

## TESTAMENTARY JURISDICTION.

1903  
March 5.

*Before Mr. Justice Knox and Mr. Justice Aikman.*

IN THE GOODS OF ROSE ANNE D'SILVA.\*

*Act No. X of 1865 (Indian Succession Act), section 246—Administration—Practices—Letters of administration granted by District Judge—Property left by deceased outside the jurisdiction of the District Judge.*

Where, after letters of administration have been granted by a District Judge, it is found that there is property left by the deceased outside the jurisdiction of the District Judge, and it therefore becomes advisable to obtain letters of administration from the High Court, the proper course is for the grantee to apply to the District Judge to revoke the letters of administration granted by him, and after obtaining their revocation to apply to the High Court for a new grant.

THE petitioner in this case, W. W. D'Silva, on the 2nd April, 1902, obtained letters of administration to the estate of his deceased wife, Rose Anne D'Silva, from the Court of the District Judge of Meerut. It being subsequently discovered that the deceased had left property outside the jurisdiction of the District Judge, a further application for grant of letters of administration was made to the High Court. The High Court declined to make any grant whilst the letters granted by the District Judge were subsisting, and directed the applicant to obtain the revocation of the letters granted by him from the District Judge. This was done, and on the petitioner's application to the High Court being again brought forward, letters of administration were granted as prayed.

Babu Sital Prasad Ghosh, for the applicant.

## APPELLATE CIVIL.

1903  
February 11

*Before Mr. Justice Knox and Mr. Justice Aikman.*

MATHURA DAS (PLAINTIFF) v. JAMNA PRASAD AND ANOTHER (DEPENDANTS).†

*Execution of decree—Decree transferred to Collector for execution—Sale held by Collector, but afterwards set aside—Purchase by one joint decree-holder in his own name—Suit by auction purchaser to have the sale confirmed.*

Mathura Das and Gappu Lal held a joint decree for money against Jamna Prasad. Mathura Das applied in his own name for execution of the joint decree, and certain property of the judgment-debtor was attached. That property being ancestral, execution of the decree was transferred to the

\* Testamentary No. 23 of 1902.

† First Appeal No. 319 of 1900, from a decree of Maulvi Syed Muhammad Abbas Ali, Subordinate Judge of Gorakhpur, dated the 17th of November 1900.