeal lay to the High Court in the case.

In this case Naurangi Kunwar, the widow of a deceased Hindu, applied to the District Judge of Azamgarh for the grant of a certificate under Act XXVII of 1860 for the collection of debts

* First Appeal No. 221 of 1886, from an order of J. M. C. Steinbelt, Esq., District Judge of Azamgarh, dated the 28th August, 1886.

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due to her husband. The application was opposed by Raghubansi Kunwar, daughter of the deceased. The District Judge passed an order as follows:—"Certificate granted to Musammat Naurangi on condition of her giving security to Musammat Raghubansi."

From this order Naurangi appealed to the High Court and applied for a fresh certificate, on the ground that the District Judge should not have made his grant of the certificate to her conditional upon her giving security to Raghubansi.

Babu *Jogindro Nath Chaudhri*, for the appellant.

Lala Juala Prasad, for the respondent.

A preliminary objection was taken on behalf of the respondent that no appeal lay in the case to the High Court under s. 6 of Act XXVII of 1860.

EDGE, C. J.—I agree with the contention of Mr. *Juala Prasad* that no appeal lies in this case to this Court. The fresh certificate contemplated by s. 6 of Act XXVII of 1860 means a certificate granted to a person other than the person to whom the first certificate was granted. The appeal is dismissed with costs.

OLDFIELD, J.—I concur.

Appeal dismissed.

CIVIL REVISIONAL.

Before Mr. Justice Brodhurst and Mr. Justice Tyrrell.

PARAS RAM (PETITIONER) v. KARAM SINGH AND OTHERS (OPPOSITE PARTIES).*

Execution of decree—Order of attachment—Judgment-debtor declared insolvent—Appointment of receiver—Vesting of insolvent's property in receiver—Objection to attachment—Jurisdiction to entertain objection—Civil Procedure Code, ss. 278, 251, 254.

Where property has been made the subject of attachment under Chapter XIX of the Civil Procedure Code, the right of an objector to assert his claim to be the true owner of the property under s. 278, and the jurisdiction of the Court to entertain the objection, are not ousted by the mere circumstance that the judgment-debtor has been declared an insolvent, and his property vested in a receiver under Chapter XX. It is the judgment-debtor's property only, not that of the objector, that is thus vested.

* Application No. 223 of 1886 for revision of an order of F. R. Wyer, Esq., District Judge of Meerut, dated the 13th August, 1886.

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