

necessary party to the suit. The fact that she did not join in the submission did not therefore in our opinion vitiate the award. The decree having been passed in accordance with the award, no appeal lies and these two appeals must fail.

We accordingly dismiss this appeal with two sets of costs, one set to be obtained by Parsotam Saran respondent and the other by Sahu Dharam Kirti respondent. The objections under order XLI, rule 22, fail and are dismissed with costs.

Appeal dismissed.

REVISIONAL CRIMINAL.

Before Mr. Justice Tudball.

EMPEROR v. UDIT NARAIN DUBE AND OTHERS.*

Criminal Procedure Code, section 439—Revision—Powers of High Court—District Registrar.

A District Registrar is not a court subordinate to the High Court either on the civil, criminal or revenue side, and the High Court has no power to interfere with the order of the Registrar impounding a document and calling upon the applicants to show cause why they should not be prosecuted for forgery.

The facts of this case were as follows:—

The District Registrar of Mirzapur had before him an application with reference to a certain document for an order of compulsory registration of that document. The Sub-Registrar had refused to register it on the ground of denial. After making some inquiry the District Registrar refused to register it on the ground that he believed the document to be a forgery. He passed the order on the 27th of July, 1912. Immediately below the order he recorded the following order:—

"The deed in question is impounded. An inquiry will be held by me under section 476, Criminal Procedure Code, on my return from leave. The writer of the deed, the attesting witnesses, Khub Lal and Udit Narain, will be called on to show cause why they should not be prosecuted for forgery."

The parties against whom this order was made applied in revision to the High Court asking that it might be set aside.

Mr. D. R. Sawhny for the applicants.

The Assistant Government Advocate (Mr. R. Malcolmson) for the Crown.

1912

SABTA
PRASAD
v.
DEBAM
KIRTI,
SARAN.

1912,
November, 27.

*Criminal Revision No. 857 of 1912 from an order of W. R. G. Moir, District Registrar of Mirzapore, dated the 27th of July, 1912

1912

EMPEROR
v.
UDIT NARAIN
DUBE.

TUDBALL, J. :—This application has arisen out of the following facts :—

The District Registrar of Mirzapur had before him an application in reference to a certain document for an order of compulsory registration of that document. The Sub-Registrar had refused to register it on the ground of denial. After making some inquiry the District Registrar refused to register it on the ground that he believed the document to be a forgery. He passed the order on the 27th of July, 1912. Immediately below the order he recorded the following order :—

“The deed in question is impounded. An inquiry will be held by me under section 476, Criminal Procedure Code, on my return from leave. The writer of the deed, the attesting witnesses, Khub Lal and Udit Narain, will be called on to show cause why they should not be prosecuted for forgery.”

So far no action appears to have been taken by the District Registrar. Presumably the present application, though it does not say so, asks this Court on the criminal side to pass an order that the District Registrar should make no such inquiry. The District Registrar may or may not have power to pass such an order *qua* District Registrar. He may or may not have power as District Registrar to make the inquiry *qua* District Registrar or even as a private person. But with that I have nothing to do. I fail to see that I have power to forbid a District Registrar to make an inquiry into the matter if he so pleases. He is not a court subordinate to this Court either on the civil, criminal or revenue side, and it is a matter in which at this stage I see no ground for interfering even if I had power to do so. The application is rejected.

Application rejected.