

at an earlier stage of the proceedings. The Court granted the review prayed for. Against this order the defendants appealed. They stated several grounds in their memorandum of appeal. Of these the first was that the admission of the application for review was in contravention of the provisions of section 624 of the Code of Civil Procedure: the other grounds were all on the merits.

Maulvi *Imam-ul-Kabir* and Maulvi *Muhammad Mahmud Hasan*, for the appellants.

Pandit *Sundar Lal*, for the respondents.

BLAIR and BURKITT, JJ.—A preliminary point is taken that on the facts no appeal lies in this case. It is an appeal in the nature of an objection to an order of the District Judge of Allahabad, granting a review of a judgment of his own. It is not pretended that this case falls within the provisions (a) and (b) of section 626; nor was the order in contravention of the provisions of section 624, nor was the application for review barred by limitation. That being so, we, following and approving of the ruling and the reasons in the case of the *Bombay and Persia Steam Navigation Company, Limited*, v. *The S.S. Zuari* (1), dismiss this appeal with costs.

Appeal dismissed.

Before Mr. Justice Aikman.

IN THE MATTER OF THE PETITION OF INDARMAN*

Act No. VII of 1889 (*Succession Certificate Act*), section 6—*Certificate not necessarily to collect all the debts of the deceased.*

A Court may legally grant to an applicant, under Act No. VII of 1889, certificate for the collection of a specified debt or specified debts of a deceased person. The Court is not bound to grant a certificate only for the collection of the whole of the debts of the deceased.

THE facts of this case sufficiently appear from the judgment of Aikman, J.

*Messrs. *A. H. S. Reid* and *D. N. Banerji*, for the appellant.

AIKMAN, J.—The appellant in this case is the son of Mathura Das, deceased. Mathura Das and Baiju Mal obtained a joint decree

1895.
DARFAL BIBI
v.
BADRI
PRASAD.

1895.
July 19.

*First Appeal No. 46 of 1895, from an order of L. G. Evans, Esq., District Judge of Aligarh, dated the 28th February 1895.

(1) I. L. R., 12 Bom., 171.

1895.

IN THE MAT-
TER OF THE
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INDARMAN.

against Kuar Suparandhuj Prasad Singh. The appellant wished to put this decree into execution, but, in order to do so, he had to produce before the Court which had to execute the decree a certificate granted under Act No. VII of 1889, and having the judgment-debt specified therein. In order to enable him to comply with the requirements of section 4 of this Act the appellant asked the District Judge of Aligarh to grant him a certificate in respect of the judgment-debt referred to in his application. The learned District Judge passed the following order:—"I cannot grant a certificate for partial collection. The applicant is at liberty to apply for certificate for all debts due to the deceased."

It does not appear that there are any other debts, and, even if there were, I know of no law which compels an applicant under section 6 of Act VII of 1889 to ask for a certificate in respect of more debts than he wishes to collect. There is nothing to prevent a grant of such a certificate as that asked for by the appellant.

I allow the appeal, and, setting aside the Judge's order dated the 28th February 1895, direct him to restore the application to the file of pending applications and dispose of it according to law with reference to the remarks made above. As there is no respondent I make no order as to costs.

Appeal decreed.

1895.

July;23.

Before Knox, Officiating Chief Justice and Mr. Justice Aikman.

RAM NARAIN SINGH (DEFENDANT) V. BABU SINGH (PLAINTIFF). *

Act No. X of 1873 (Indian Oaths Act) s. 8—Oath purporting to affect a third person—Revocation of consent to be bound by a statement made on oath taken in a particular form.

The plaintiff in a civil suit offered to be bound by the statement which the defendant might make on oath holding the arm of his son. The defendant accepted the proposal, took the required oath, and made a statement which had the effect of defeating the plaintiff's claim. When the defendant came into Court to take the oath the plaintiff attempted to revoke his proposal, but alleged no further reason than that he did not understand what he had intended and did not think the defendant would speak the truth.

* First Appeal No. 61 of 1895, from an order of Syed Akbar Husain, Officiating District Judge of Jaunpur, dated the 14th May 1895.