

in determining whether the evidence before the lower Courts should be reviewed in detail.

Mr. *DeGrayther* has read all the written evidence on which he proposed to rely, and now that it is before them, their Lordships are of opinion that the Judicial Commissioners have come to a right conclusion on right grounds. They think that there is no reason for supposing that the letters of congratulation which were produced were not authentic; but, giving them all the weight that could be properly given to them, they fall very far short of proving a valid adoption. Their Lordships cannot, under the circumstances, presume that authority was given to the widow to make the alleged adoption.

Their Lordships will, therefore, humbly advise His Majesty that the appeal ought to be dismissed.

Appeal dismissed.

Solicitors for the appellant—*T. L. Wilson & Co.*

J. V. W.

BALWANT SINGH (DECREE-HOLDER) *v.* AMOLAK RAM AND OTHERS
(JUDGMENT-DEBTORS).

[On appeal from the High Court at Allahabad.]

Decree—Construction of decree—Decree for sale on a mortgage—Interest after date fixed by decree for payment of mortgage money—Power of Court to allow interest—Act No. IV of 1882 (Transfer of Property Act), sections 86, 88.

In a decree under section 88 of the Transfer of Property Act (IV of 1882) for sale of mortgaged property the Court has power to allow interest beyond the date fixed by the decree for payment of the mortgage money. Interest may be awarded up to the realization of the money. *Maharaja of Bharatpur v. Rani Kanno Dei*, (1) followed.

APPEAL from a decree (December 16th, 1896) of the High Court at Allahabad, which reversed a decree (May 2nd, 1895) of the Subordinate Judge of Aligarh.

The decrees were made on an application for execution, by one Lachmi Narain and others, the predecessors in interest of the appellant, of a decree for sale of property on a mortgage deed dated 11th February 1878. The preliminary decree was made

*Present:—*Lord MACNAGHTEN, SIR FORD NORTH, SIR ANDREW SCOBLE, and SIR ARTHUR WILSON.

(1) (1900) L. R., 28 I. A., 35; I. L. R., 23 All., 181.

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on 2nd July 1888 and made absolute under section 89 of the Transfer of Property Act (IV of 1882) on 9th June, 1891. The respondents or their predecessors in interest were some of the judgment-debtors named in the decree.

The application was made on 18th June, 1894, and the only question then raised which is now material was whether the decree-holders were entitled to interest up to the date of payment of the decretal amount.

The Subordinate Judge held that they were so entitled. The High Court (SIR JOHN EDGE, C.J. and BLAIR, J.) on appeal reversed that decision and held that the Court had no power to allow interest for a period beyond the date fixed for payment, which must be within six months from the date of the decree.

The High Court's judgment is reported in I. L. R., 19 All., 174.

That decision was subsequently overruled by a Full Bench of the High Court in *Bakar Sajjad v. Udit Narain Singh* (1); and indirectly also by the Privy Council in *Maharaja of Bhartpur v. Rani Kanno Dei* (2).

On this appeal, which was heard *ex parte*, Ross for the appellant brought the cases decided subsequently to the decision on appeal to the notice of the Court, and submitted that the appeal should be allowed.

1905, November 24th.—The judgment of their Lordships was delivered by LORD MACNAGHTEN.

THIS appeal is concluded by the decision of this Board in the case of *Maharajah of Bhartpur v. Rani Kanno Dei* (3).

Their Lordships will therefore humbly advise His Majesty that the appeal ought to be allowed; that the decree of the High Court ought to be discharged with costs, and the decree of the Subordinate Judge restored. The respondents will pay the costs of the appeal.

Appeal allowed.

Solicitors for the appellant:—*Pyke and Parrott.*

J. V. W.

(1) (1899) I. L. R., 21 All., 361. (2) (1900) I. L. R., 28 I. A., 35; I. L. R., 23 All., 181.
(3) (1900) L. R., 28 I. A., 35 (43); I. L. R. 23, All., 181 (192).