with it under the provisions of the Act for the benefit of the general body of the creditors. As a matter of fact, he appears to have made his application under s. 278, and it was so treated by the Subordinate Judge. Nor can the Official Assignee be considered to be a representative of the judgment-debtor within the meaning of s. 244. He represents the general body of the creditors for whose benefit the property of the judgment-debtor is vested in him in trust, and it was in this capacity, as representing them and for their benefit, that he made his application.

The Judge has, therefore, erred in regarding the respondent as a representative of the judgment-debtor and treating the matter as one to be dealt with under s. 244, Civil Procedure Code, the order on which was open to appeal ; and we cannot find that he is supported by the case he refers to (1), as there was no ruling in that case to the effect that the Official Assignee can be regarded as a representative of the judgment-debtor, and an application of this nature is one to be dealt with under s. 244, Civil Procedure Code.

We are of opinion, therefore, that the Subordinate Judge had only jurisdiction in the matter under s. 278, and he disposed of the application under that section, and the Judge had no jurisdiction to entertain the appeal. It is not necessary for us to consider the second question raised. We decree the appeal and set aside the Judge's order with costs.

Appeal allowed.

Before Mr. Justice Brodhurst and Mr. Justice Tyrrell.

KOLAI RAM AND ANOTHER (PLAINTIFFS) *v.* PALI RAM AND OTHERS
(DEFENDANTS)

Amendment of decree—Judgment awarding interest for period prior to suit—Decree directing interest to be paid from date of suit—Civil Procedure Code, ss. 206, 209.

The judgment in an appeal adjudged interest to be paid for the period prior to the institution of the suit only. The decree contained an order for payment of interest from the date of the suit onwards.

Held that no variance with the judgment, within the meaning of s. 206 of the Civil Procedure Code, was involved in the additional order contained in the decree.

(1) *Miller* v. *Mon Mohun Roy ;* I. L. R., 7 Calc. 215.

THIS was an application by the respondents for the amendment of the decree of the High Court in F. A. No. 125 of 1882. The grounds of the application are stated in the judgment of the Court.

Munshi *Hanuman Prasad*, for the respondents, applicants.

Pandit *Ajudhia Nath*, for the appellants, opposite parties.

BRODHURST and TYRRELL, JJ.—We are asked to amend this decree on the ground that it is at variance with the judgment in the appeal, inasmuch as the decree contains an order for the payment of interest from the date of the suit onwards, whereas interest was adjudged by the judgment for the period prior to the institution of the suit only. But no variance with the judgment is involved in this additional order contained in the decree. The decree agrees in all the respects with the judgment, according to the requirements of s. 206 of the Civil Procedure Code. It contains clearly and specifically all the reliefs adjudged by the Court, and the Court is competent under s. 209 to " order" *in its decree* that interest at a reasonable rate should be paid on the principal sum *adjudged* (*scil.* in the judgment) from the date of the suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the institution of the suit, with *further* interest at a reasonable rate on the aggregate sum so adjudged from the date of the decree to the date of payment, or such earlier date as the Court thinks fit. The language is similar to that of the Act for the Repeal of the Usury Laws, No. XXVIII of 1855, ss. 2 and 3.

In the case before us, the Court has in its decree done no more than it was competent to do under the powers conferred by this section, and the decree has not thereby been made to be in variance with the judgment passed by the Court.

We therefore disallow this objection with costs.

Application refused.